2008

HOUSE SELECT COMMITTEE TO INVESTIGATE ALLEGED MISCONDUCT & OTHER MATTERS INCLUDED IN INDICTMENTS AGAINST REPRESENTATIVE THOMAS E. WRIGHT

MINUTES

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March 25, 2008

The House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright met on Monday, March 3, 2008 through Thursday, March 6, 2008, in Room 544 of the Legislative Office Building at 11:00 AM. The following members were present: Chairman Rick Glazier, Vice Chairman Paul Stam, and Members: Rep. Marvin Lucas, Rep. Laura Wiley, Rep. Edith Warren and Rep. William McGee. Committee staff members Walker Reagan, Heather Fennell, Kory Goldsmith, Denise Huntley, Brad Krehely and Amanda Smith were in attendance. A Visitor Registration list is attached and made part of these minutes.

Chairman Glazier called the meeting to order, introduced the Sergeant-At-Arms and Katherine Becker, court reporter.

All committee members and staff introduced themselves for the court reporter's record. Committee proceedings were recorded by the court reporter **(See Attachment #1).**

There being no further business, the Chair adjourned the meeting on March 6, 2008 at 7:15 PM.

Respectfully submitted,

Representative Rick Glazier
Chair

Carin Savel
Committee Assistant

AGENDA

HOUSE SELECT COMMITTEE TO INVESTIGATE ALLEGED MISCONDUCT AND OTHER MATTERS INCLUDED INDICTMENTS AGAINST REPRESENTATIVE THOMAS E. WRIGHT

March 3, 2008 – 11:00 a.m. and March 4, 2008 – 10:00 a.m.
Room 544, Legislative Office Building

1. Call to Order

2. Review Hearing Procedures and Schedule – Rep. Glazier

3. Presentation on Clear and Convincing Evidence Standard – Brad Krehely, Committee Co-Counsel

4. Opening Statements -

    a. Bill Hart and Alec Peters – Outside Committee Co-counsel
    b. Irving Joyner and Douglas Harris – Rep. Wright Co-counsel

5. Presentation of Evidence Against Representative Wright by Outside Committee Counsel.

6. Presentation of Evidence by Representative Wright

7. Closing Statements by Outside Committee Counsel and Representative Wright's Counsel on Committee Findings on the Evidence

8. Committee Deliberations on Outstanding Counts of Unethical Conduct.

9. Arguments by Outside Committee Co-Counsel on Appropriate Sanctions if Unethical Conduct Found.

10. Arguments by Representative Wright's Co-Counsel on Appropriate Sanctions if Unethical Conduct Found

11. Committee Deliberations on Sanctions if Unethical Conduct Found

12. Committee Approval for Report to the House of Representatives on Disposition

13. Other Business

14. Adjourn

CHAIR'S DETAILED AGENDA

HOUSE SELECT COMMITTEE TO INVESTIGATE ALLEGED MISCONDUCT AND OTHER MATTERS INCLUDED INDICTMENTS AGAINST REPRESENTATIVE THOMAS E. WRIGHT

March 3, 2008 – 11:00 a.m. and March 4, 2008 – 10:00 a.m.
Room 544, Legislative Office Building

1. **Call to Order**

2. **Review Hearing Procedures and Schedule – Rep. Glazier**

[We have now reached the evidentiary stage of our investigation into the allegations against Rep. Wright of unethical conduct. In accordance with the Committee rules, I have asked the Committee's Outside legal counsel, Bill Hart and Alec Peters, to prepare the presentation of evidence against Rep. Wright to be presented to you today. In accordance with the rules, Rep. Wright has been supplied with the list of witnesses Mr. Hart and Peters have considered calling. He has also been presented with a copy of all documents Mr. Hart and Peters might want to offer into evidence at this hearing.

Rep. Wright was given an opportunity to present the Committee with a list of witnesses he might want to call in his defense, but he has not done so.

Under the rules, Mr. Hart and Peters will have the burden of showing by clear and convincing evidence that the allegations contained in Counts 1 through 8, as adopted by the Committee and sent to Rep. Wright, are true. Rep. Wright will have the opportunity to cross examine the witnesses, and to ask the Committee to consider witnesses and other evidence he might want the Committee to consider.

Our considerations will be done in two parts. The first part will be to hear the testimony of all witnesses and consideration of all evidence on both the fact-finding and dispositional issues. After all the evidence is presented, the Committee will then be asked to consider for each outstanding counts whether the conduct alleged in the count was committed, and whether the conduct that was committed constitutes unethical conduct.

If the Committee finds that one or more of the counts are true, the second consideration will be to determine what is the appropriate sanction for the unethical conduct. The Committee will hear arguments from the Committee's Outside legal counsel and Rep. Wright on what the appropriate sanctions should be for this conduct. The Committee will then

decide its recommendation on sanctions.

Legal counsel will be permitted to make opening statements before the evidence is presented and closing statements after all evidence is heard.

In accordance with the rules, legal counsel for both sides will be permitted to question each witness first, with direct examination, cross examination, redirect examination, and recross examination. After that process is completed, each Committee member will be permitted to ask a series of questions in the order set out on the sheet you have been provided. After each Committee member has been given an opportunity to ask questions, Committee members will be given a chance to ask additional follow-up questions.

Under the rules all questions to be asked of the witnesses are to be relevant, have probative value as to a substantive issue, and not be a waste of time or redundant. Committee outside legal counsel, Rep. Wright's counsel, and any member of the Committee may object to a question before the question is answered. If the question is objected to the Chair will rule on whether or not the witness should be allowed to answer the question. After the Chair has ruled, any Committee member who disagrees with ruling of the Chair may object to the ruling by making a motion that "The ruling of the chair be overruled". You have been provided with information on the procedure for objecting to a question and for objecting to the ruling of the Chair.

Are there any questions at this point from the Committee members or legal counsel on the procedures we will follow?

You have two notebooks in front of you today. One is your regular Committee notebook. Much of the information you will need is found behind the last tab marked "3-3-08 Meeting. Behind this tab is a copy of the Amended Counts or Charges against Rep. Wright. Additionally there is a revised chart of prior disciplinary actions taken against legislators in NC, Congress and other states. There is also a copy of the NC Constitution behind this tab.

The other notebook is an Exhibits notebook. Currently this notebook contains all the evidence that Mr. Hart and Mr. Peters might ask be introduced and considered as part of this proceeding. This evidence has been previously been supplied to Rep. Wright and his attorneys. The exhibits for Mr. Hart and Mr. Peters are currently marked as Exhibits 1 through 19. If Rep. Wright offers any evidence for introduction, his exhibits will be marked as Exhibits A through Z as necessary and may be placed in your notebooks behind the Wright Exhibits tab. Since a

notebook of the Exhibits will be available to the witnesses, the exhibits will not be handed out but will be referred to merely by their exhibit numbers.]

3. **Presentation on Clear and Convincing Evidence Standard – Brad Krehely, Committee Co-Counsel**

[Before we begin our deliberations, I have asked Committee counsel to give you some background on the evidentiary standard of proof that will apply in this hearing.]

[After Brad's presentation is completed.

Before we have the opening statements from the lawyers, I understand that Mr. Hart would like to be heard with regard to Count 6.

After Bill's recommendation, Stam has motion to withdraw Count 6, without prejudice.]

4. **Opening Statements -**

   a. **Bill Hart and Alec Peters – Outside Committee Co-counsel**
   b. **Irving Joyner and Douglas Harris – Rep. Wright Co-counsel**

[In accordance with the rules, counsels for both sides are permitted to make opening statements. An opening statement is a forecast of what the attorney believes the evidence will be in the hearing. By their opening statements, the attorneys set forth the grounds for their respective claims or defenses. You should not consider an opening statement as evidence. The evidence will come in the form of the sworn testimony of witnesses, or other evidence that may be introduced into evidence as exhibits by the parties.]

5. **Presentation of Evidence Against Representative Wright by Outside Committee Counsel.**

6. **Presentation of Evidence by Representative Wright's Counsel**

7. **Closing Statements by Outside Committee Counsel and Representative Wright's Counsel on Committee Findings on the Evidence**

8. **Committee Deliberations on Outstanding Counts of Unethical Conduct.**

9. **Arguments by Outside Committee Co-Counsel on Appropriate Sanctions if Unethical Conduct Found.**

10. **Arguments by Representative Wright's Co-Counsel on Appropriate Sanctions if Unethical Conduct Found**

11. **Committee Deliberations on Sanctions if Unethical Conduct Found**

12. **Committee Approval for Report to the House of Representatives on Disposition**

13. **Other Business**

14. **Adjourn**

North Carolina House of Representatives

House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright

REPRESENTATIVE RICK GLAZIER, CHAIR
REPRESENTATIVE PAUL STAM, VICE-CHAIR
REPRESENTATIVE MARVIN LUCAS

REPRESENTATIVE BILL MCGEE
REPRESENTATIVE EDITH WARREN
REPRESENTATIVE LAURA WILEY

To: Members of the House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright

From: Brad Krehely, Co-Counsel to the Select Committee

Date: March 3, 2008

Subj. Definition of Clear and Convincing Evidence

The rules state that the Committee must determine whether, by clear and convincing evidence, one or more of the charges against the accused legislator is true, and if so, what action will be taken by the Committee. This document summarizes how the clear and convincing evidence standard is used in North Carolina.

I. The Middle Standard

Clear and convincing evidence is a burden greater than that of proof by a preponderance of the evidence and less than that of proof beyond a reasonable doubt. *In re Smith,* 146 N.C.App. 302, 304, 552 S.E.2d 184, 186 (2001).

II. Evidence which should fully convince

In a juvenile abuse, neglect or dependency proceeding, the allegations "must be proved by clear and convincing evidence." G.S. 7B-805. In those cases, North Carolina courts have described clear and convincing evidence as "evidence which should fully convince." *In re Smith,* 146 N.C.App. 302, 304, 552 S.E.2d 184, 186 (2001).

In attorney discipline proceedings, the standard is "clear, cogent and convincing evidence." This has also been described as "evidence which should fully convince." *North Carolina State Bar v. Talford,* 147 N.C. App. 581, 587, 556 S.E.2d 344, 349 (2001), *aff'd* 356 N.C. 626, 576 S.E.2d 305 (2003).

III. North Carolina Pattern Jury Instructions: Commonly used and accepted meanings

Clear, strong and convincing evidence "is evidence which, in its character and weight, establishes what [the party with the burden of proof] seeks to prove in a clear, strong and convincing fashion. You shall interpret and apply the words 'clear,' 'strong' and 'convincing' in accordance with their commonly understood and accepted meanings in everyday speech." N.C.P.I.—Civil 101.11 Clear, Strong, and Convincing Evidence.

Table of disciplinary actions in other states, taken from "Disciplinary Actions in Other State's Legislative Bodies," published by the Connecticut Office of Legislative Research and Legislative Commissioner's Office, October 2, 2007.

EXPULSION

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
ALASKA	In 1982, Sen. George H. Hohman, Jr. was convicted of felonious bribery and receiving a bribe for offering to share a $20,000 bribe with another legislator in return for a vote in favor of the state purchasing two Canadian firefighting planes. He was sentenced to three years in prison.	The 6-member Senate Rules Committee (3 private citizens and 3 senators) reviewed the record of the jury trial and took testimony from Sen. Hohman, witnesses on his behalf, and his attorney.	The committee found that the jury's verdict and the evidence presented to the committee clearly established that Sen. Hohman intentionally violated "the most fundamental of his duties, which are to safeguard the public trust and to preserve the integrity of this body."	Expulsion by adoption of Senate Resolution (16-4).
ARIZONA	In 1991, Sen. Carolyn Walker was one of 11 legislators indicted in a year-long undercover operation on vote selling. Sen. Walker was videotaped taking money from a paid informant for her support of legislation that would have legalized casino gambling. The legislation did not pass.	The Senate referred the matter to the five-member Ethics Committee, which adopted rules for receiving and investigating complaints. The Senate retained special counsel to advise the Senate and the committee and to conduct a preliminary investigation into the allegations against Sen. Walker. Counsel reported his findings and recommended that the committee issue a complaint charging Sen. Walker with unethical conduct. The committee issued the complaint, held two public hearings on it, and subsequently issued a report to the Senate.	The committee found that Sen. Walker engaged in unethical conduct in violation of Senate rules and personal and state campaign finance disclosure laws. It unanimously recommended that Sen. Walker, the majority whip, be expelled.	Expulsion.
ARKANSAS	In 1974, Sen. Guy H. Jones was expelled after a 1972 conviction on federal tax fraud charges.	No information.	No information.	Expelled.
MARYLAND	In December 1997, a series of newspaper stories raised questions	On December 3, 1997, the presiding officers referred the matter to the Joint	The Joint Committee on Legislative Ethics released its report on January 12, 1998 and	Expulsion (by a vote of 36-10).

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	about Sen. Larry Young, chair of the Senate Subcommittee on Health, accepting gifts from health care companies and a state college, failing to disclose a contract with a state agency, mixing his legislative and private office budgets, and using the prestige of his office for personal gain. The legislature initiated an investigation that resulted in his expulsion in January 1998. In December 1998, he was indicted by a county grand jury on nine counts for demanding $52,000 in bribes and two computers from a health care company, extorting $74,493 and the computers from the companies and $8,000 for an aide, and filing a false state income tax return in 1995. It appears that at least some charges were felonies. A jury acquitted him of all criminal charges in September 1999. The judge had previously dismissed four counts of extortion.	Committee on Legislative Ethics, a joint committee of the Senate and the House under Maryland state law (Md. Code Ann., State Gov't., § 2-701 et seq.). They requested that the committee convene immediately to make a thorough review of allegations of improprieties on the part of Sen. Young. They asked the committee to investigate all aspects of the senator's business practices as they related to his position in the legislature and to report back before the 1998 legislative session. From the outset, the co-chairs of the committee limited their investigation and report to potential violations of public ethics laws. The committee met in closed session a total of four times. Its first meeting was on December 9, 1997. During the third session, it met to interview Sen. Young, who was represented by counsel (that hearing was closed to the public at the senator's request). Sen. Young called one witness. The committee's report appears to indicate that its last meeting, the fifth one, was not closed to the public. After a month-long investigation, the committee reported. Four days later, the Senate voted.	made the following findings of ethical violations, among others: • failure to disclose a contractual relationship with a state agency (Coppin State College) and conflicts of interest concerning legislation that related to Coppin State College, • improper solicitation and acceptance of gifts, • improper use of district office funds, and • improper use of title for commercial purposes and use of prestige of office in connection with occupational activities. The committee voted unanimously to recommend that the Senate: • remove Sen. Young immediately as a member of Senate leadership; chairman of any committee or subcommittee; and member of any standing, statutory, joint, or select committees or subcommittees; • adopt a censure resolution; and • consider an expulsion resolution based on its findings.	
MASSACHU-SETTS	In 1977, Senators Joseph J.C. DiCarlo and Ronald C. MacKenzie were convicted in federal court for	The Senate referred the matter to its Committee on Ethics on the day of the conviction. The committee held two	The committee stated that "the crimes with which the senators were charged and of which they have been convicted are so	The committee recommended expelling DiCarlo and declaring the seat vacant even though the

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	extortion, conspiracy to commit extortion, and conspiracy to violate the Travel Act in connection with their performance as senators. Some, if not all, charges were felonies.	hearings, after which it determined that disciplinary proceedings should be conducted pursuant to the Senate's inherent power with respect to its members. The committee held a third hearing to determine if the convictions "were compatible with [the senators'] continued service in the Senate..." ("Report and Recommendations Concerning Senators Joseph J.C. DiCarlo and Ronald C. MacKenzie," Senate Committee on Ethics, April 1, 1977).	serious as to render one who has committed them unfit to continue to serve as a member of the Senate."	senator's conviction appeal was pending in federal court. The Senate expelled DiCarlo after a daylong debate.
MICHIGAN	In 2001, Sen. David Jaye was investigated for three drunk driving convictions, two alleged physical altercations with his fiancée, having sexually explicit photos on his Senate-owned computer, and alleged verbal abuse of Senate staff. Proceedings on domestic violence were pending during the legislative investigation.	Resolution created a bipartisan committee. Jaye had been progressively disciplined by Senate leadership previously.	Committee recommended expulsion.	Expulsion.
MICHIGAN	In 1978, Rep. Monte Geralds was convicted of embezzling funds from a legal client before becoming a legislator (a felony). The legislature investigated while the conviction was on appeal	No information.	No information.	Expulsion, by a vote of 84-20.
PENNSYL-VANIA	In 1975, Sen. Frank Mazzei was found guilty of felony extortion (see *United States v. Mazzei*, 521 F2d. 639). He was sentenced to time in	The matter was referred to the Rules and Executive Nominations Committee four days after the senator's sentencing.	Upon a finding of guilty in federal court, the Rules and Executive Nominations Committee reported a resolution to the Senate floor recommending expulsion.	Expulsion (unanimous vote).

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	prison on April 11, 1975.	It is unclear from the legislative history whether the Senate president pro tempore appointed a select committee to investigate prior to the matter's referral to the Rules and Executive Nominations Committee. But under the current rules, the Senate's secretary-parliamentarian prepares an expulsion resolution under the sponsorship of the chairman and vice-chairman of the Senate Committee on Ethics and Official Conduct when a member is found guilty of a crime the "gravamen which relates to the member's conduct as a senator.," and upon imposition of a sentence. On June 2, the Rules and Executive Nominations Committee reported a resolution.		
SOUTH CAROLINA	In 1994, Sen. Theo Mitchell pled guilty to a misdemeanor (the crime is now a felony) for violating federal tax laws and served a 90-day sentence. The legislature investigated in 1995 after his conviction.	The Senate debated a resolution to expel. A motion to refer the matter to the Senate Ethics Committee failed.	N/A	The Senate, voted 38-7 to expel Sen. Mitchell despite objections by some senators that Sen. Mitchell should have been afforded a hearing prior to taking up the motion to expel. The transcript indicates that Mitchell be "expelled from the Senate, not only for the criminal offenses to which he pled guilty on July 25, 1994, but also for the criminal wrongdoing that he admitted to at his sentencing hearing on September 29, 1994."
WEST	In 1972, Sen. W. Bernard Smith	The Senate considered a resolution.	N/A	The member was expelled by a

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
VIRGINIA	was convicted on federal vote tampering charges, a felony. Smith was one of a group of five (The "Logan Five") politicians convicted of rigging elections. Smith, who was also a former welfare commissioner, was also tried for bribery and perjury. Two bribery trials ended in a hung jury and he was found innocent of perjury.			2/3 vote pursuant to the constitution and corresponding Senate rule.
CENSURE				
ALASKA	In 1993, Sen. George Jacko used or attempted to use his position to gain sexual favors from a 17-year-old legislative page.	The 7-member Senate subcommittee of the Select Committee on Legislative Ethics (5 private citizens and 2 senators) held three public hearings on five charges of ethics violations by Sen. Jacko. The committee took two days to review the testimony and evidence, including briefs on Sen. Jacko's assertion that the ethics laws are silent on prohibiting or punishing attempted acts.	The committee found clear and convincing evidence against Sen. Jacko in three of the five charges. It also found that Sen. Jacko lied in parts of his sworn testimony before the committee and refused to accept responsibility for his actions. As a result, the committee issued a report recommending that Sen. Jacko be: 6. censured; 7. stripped of all committee chair positions and appointing authority during the remainder of his term; 8. prohibited from state-funded out-of-state travel during the remainder of his term; 9. required to complete, at his expense, a court-sanctioned Male Awareness Program; and 10. placed on probation for remainder of his term.	Censure and the other recommended sanctions (20-0).
FLORIDA	In 1986, Rep. John Thomas was	The speaker appointed a select	The committee considered a House Rule	Censure. The House voted

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	convicted in federal court on four of five felony charges of making misstatements on a Small Business Administration (SBA) application for a loan relating to private business ventures. Thomas received a suspended sentence, four years probation, and the court required restitution.	committee to investigate. The committee reviewed the record, heard testimony from interested constituents of Rep. Thomas, and heard presentations by the federal prosecutor and defense counsel.	that suspends a member immediately, pending appeals, for a felony conviction that relates to the member's responsibility as a public officer. The committee found that this rule did not apply to Thomas because (1) the federal crime must be comparable to a state felony for this provision to apply but the comparable state crime in this instance was a misdemeanor and (2) the convictions did not relate to responsibilities as a public officer. The committee report stated that it was not clear whether the conduct was illegal because the conviction was on appeal but Thomas' conduct shows "he was inattentive to matters that ultimately led to his federal convictions and have cast a shadow on the honor of the House of Representatives." The committee recommended censure (the least form of punishment available to the committee) because of 9. the complexity of the forms; 10. the bank's involvement in setting the loan amount; 11. a bank officer filling in some of the figures; 12. the personal financial statement was obviously incorrect and did not	109-6. A motion to substitute a reprimand (a higher penalty than censure) failed 21-95.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			balance but the SBA approved it anyway; 13. the SBA and bank continued to process the loan after discovering liens that were not in the application; 14. a bank official signed the loan settlement sheets verifying that disbursements were used according to the loan authorization but the banker was not charged; 15. the federal judge commented at trial, sentencing, and by phone to the committee chairman that the case should not have been tried and he disapproved of the U.S. attorney's offer of a misdemeanor plea if Thomas provided evidence of government corruption; and 16. the only substantive evidence supporting the conviction was Thomas' statement to the FBI that he knew it was wrong to pay personal debts with SBA proceeds and he intended to use them to pay a credit card account (although he paid for personal and business expenses with this account and it was not clear whether he actually used proceeds to pay personal expenses). One member of the committee moved for expulsion but was defeated. He argued	

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			that a harsher penalty was appropriate because of Thomas' statement to the FBI and because the jury convicted of him of crimes that require willful actions.	
GEORGIA	In 1998, Sen. Ralph Abernathy III was detained at the Atlanta airport for smuggling a small amount of marijuana into the country.	Senators Madden, Cheeks, Oliver, and Middleton introduced a proposed resolution (Senate Resolution 459) censuring Sen. Abernathy. The Senate referred the resolution to the 13-member Senate Ethics Committee. As a standing committee, the Senate Ethics Committee could not vote on a matter before it without giving the sponsor the opportunity to appear and be heard (Senate Rule 2-1.9). It is unclear whether the committee held a hearing; however, Sen. Abernathy waived any notice and hearing with respect to the actions by the committee and Senate.	The committee returned the resolution with amendments that the Senate rejected.	Censure. (The senator also voluntarily resigned from his position as chairman of the Interstate Cooperation Committee.)
HAWAII	In March 1989, Sen. Steven Cobb was fined $500 for soliciting an undercover policewoman. He wrote the Senate a letter of apology and told them it was an isolated incident. He was embraced by the Senate until it was later reported that he was involved in two earlier cases of soliciting prostitutes. He asked to be put on leave to attend therapy. In July 1989, his therapist said he was ready to resume his Senate duties.	In September 1989, 17 senators met in a closed-door session to decide what action to take. The Senate president presented the senator with recommendations for sanctions and they were adopted.	The sanctions, for the 1990 session, were: (1) remove Sen. Cobb as committee chairperson and vice chairperson, (2) remove him as a member of the Judiciary Committee, (3) require him to submit a formal letter of apology to the Senate and the people of Hawaii, (4) subject him to a "public reprimand" for soliciting prostitution, (5) tell him that any repeat incidents could result in expulsion from the Senate, and (5) reassign him to a smaller office.	Censure.
MAINE	In 2001, Rep. John Michael "berated" two female senators during a State House argument over which committee should handle certain	The House Ethics Committee heard testimony and made recommendations to the House.	The committee unanimously recommended censure to the full House.	The full House voted to censure by a vote of 137 to 8. (The resolution included a recommendation to take

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	legislation.			"corrective action to rehabilitate." Michaels complied and apologized.)
MINNESOTA	In February 1996, several individuals claimed Rep. Jeff Bertram harassed them with anonymous calls, bullied them, and pressured them to make campaign contributions. In 1996, the legislature investigated Rep. Jeff Bertram for pressuring a businessman into giving a campaign contribution with the threat of doing business with a competitor; pressuring a store-owner to drop shoplifting charges filed against his brother, Sen. Joe Bertram; making false statements about several individuals; and engaging in other acts of intimidation, threats, and harassment. Law enforcement agencies were asked to investigate allegations of misusing state campaign funds and coercing people that surfaced in the ethics investigation. He was also later sued by a couple who said he told lies about them. The couple also received a restraining order against Bertram.	The House Ethics Committee received a complaint.	The committee found that Bertram harassed and intimidated critics and political opponents. The committee recommended censure by the House in open session; that he publicly admit on the House floor in open session to acts of misconduct specified in the committee report; that he apologize on the floor to the House, his constituents, and each of the victims named in the report; that he agree to undergo a psychological evaluation for anger and report the results to the speaker and the chairman and vice chairman of the Ethics Committee; and that he resign from all House committee chair or vice-chair positions and membership on legislative commissions.	Censure by a vote of 82-21. The full House adopted the recommendations in the committee's report. Rep. Bertram consented. A minority report recommending expulsion was presented to the full House, but failed to get 2/3 of the vote, failing 68-65. Bertram did not seek re-election.
MINNESOTA	In 1995, Rep. Bob Johnson threatened the Public Safety commissioner when the State Patrol	The House Ethics Committee heard the matter.	A recommendation to expel Johnson failed 5-5.	Censure. The House voted 82-50.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	turned down his request to fly him to St. Paul for the funeral of a former governor. After the incident, he lost his position as assistant majority leader. Also in 1995, he had three DWI arrests in less than seven weeks. The third occurred after the legislature initiated an investigation and while he was distraught over recent events and threatening suicide in calls from his car phone. His license had been revoked at the time. He said a severe bout of depression ended 14 years of sobriety. He pled guilty to all three DWIs (they appear to all be misdemeanors). On the first, he received a fine and probation. (The later DWI arrests violated his probation and he was sentenced to 20 days of electronic home monitoring after the 1996 legislative session ended, 40 hours of community service, and a one year license suspension.) For the 3rd, he pled guilty to habitual drunk driving and refusing a breath test (a gross misdemeanor) and received a one year sentence. He spent one month in jail with his days out on work release. He also spent 28 days in an alcoholism treatment		By a 7-3 vote, the committee asked Johnson to resign and to run in a special election if he wanted to continue. The committee also recommended censure; that he repay to the House the portion of his salary that was paid or that may be paid while he was or may be incarcerated or under house arrest for DWI convictions; 120 hours of community service; and random tests for alcohol with results forwarded to the speaker and Johnson paying for the testing. By a 7-3 vote, the committee voted to reconsider the recommendation to expel and laid the motion on the table, if Johnson did not resign.	A vote on expulsion received 76 votes, short of the 90 required for a 2/3 vote.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	program. He was sentenced for the 2nd violation last and received (1) a one year sentence that was suspended except for 30 days in jail, (2) three years probation, (3) a $1,500 fine plus $303 in fees, and (4) a requirement to continue taking prescription medication for depression and stay in alcohol treatment. He did not seek re-election.			
MINNESOTA	In 1986, Rep. Randy Staten pled guilty to felony theft charges, admitting that he wrote 76 bad checks. The original charge of theft of over $2,500 was reduced to theft of over $250. He was sentenced to one year's probation, a 90 day jail sentence which he would serve only if he violated probation, and continued treatment. Even though the crime was a felony, he was given a misdemeanor sentence and therefore it was considered a misdemeanor. Staten said he was chemically dependent and financially irresponsible, and had completed a residential treatment program. He made restitution before criminal charges were brought.	The speaker appointed a bipartisan four-member Select Committee on the Staten Case. The committee investigated Staten for writing $8,200 in bad checks and questionable campaign finance reporting.	The committee voted unanimously to recommend expulsion, based on the conviction and campaign report violations. The 24 member House Rules and Legislative Investigations Committee also recommended expulsion on a voice vote. The committee rejected censure.	Censure. An initial vote to censure failed. Then a vote to expel failed 80-52, short of the required 90 for a 2/3 vote. Then a vote to censure passed 99-31. The censure also ordered him to: donate 18% of his pay for the remainder of the year to a nonprofit chemical dependency program of his choice; perform 100 hours of volunteer service; undergo chemical dependency treatment; and, if campaign finance reporting problems continued, return all public financing money.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	The Ethical Practices Board also found he filed late and incomplete campaign disclosure reports for four years (which could involve misdemeanor or gross misdemeanor violations).			
NEW HAMPSHIRE	For seven years, House Speaker Gene Chandler held a series of com roast galas raising $64,000 from supporters, lobbyists, and others who had business before the legislature. Chandler used the money for personal expenses such as car repairs, hotel stays, and meals. In October 2004, the Legislative Ethics Committee received a complaint and in November it issued a statement of charges and notice of hearing. In March 2005, Chandler pled guilty to a misdemeanor for failing to report the gifts. He was fined $2,000 and required to perform 100 hours of community service. The attorney general did not find any evidence that he did political favors for those who donated. The committee held its first hearing in May 2005.	The Legislative Ethics Committee received a complaint. After reviewing the complaint, the committee conducted an extensive preliminary investigation and voted unanimously to begin formal proceedings. A formal statement of charges and notice of hearing was sent and a hearing was held. Chandler formally answered the statement of charges and appeared at the hearing to testify and present other evidence through his counsel.	The committee voted unanimously to recommend expulsion. The committee found that Chandler violated ethics provisions by (1) soliciting, accepting, or agreeing to accept gifts with an aggregate value over $250 while knowing or believing the givers were or were likely to be interested in matters pending at the legislature, (2) using his public position to obtain gifts with aggregate value over $250 for private benefit, and (3) disregarding the obligation to report gifts over $50 (which he acknowledged through his misdemeanor plea). The committee found that for seven years the annual corn roasts solicited and received cash from businesses, lobbyists, and individuals. They were organized by "friends" so that Chandler had income to continue in the legislature. Flyers advertising them were sent out and sometimes mentioned legislative issues. Chandler had sole discretion over how the funds were spent. He did not report the gifts except in one year.	Censure. The vote to expel failed 189-172 following a three-hour debate. The vote to amend the report and recommend censure passed 217-143. The vote to accept the report with the sanction of censure passed 274-86.
NEW	In 1998, Rep. Roland Hemon	The Legislative Ethics Committee	The committee recommended censure if	Censure (Hemon agreed to the

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
HAMPSHIRE	authored legislation for the third time to impeach a probate judge involved in the case of his mother's estate.	investigated, held hearings, and issued a report with recommendations.	Hemon represented that he would not introduce or sponsor similar legislation in the future. Otherwise, it recommended expulsion.	committee's condition).
NEW MEXICO	In 1991, Rep. Ronald G. Olguin was charged with solicitation of bribery (a felony) and demanding a bribe by a public official and two other felony counts alleging that he sought $15,000 for his consulting services in exchange for state funding.	The House adopted rules establishing the Rules and Order of Business Committee. A subcommittee investigated, received certain evidence under a confidentiality agreement, and recommended that the committee find probable cause to move to a formal hearing. The full committee agreed and held an evidentiary hearing. The committee heard evidence, took testimony, questioned witnesses, allowed cross examination, and heard closing arguments.	The committee found that Olguin engaged in a course of conduct while seeking to sell his consulting services that violated his public trust as a legislator. • While agreeing to provide consulting services for a fee aimed at obtaining new program funding from a county, he also identified program needs at the state level, offered a legislative solution, and offered his assistance in obtaining that solution. • He either included an agreement to influence the state legislative process in a proposed contract for consulting services or proposed a contract for services at the county level with free services at the state legislative level. • His conduct was a serious breach of ethical responsibilities as a legislator. The committee voted 11-4 to censure. A minority report recommended expulsion.	Censure. (Floor debate included a motion for expulsion that was defeated.)
NORTH CAROLINA	In 1995-6, Rep. Ken Miller was investigated for improper advances toward a page, legislative employee, and lobbyist. In July 1995, Miller allegedly made a pass at a 16 year old page. Three other women then came forward with allegations. The page's legislative sponsor requested an ethics	A legislator requested that the House Ethics Committee investigate (a 15 member committee). The committee established its procedures and hired an attorney to investigate Miller.	Miller submitted a letter admitting to unwanted advances as the committee prepared to take sworn statements from the alleged victims. The committee voted 11-3 against recommending expulsion but unanimously recommended censure.	The House voted 113-1 for censure (Miller was the only vote against). He lost a primary election the week before the censure.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	investigation.			
PENNSYL-VANIA	In 1975, Sen. William Duffield admitted to misappropriating thousands of dollars from an estate for which he was executor and attorney. In October 1975, the chief justice of the Pennsylvania Supreme Court entered an order accepting the resignation of Sen. Duffield after the Disciplinary Board recommended a two-year suspension. The consent disbarment resulted from seven charges of professional misconduct against Sen. Duffield in his private law practice including: • improperly converting $7,500 from a client's estate to personal use, and • co-mingling $3,400 in funds between clients' estates.	The Senate president pro tempore appointed a Senate Select Committee to inquire into the circumstances surrounding the voluntary disbarment and advise the Senate as to what disciplinary action, if any, was warranted. The committee held a hearing on November 13, 1975 and four days later, on November 17, issued a report with its findings and recommendations. The Senate president pro tempore requested and received official documents containing specific allegations of misconduct from the Disciplinary Board of the Supreme Court of Pennsylvania. Sen. Duffield was notified of the inquiry and afforded the right to counsel. The hearing was conducted under oath and Sen. Duffield was allowed to present testimony and rebut or explain the charges against him.	The Select Committee found, in part, that: • converting trust funds to personal use and compounding that act by co-mingling further trust funds to restore the converted amounts constituted a grave and serious matter and conduct unbecoming any public official and • five of the seven disciplinary charges against Sen. Duffield involved negligent acts in the conduct of his private law practice and should remain within the purview of the Bar for discipline. The committee recommended that the Senate: • remove Sen. Duffield for the balance of his term from his standing committee chairmanship and vice chairmanship, • bar him for the balance of his term from membership on any standing committee, and • adopt a censure resolution.	Censure (unanimous vote).
SOUTH DAKOTA	In 2006, an 18-year-old page contacted the attorney general alleging that Sen. Dan Sutton made sexual advances and inappropriately touched him at a motel. The attorney general investigated for possible criminal charges. By the time of censure, no charges had	The Senate president pro tempore wrote to Sutton indicating he would refer the matter to the Senate's executive board if he did not resign within a week. The governor, in response to a request from the Senate's executive board, called the Senate into special session to investigate the allegations. In the	In its majority report, the Select Committee on Discipline and Expulsion recommended censure, finding that the senator exercised poor judgment in inviting and permitting a serving Senate page to share his motel room and bed. Further, that allegations arising out of that poor judgment resulted in public allegations of misconduct, which, though unproved, served to bring Sen. Sutton and	Censure, by a vote of 32-2. A vote to expel failed 14-20.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	been brought.	meantime, Sutton won reelection. Sutton resigned the day after the Senate released its proposed rules for the special session, but stated that he intended to reclaim his seat in January 2007 pursuant to his reelection. The special session was cancelled. When the regular session convened, Sutton took the oath of office. The Senate voted to adopt the same rules as the previous session. It also adopted rules regarding discipline and expulsion of members as a new chapter in the rules. Sen. Sutton went to the circuit court and received an order prohibiting the Senate from holding any hearings about him under the rules. The state Supreme Court ruled that the courts had no jurisdiction to halt a legislative disciplinary process. The Senate voted 27-6 to appoint a Select Committee on Discipline and Expulsion to investigate. The committee held meetings and heard testimony, including from Sutton.	the honor of the Senate into public disrepute. In a minority report, three out of the nine senators on the committee dissented. They concluded that something serious involving unwanted touching of a sexual nature occurred in Sen. Sutton's motel room during the period of February 5 to February 7, 2006. In its dissent, the minority wrote, "[g]iven the serious nature of the allegations and given our belief that the evidence shows an unwanted touching of a sexual nature happened during the nights in question, we cannot agree that censure is a sufficiently serious response to what we see as the misconduct of Sen. Sutton. We believe the committee should have made a recommendation of expulsion from the South Dakota Senate." The committee voted 6-3 to recommend censure for conduct by a senator unbecoming the Senate.	
UTAH	In 1991, Rep. Dionne Halverson was convicted of misdemeanor shoplifting.	Pursuant to JR-16-04, the House Ethics Committee subsequently made a preliminary inquiry. It is unclear whether Halverson waived the disciplinary	The House Ethics Committee recommended expulsion.	The full House voted against expulsion by a narrow margin (2 votes). Halverson was censured and subsequently resigned.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
		hearing which would have required appointment of a special prosecutor.		
VIRGINIA	In 1987, Senator Peter Babalas was censured for casting votes in violation of Senate conflict of interest rules. Babalas had earlier successfully defended himself against two counts of a criminal misdemeanor for alleged violations of state conflict of interest laws. One count was dismissed and Babalas was acquitted on the second count.		The Privileges and Elections committee recommended censure by a 12-3 vote. The Senate Rules Committee, by a 9-5 vote with Babalas (the chairman of the committee) abstaining, then approved a resolution of censure of Babalas for unethical conduct.	Censure. The resolution prescribing that Babalas be censured was approved by the whole Senate by a vote of 25-14.
REPRIMAND				
FLORIDA	In 1997, the Ethics Commission found that Rep. Alzo J. Reddick violated constitutional provisions on ethics through financial disclosure violations in 21 separate instances.	The speaker received a final order and public report from the Ethics Commission and appointed a Select Committee on Standards of Official Conduct to investigate.	In a consent decree, Reddick stipulated to findings of fact that in six years he committed various violations including failing to report a loan, underreporting a loan, failing to report the value of stock, overestimating the value of stock, failing to report certain income, not filing the address and amount of sources of income, and failing to accurately reporting his net worth. The committee's proposed order stated that Reddick apologizes for "any unintentional adverse effect his actions may have brought" on the House. Because there was no evidence of use of office for personal gain or that the actions impacted legislative duties, the committee proposed and Reddick	Reprimand. The House accepted the consent decree.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			accepted the penalty of a reprimand.	
FLORIDA	In 1992, Rep. Michael E. Langton was investigated for representing others before a state agency for compensation and seeking a benefit inconsistent with the proper performance of his public duties.	The speaker received a complaint and public report from the Ethics Commission. He appointed a Select Committee on Standards of Official Conduct to investigate.	In a consent decree between Langton and the committee, Langton waived a hearing on the violations and penalty, stipulated to facts, and agreed to a penalty. The findings included the following. • Langton was a consultant to cities and counties applying for Department of Community Affairs for Community Development Block Grant funds before and after his election. • He asked the Ethics Commission for an opinion whether he could continue this consulting and was informed that he could as long as he did not represent anyone personally for compensation before an agency. • The House Community Affairs Committee chair asked Langton to work on changes to the grant program and he did so while continuing to consult with cities and counties who applied for grants. • Under new legislation, the department enacted a rule for application criteria. When it appeared that this interpretation was contrary to the legislative intent, Langton contacted the department to clarify the interpretation. • Langton recognized that his contact	Reprimand. The House voted 116-0 in favor.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			with the department reflected adversely on him and the House. Such conduct was prohibited when it benefited a member's client or business interest. • On behalf of his consulting company, Langton phoned a department employee to express concerns about misstated facts in monitoring reports the employee prepared. The committee's proposed order stated that contacting the employee was a violation and he was admonished to prevent recurrences. Langton agreed that he should avoid even the appearance of impropriety and he apologized for "any unintentional adverse effect his actions may have brought" on the House. The committee recommended a reprimand.	
FLORIDA	In 1980, Rep. Gene Flinn was investigated for sexual discrimination and sexual harassment of two female aides and using aides for non-legislative duties.	The speaker appointed a select committee to investigate. The committee took depositions, conducted hearings, and gave Rep. Flinn an opportunity to appear and give testimony and evidence.	The committee found that Flinn violated House rules and a state statute. It recommended a reprimand.	The House adopted a resolution to reprimand Flinn by a vote of 109-4. Two legislators placed remarks in the journal arguing that expulsion was appropriate.
GEORGIA	In 2000, Rep. Arnold Ragas failed to file mandatory campaign finance reports indicating his person wealth and campaign contributions received between 1996 and 2000. He also ignored the $10,600 in fines the State Ethics Commission imposed for the	Representative Snow introduced a proposed resolution (House Resolution 747) reprimanding Rep. Ragas. The House referred the resolution to the Rules Committee. It was subsequently withdrawn from that committee and referred to the House Ethics Committee.	After one meeting, the committee voted unanimously to recommend a reprimand and an order to pay the $10,600 fine.	Reprimand (161-3).

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	violations.	As a standing committee, the House Ethics Committee could not vote on a matter before it without giving the sponsor the opportunity to appear and be heard. It is unclear whether the committee held hearings.		
GEORGIA	In 1993, Rep. Jimmy Benefield displayed a sex toy in the House chamber where it was allegedly showed to young pages. Benefield acknowledged bringing the toy into the chamber but denied intentionally showing it to children. A Georgia Bureau of Investigation report found insufficient evidence that criminal laws were violated. As a result, Benefield was never charged with a crime.	Rep. Posten filed an ethics complaint on behalf of a 14-year-old page who claimed a legislator showed him the toy and Benefield laughed. The House referred the complaint to the 11-member House Ethics Committee, which hired a prosecutor and held a hearing over two days. House pages, the mother of the 14-year-old, a lobbyist, and three house members testified. The hearings were open to the public, except when the pages testified. The committee limited its questions of Benefield to his role in the incident. It voted not to look into claims by two female lobbyists that Benefield showed them the toy.	The committee recommended a reprimand even though reprimand was not among the committee's official disciplinary options as spelled out in the state constitution. The committee's options were no action, censure, or expulsion.	Reprimand (129-25).
IDAHO	In 1990, Representative Ray Infanger, in a letter to the director of the Department of Labor and Industrial Services, threatened the agency's funding if the director did not grant Infanger's son an electrical contracting license.	The speaker appointed a six-member bipartisan committee to (1) review the letter of accusation written by the director of the Department of Labor and Industrial Services; (2) interview Rep. Infanger, the director, and one other knowledgeable person; and (3) report its findings and recommendations.	The committee found that a serious lack of judgment left the impression that Infanger used his position, contrary to public interest, to benefit a member of his family. Recommended a reprimand.	Reprimand.
MINNESOTA	In 1999, a conflict of interest complaint was filed against Sen.	The Senate Subcommittee on Ethical Conduct heard the matter.	The subcommittee reported that Sen. Sams covered up a payment for consulting work.	Reprimand, including a public apology to the Senate, his

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	Dallas Sams. In his job as a consultant, the senator accepted a state contract that was related to legislation he authored. He received a $12,500 consulting payment from the University of Minnesota.		The payment was legal but the coverup was unethical. The subcommittee recommended a reprimand, including a public apology and removal as a member and vice-chair of the Human Resources Finance Committee.	constituents, and the public; and removal as a member and vice-chair of the Human Resources Finance Committee.
NEW HAMPSHIRE	In 1994, Rep. Roland Hemon authored legislation to impeach a probate judge involved in the case of his mother's estate.	The Legislative Ethics Committee investigated, held hearings, and issued a report with recommendations.	The committee recommended a reprimand.	Reprimand.
ADMONISHMENT				
FLORIDA	In 2000, Rep. Alzo J. Reddick, Sr. failed to timely file a financial disclosure form for 1998.	The speaker received a copy of a stipulation of fact and recommended order from the Ethics Commission and appointed a Select Committee on Standards of Official Conduct to investigate. The Ethics Committee had not approved the stipulation and could not do so before the end of the legislative session. Reddick was not seeking re-election but asked the House to find a violation and impose a penalty.	In a consent decree, the committee stated that because the violation was inadvertent, a letter of admonishment from the speaker was an appropriate penalty. In addition, Reddick agreed to apologize to the House and the public and make a $500 contribution to a homeless shelter.	Admonishment. The House accepted the consent decree and the speaker's letter of admonishment was printed in the journal.
FLORIDA	In 2000, Rep. Gustavo Barreiro failed to report a liability of more than $1,000 on his disclosure of financial interests that he filed when qualifying to run for the House.	The speaker received a final order and public report from the Ethics Commission and appointed a Select Committee on Standards of Official Conduct to investigate.	In a consent decree, the parties accepted the Ethics Committee's findings and agreed there was no evidence the violation was willful or intentional. The committee recommended a letter of admonishment from the speaker and	Admonishment. The House accepted the consent decree and the speaker's letter of admonishment was printed in the journal.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			Barreiro agreed to apologize to the House and the public and contribute $500 to a homeless shelter. The committee also recommended clarifying the law.	
FLORIDA	In 1994, Rep. John Thrasher was investigated for violating the statutes on representing others before a state agency for compensation.	The speaker received a complaint and public report from the Ethics Commission and appointed a select committee to investigate.	In a consent decree entered into between Thrasher and the committee, Thrasher waived a hearing on the violations and penalty, stipulated to facts, and agreed to a penalty. The findings included the following. • As general counsel for the Florida Medical Association, he personally appeared on the association's behalf before a subcommittee of the Board of Medicine of the Department of Professional Regulation on a rule relating to surgery in doctors' offices. • Before his appearance, he had a phone conversation with a longtime friend who chaired the subcommittee and invited Thrasher to appear and address the rule. Thrasher had previously received a general notice about the meeting. • There was no indication that the appearance was intended to misuse his position to improperly influence a state agency, nothing indicated that his status was relevant to his appearance, and it was clear from the transcript that he appeared as a	The House adopted the report and a letter of admonishment from the speaker was printed in the journal.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			representative of the association. • Thrasher acknowledged his appearance was an unintentional violation of the constitution, statutes, and House Rules. The committee's proposed order stated that the appearance before the subcommittee was a violation and he was admonished to prevent recurrences. He agreed that he should avoid even the appearance of impropriety and he apologized for "any unintentional adverse effect his actions may have brought" on the House. The committee recommended admonishment by the speaker.	
FLORIDA	In 1991, Rep. Frederick Lippman was investigated for (1) failing to properly supervise staff as chair of the Committee on Regulatory Reform from 1983 to 1986, (2) violating the statute that restricts outside employment of a full-time staff employee, and (3) improper behavior with a House staff member from 1983 to 1986. A county grand jury also issued a report relating to allegations of sexual harassment by a former	The speaker appointed a select committee to investigate.	The committee recommended admonishment. It also recommended procedural changes and training.	The speaker issued a letter admonishing Lippman (a copy was printed in the journal). The speaker also removed Lippman as majority leader.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	staff member.			
APOLOGY (MAY INCLUDE OTHER SANCTIONS)				
MINNESOTA	In 2006, Sen. Dean Johnson made comments at a private meeting concerning alleged conversations he had with members of the state Supreme Court relating to the court's possible action on the state's Defense of Marriage Act. A tape of the comments surfaced.	The Senate Subcommittee on Ethical Conduct (a subcommittee of the Rules and Administration Committee) heard the matter.	The committee dismissed the complaint but voted unanimously to require a public apology to the Senate and a written apology to the group that held the meeting where the comments were made.	Required to apologize on the Senate Floor and to those at the meeting.
MINNESOTA	In 2004, Sen. Michael Jungbauer was accused of performing campaign activities from his Senate office. He sent a Senate e-mail to 1,700 people forwarding a media advisory about a press conference whose organizers were seeking to defeat senators of a particular party if they did not pass a same-sex marriage ban constitutional amendment. Senate rules prohibit use of equipment for commercial purposes or a political campaign.	A senator filed a complaint and the Senate Subcommittee on Ethical Conduct heard the matter.	The committee voted unanimously to require a written apology.	Required a written apology to each member of the Senate and the complaint was dismissed upon delivery of apologies.
MINNESOTA	In 1994 and 1996, Sen. Sam Solon was investigated for providing the Senate's long-distance access code to his ex-wife. He pled guilty to a misdemeanor charge relating to the use of the phone account in 1992 and 1993.	The Senate Subcommittee on Ethical conduct heard the matter.	The committee recommended voluntary resignation as chair of the Commerce and Consumer Protection Committee as an appropriate disciplinary action; that he be removed from membership on the Committee on Rules and Administration; that he make restitution to the Senate for the cost of the calls; that he apologize to the Senate in open session; and that the reprimand of March 24, 1994 (for giving telephone access code to lobbyists) be reaffirmed.	The Senate adopted the report by a vote of 57-6, after voting down an amendment seeking his resignation 17-48.
MINNESOTA	In 1995, Sen. Kevin Chandler was	The Senate Subcommittee on Ethical	The subcommittee reported that Sen.	By a vote of 63-0, the Senate

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	involved in a domestic assault with his estranged wife outside a bar. His wife did not press charges. The police investigated and Chandler asked them to charge him and stated he would plead guilty to 5th degree assault (a misdemeanor). He was charged with that crime and two counts of disorderly conduct (all misdemeanors). In September 1995, he pled guilty to 5th degree assault for slapping his estranged wife and the other charges were dropped. He was placed on probation for one year and fined $210. In 1996, the legislature investigated. He did not seek re-election.	Conduct heard the matter.	Chandler's decision to voluntary resign his leadership positions in the Senate was appropriate and that he apologize to the Senate in open session.	adopted the subcommittee's report: that Sen. Chandler's decision to voluntary resign his leadership positions in the Senate was appropriate and that he apologize to the Senate in open session.
OHIO	In January 1996, Rep. Michael A. Fox accepted an airline ticket and lodging from a lobbyist. Fox said he thought he had repaid the lobbyist for the ticket and he thought staying at the home owned by the lobbyist was not a gift that had to be reported.	In 1997, the legislative inspector general investigated and presented findings to the Joint Legislative Ethics Committee.	The committee recommended that Fox be removed as chairman of the Education Committee and apologize.	The House voted 89-7 and the Senate voted 31-0 to remove Fox as chairman of the Education Committee and require him to apologize.
OTHER SANCTIONS				
INDIANA	In September 1997, Sen. Steven Johnson had an affair with his Senate intern.	The Senate Committee on Legislative Ethics considered a complaint filed by Sen. Kent Adams. Sen. Johnson acknowledged a "moral and ethical" failure and apologized to the Senate.	The committee found Sen. Johnson to be immoral and unethical "in contradiction to the high moral and ethical standards expected of members of the Indiana State Senate under the Rules of the Senate."	Removed as Senate committee chair and assigned Senate seat located in a less prominent position.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			It recommended that Sen. Johnson (1) be removed as a committee chairman, (2) have his assigned seat on the Senate floor relocated to a less prominent place, and (3) receive no further punishment.	
OHIO	In 2006, Sen. Jeffry Armbruster was investigated after requesting a workers' compensation rate discount for his business. Term limits barred him from seeking reelection. The ethics committee held hearing after Armbruster left office.	The Joint Legislative Ethics Committee investigated (a bipartisan 12 member committee). The committee served him with a complaint in December 2006. Based on a preliminary investigation, he was accused of meeting with Bureau of Workers' Compensation officials at his legislative office to discuss the premium rate of his company. In 2007, after he left office, the committee held formal hearings with the legislative inspector general acting similar to a prosecutor.	The committee found that he violated a prohibition against using his position to represent his personal business interests before a state agency.	The matter was referred to the county prosecutor.
OHIO	In 2005, Reps. Jim Raussen, Diana M. Fessler, and Michelle G. Schneider failed to disclose gifts of dinner and pro football tickets on disclosure forms.	The Joint Legislative Ethics Committee investigated.	The committee cleared them of any "wrongful intent" but required them to reimburse the costs to the lobbyist and attend one hour of ethic training.	Reimbursement of costs and training.
ON-GOING				
ALABAMA	In 2007, Sen. Charles Bishop punched Sen. Lowell Barron on the Senate floor.	The Senate president appointed a five-member bipartisan Senate Ethics and Conduct Committee to review the complaint.	The committee hired an attorney to assist it in the review.	Investigation is on-going.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
NORTH CAROLINA	In 2007, an investigation of Rep. Thomas Wright by the state Board of Elections discovered evidence that Wright did not report hundreds of thousands of dollars in campaign contributions and he reportedly used a letter awarding a bogus grant to secure a bank loan for a foundation he controlled. In August, prosecutors stated that they hoped to finish their investigation by October 1. A search warrant for bank records indicated a suspicion of obtaining property by false pretences. The Board of Elections suspended Wright's reelection campaign for failing to file the required campaign disclosure report for the first six months of 2007.	The Joint Legislative Ethics Committee began an investigation.	N/A	Committee investigation is not yet complete.
RESIGNATION				
ARKANSAS	In 1999, Sen. Nick Wilson was convicted in federal court on felony charges of conspiring to evade taxes on $325,000. The case involved "washing" checks that were payments from a real estate agent. The agent testified that he split his commission after Wilson tipped him off that a agency might buy a downtown bank building. He also faced a	Under one provision of the state constitution, no one convicted of an "infamous crime" is eligible to serve in the General Assembly. Another provision gives each house the power to expel a member. A majority of members signed a petition to request a hearing on Wilson, as required by the rules. 28 of 35 senators signed the petition.	N/A	Resigned. Wilson submitted a letter announcing his resignation at a future date and the Senate president pro tem cancelled a meeting on expulsion. Other criminal charges were later dropped by prosecutors in exchange for Wilson's testimony.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	133-count racketeering indictment as "kingpin" of a corrupt organization that skimmed nearly $2 million from an assortment of state programs through kickbacks and contracts to friends and allies.			
CALIFORNIA	In 1994, Sen. Frank Hill was one of several legislators ensnared in an FBI sting operation focused on legislative corruption. He was convicted of extortion, conspiracy, and money laundering after accepting $25,000 in exchange for his support on Louisiana shrimp boat legislation. He was sentenced to 46 months in prison and ordered to pay a fine of $2,500. At least some convictions were felonies.	A demand was made on the Senate floor for Hill's expulsion. The Rules Committee put aside consideration after receiving Hill's resignation letter, but he did not set a resignation date	The 5-member Rules Committee later voted 4-0 to expel Hill. One member abstained.	Resignation (before vote on resolution).
COLORADO	In 2006, Sen. Deanna Hanna allegedly requested a $1,400 campaign contribution as a "reparations request" from a group that backed her election opponent.	A complaint initiated the process calling for an inquiry. An ethics committee of three Democrats and two Republicans was appointed (under Senate Rule 43).	N/A	Hanna resigned while the committee was investigating.
DELAWARE	In 2007, Rep. John Atkins assaulted his wife after using his legislative position to avoid a drunk driving arrest. He was stopped by police after the pickup truck he was driving was seen speeding and drifting. He was not cited or arrested despite a preliminary breath test of 0.14 BAC. He pled guilty to offensive touching (a misdemeanor) for supposedly	The House Ethics Committee, a standing committee established by House Rules, investigated and made recommendations. The committee consisted of three Republicans and two Democrats. The committee determined the matter merited further inquiry and staff performed a preliminary inquiry.	Committee staffers made the following findings. • Atkins filed a misleading affidavit with the committee stating that he presented his legislative ID card after police asked for it. He later admitted that he showed it without being asked and repeatedly reminded officers about being a legislator to attempt to be treated leniently. • The police officer told Atkins and his wife to get a ride home and friends drove	Resignation (before scheduled House debate on a censure resolution).

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	grabbing his wife's arm during a fight and was sentenced to probation and ordered to complete domestic violence and anger management counseling.		them part of the way before Atkins got into his truck to drive home. • Another police officer saw Atkins run a stop sign but did not stop him because he recognized the vehicle which had legislative plates. • Police shortly after responded to a 911 hang-up call at the Atkins home. After his arrest based on a domestic dispute, he expressed his concern about the press since the election was in 10 days. He made requests to speak to the police chief. • Atkins was sentenced to probation after pleading guilty to offensive touching for supposedly grabbing his wife's arm during a fight. Staff found that the fight involved greater physical contact than described in the police complaint. The committee unanimously found that Atkins violated House rules and brought the chamber into "disrepute" by using his position in an effort to be treated leniently during the traffic stop and ensuing events culminating in his arrest. In voting to censure, the committee recommended he surrender his legislative identification car and license tag, pay a $550 fine, forego any committee chairmanships, undergo an alcohol abuse evaluation, and complete court-ordered domestic violence counseling.	
FLORIDA	In 1988, Rep. Donald George	The speaker appointed a select	No information.	Resigned, effective the day

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	Gaffney was investigated regarding his previous position as Jacksonville City councilman and a rezoning petition before the council. • He was charged with bribery and grand theft days before his election in 1986. • A federal grand jury returned a 23-count indictment on extortion, conspiracy to commit extortion, and mail fraud in February 1987. • After the 1987 session ended, he was convicted of conspiracy, extortion, and attempted extortion and acquitted of five extortion and five attempted extortion charges. Under House Rules, he was suspended from the House pending appeal or the end of his term. • In December, a federal judge vacated the verdicts on rumors of jury tampering and Gaffney was reinstated pending a new trial. • In January 1988, a federal grand jury returned a 21-count indictment that included new charges.	committee to investigate.		before the start of the 1988 session. Gaffney was later convicted and sentenced to prison for mail fraud.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
GEORGIA	In 1999, Sen. Diana Harvey Johnson was convicted of five counts of federal mail fraud for funneling an estimated $80,000 of state tourism funds to her own consulting business. She was sentenced to 41 months in prison, fined $7,500, and ordered to pay $21,600 in restitution.	The governor impaneled a 3-member review committee after Sen Johnson was indicted.	The committee concluded that Sen. Johnson's indictment impaired her ability to serve her constituents.	The governor suspended Sen. Johnson with pay. She resigned her seat after a federal judge suggested he would not free her on bond while appealing her conviction unless she gave up her seat.
IDAHO	In 2005, Sen. Jack Noble introduced legislation to change the method of measurement of the required distance between a liquor store and a school after he and his wife were denied a license to sell liquor from their store.	Pursuant to Senate Rule 53, a six-member bipartisan Ethics Committee appointed by the Senate president pro tempore held four public hearings.	The committee found that the senator gave false or deceptive information to the Senate State Affairs Committee about the origin of the legislation and his potential benefit. Sen. Noble, while under oath, testified before the committee twice. It recommended that the senator be censured and stripped of any leadership responsibilities.	Resignation.
MAINE	In 1987, Rep. Donald Sproul was convicted of misdemeanor ballot tampering.	After conviction, adopted a resolution relating to the censure or expulsion of Sproul. Inquiry by House Committee on Elections with a report to the full House. Adopted a resolution establishing procedures. Resolution appointed special counsel and required the committee to adopt any necessary rules and procedures.	N/A	Resignation (before committee met).
MASSACHU-SETTS	In 1977, Senators Joseph J.C. DiCarlo and Ronald C. MacKenzie were convicted in federal court for extortion, conspiracy to commit extortion, and conspiracy to violate the Travel Act in connection with their performance as senators. Some, if	The Senate referred the matter to its Committee on Ethics on the day of the conviction. The committee held two hearings, after which it determined that disciplinary proceedings should be conducted pursuant to the Senate's inherent power with respect to its	The committee stated that "the crimes with which the senators were charged and of which they have been convicted are so serious as to render one who has committed them unfit to continue to serve as a member of the Senate."	MacKenzie resigned at the third hearing.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	not all, charges were felonies.	members. The committee held a third hearing to determine if the convictions "were compatible with [the senators'] continued service in the Senate..." ("Report and Recommendations Concerning Senators Joseph J.C. DiCarlo and Ronald C. MacKenzie," Senate Committee on Ethics, April 1, 1977).		
MICHIGAN	In 1998, Sen. Henry Stallings employed a state worker in his art gallery and used public funds to pay the person. He was originally charged with a felony but, after the legislative investigation began, he pled guilty to the misdemeanor of taking less than $100 under false pretenses.	Select committee investigated.	Committee unanimously recommended expulsion.	Resignation (prior to vote on expulsion).
MINNESOTA	In September 1995, Sen. Joe Bertram was arrested and convicted for shoplifting a $90 leather vest (a petty misdemeanor). He was fined $150. In 1996, the legislature investigated Bertram for shoplifting the vest and offering $1,000 to the store owner to not file criminal charges. After his resignation, he was (1) arrested on another shoplifting charge and (2) charged in April 1996 with two felony counts of bribery for offering money to the store owner not	Two senators filed a complaint with the Senate Subcommittee on Ethical Conduct.	N/A	Resignation (before the committee voted).

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	to file charges.			
MINNESOTA	In 1990, Rep. Jeff Conway, a financial planner, was indicted for diverting about $90,000 of customers' money to his personal use. He was charged with 30 felony counts of diverting money from 15 couples or individuals over several months. He was suspended from the job and then resigned. He relinquished his broker's and insurance agent's licenses after the state Commerce Department found he mishandled funds. He allegedly invested money for a client after he resigned from his job. After he resigned from the House, he pled guilty to charges that were consolidated into four counts. He was sentenced to eight months in prison, 10 years probation, 500 hours of community service, a $5,000 fine, and $50,342 restitution. The judge stayed a sentence of just under nine years in prison.	A complaint was filed with the House Ethics Committee.	The committee found probable cause that Conway engaged in misconduct.	Resignation (the day before his scheduled appearance before the committee).
NEW HAMPSHIRE	In 2004, Rep. John Kerns was investigated for writing bad checks with "State of New Hampshire" written on them, using his title to get a parking space reserved for school officials, and threatening officials when told to stop parking there. After the legislative investigation began he was charged with four	The Legislative Ethics Committee received complaints, investigated, initiated formal proceedings, held hearings, and issued a report with recommendations.	The committee voted unanimously for expulsion.	Resignation (before House action).

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	counts of passing bad checks. He went to court to attempt to stop the committee investigation. He also told the press that (1) he had a serious neurological illness that sometimes incapacitated him and (2) he and a family member were sex crime victims. After his resignation, he pled guilty to writing bad checks. The judge suspended a $500 fine and ordered Kerns to pay $421 in restitution, perform 152 hours of community service, apologize, and drop a lawsuit against police.			
NEW YORK	From 1983 to 1986, Queens County Democratic Organization Secretary Richard Rubin placed no-show employees on the legislative payroll of Assemblywoman Gerdi E. Lipschutz. She was granted immunity in criminal proceeding.	In 1987, the Committee on Ethics conducted a five-week investigation that included testimony given in Rubin's trial in which he was found guilty of mail-fraud in that he caused a no-show secretary to be placed on the assemblywoman's payroll. The committee reviewed the state constitution, the proceedings of two constitutional conventions, and constitutional case law to determine if Article 3, Sections 7 and 9 authorize the Assembly to expel a member.	The committee found Lipschutz guilty of (1) falsely certifying personal service vouchers, (2) approving the hiring of a "no-show" employee knowing that the employee did not perform any official duties, and (3) committing the acts to obtain a political benefit. Assemblywoman Lipschutz cooperated with the U.S. Attorney in the Rubin trial and provided essential testimony after receiving a grant of immunity. The committee found that no member has ever been expelled and that the Assembly does not have the constitutional authority to expel a member. The committee recommended that (1) she resign, (2) the Assembly remove her	Resigned (after the committee made its recommendations).

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			committee chairmanships, (3) she forfeit any rights or privileges of seniority, (4) the Assembly censure her, and (5) the state amend the constitution to authorize expulsion.	
NORTH CAROLINA	In 1985, a committee investigation of Sen. John Jordan led to a criminal investigation for bribery and extortion. He later pled guilty to extortion, bribery, and official misconduct. He was sentenced to a two year suspended sentence, two years probation, and a $2,000 fine.	No information.	No information.	Resigned after pleading guilty.
OHIO	In March 1998, Sen. Jeff Johnson was indicted by a federal grand jury on felony corruption charges: four counts of violating the federal Hobbs Act which prohibits officials from using their office to extort money and two counts of wire fraud. The federal charges involved pressuring inner-city grocers for campaign contributions in exchange for help in obtaining government licenses for nutrition and food stamp programs and to sell liquor and lottery tickets. In November 1998, he was convicted on three charges. He resigned in December. In February 1999 he was sentenced to 15 months in prison, at least 250 hours of community service	The Joint Legislative Ethics Committee investigated.	The committee did not complete its investigation.	Resigned.
SOUTH CAROLINA	In 1982, Sen. Eugene Carmichael was sentenced on a federal felony	The Senate Ethics Committee investigated.	The Senate Ethics Committee found that he committed official misconduct	The Senate refused 24-21 to expel.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	conviction to ten years in prison for conspiracy to buy votes, obstruction of justice, and vote buying.			At the time of the vote, he was appealing his conviction. He lost his appeal and ultimately resigned.
TENNESSEE	In 2005, Sen. John Ford was investigated on charges including whether he resided outside his district, used campaign funds for his daughter's wedding, received consulting fees to help companies get state business, and failed to disclose his sources of income as required by Senate rules. (Other entities also investigated misconduct by Ford, including the FBI in a bribery scandal called Operation Tennessee Waltz.)	A complaint was filed with the Senate's Ethics Committee (a standing committee). The committee issued a subpoena and a subcommittee investigated and found probable cause for the full committee to investigate the issue of failing to disclose income. The full committee voted to bring in a special counsel to expand its investigation regarding consulting fees and deals. The special counsel presented a report of the investigation. The committee was preparing a six-count charge for ethical violations when Ford resigned.	Ford resigned before the committee issued its report.	Resigned (before the committee reported but after the FBI arrested him for bribery and other charges).
TEXAS	In 1957, Rep. Cox was indicted for consenting to accept a bribe. He was censured by a House committee but the censure came after the member had resigned.	An investigatory committee was appointed pursuant to a resolution.	The committee recommended that the entire House censure Rep. Cox but take no other action in view of the fact that he had already resigned. The committee vote appears to have been 9-0.	Resigned. It is unclear whether the entire House ever acted on censure.
NO ACTION/DISMISSAL				
ALASKA	In 1989, Sen. Paul Fischer was accused of taking personal trips at state expense.	The 6-member Senate subcommittee of the Select Committee on Legislative Ethics investigated the complaint.	The committee found an "inference of improper conduct" in Sen. Fischer's undocumented travel reimbursements. In testimony to the committee, Fischer stated that he was quite sure he discussed legislative business during brief airport layovers but neither he nor his aide could remember the dates or where the meeting took place. The committee recommended no	No action.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			action—it was unwilling to second-guess Fischer even though his explanation was not "clear and convincing."	
ALASKA	In 1983, Sen. Al Adams allegedly used forged documents and his office to arrange jobs for a subcontractor. In return the subcontractor agreed to give Adams a $100,000 cash advance and ultimately paid him $772,668 over 2.5 years. The contractor also said he made a $12,000 loan to Sen. Adams in 1981 that was not repaid and not reported on Adams conflict of interest form.	The 6-member Senate subcommittee of the Select Committee on Legislative Ethics (3 private citizens and 3 senators) deliberated privately.	After reviewing the allegations, the committee dismissed the complaint because the allegations stemmed from actions that occurred either before the applicable ethics law was in place or outside the law's two-year statute of limitations.	No action
FLORIDA	In 1996, Rep. Marvin Couch failed to report one liability of more than $1,000 on his 1992 financial disclosure form and two liabilities of more than $1,000 on his 1993 form.	The speaker received a final order and public report from the Ethics Commission and appointed a Select Committee on Standards of Official Conduct to investigate.	In a consent decree, the parties (1) accepted the Ethics Commission's findings on violations, (2) found no evidence that the violations were willful or intentional, and (3) found that the Ethics Commission became aware of the debt because Couch revealed it in an amended disclosure in 1993. Because of the inadvertent nature of the violations, the parties agreed that no additional penalty was warranted.	No action.
FLORIDA	In 1995, Rep. Evelyn J. Lynn was investigated for failing to report certain assets and income on various financial disclosure forms over a four year period.	The speaker received a complaint and public report from the Ethics Commission and appointed a Select Committee on Standards of Official Conduct to investigate.	In a consent decree, the parties agreed that the Ethics Commission already found a violation and imposed a penalty and the House should take no action. They also recommended that the legislature consider clarifying jurisdiction over a member's conduct before taking office.	No action.
GEORGIA	In 1999, Reps. Nan Orrock and Michele Henson were alleged to have been improperly paid for work they	Rep. Bob Irvin filed a complaint after a state auditor's report reported that the Holocaust Commission and the Scott	The committee's investigation revealed no fraud or other wrongdoing because no state appropriated money was used to pay the	No action.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	performed for the Scott Fund, a non-profit arm of the Georgia Commission on the Holocaust. Orrock was paid $12,000 under a contract with the Scott Fund and Henson received less than $9,000 for fund raising, reimbursement for a trip, and picture framing.	Fund used loose accounting practices and mingled their funds. The complaint was referred to the House Ethics Committee.	legislators. All payments to Orrock and Henson came from privately raised money in the Scott Fund. The committee recommended no action.	
IDAHO	In 1990, Sen. John Peavey took another senator's outgoing mail from the sergeant at arm's desk to determine if the mail volume limit was exceeded.	A six-member special committee determined facts, reached conclusions, and reported recommendations.	The committee found that the senator did not violate any Senate rules; however, his conduct showed a lack of good judgment. Unanimously recommended no formal action and an apology.	No formal action.
IOWA	In 2006, Sen. Stewart Iverson took a position with a political action committee before his term ended.	The Senate Ethics Committee, a standing committee, received a complaint.	Before the committee took any action, Iverson returned his pay and quit the job. The committee dismissed the complaint.	None.
IOWA	In 2001, a complaint against Sen. Mike Sexton alleged conflict of interest for (1) sitting in on an environmental protection commission meeting regarding a fine of his employer and (2) quashing legislation as chairman of the Natural Resources Committee to prevent new regulations that would affect his employer.	The Senate Ethics Committee received a complaint.	The committee dismissed the complaint but required senators to ask for an ethics ruling in the future before taking jobs that might be a conflict of interest.	None
MINNESOTA	In 2003, Rep. Arlon Lindner made controversial statements about gays in the Holocaust and AIDS in Africa.	Eight representatives filed a complaint and the House Ethics Committee (a bipartisan standing committee) heard the matter.	The committee failed to find probable cause for a violation by a 2-2 vote.	None.
MINNESOTA	In 2001, a conflict of interest complaint was filed against Rep. Jim Abeler based on his vote on a funding measure dealing with charter school leases. He owned and leased	The House Ethics Committee heard the matter.	The complaint was dismissed.	None.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	a building to a charter school at the time.			
MINNESOTA	In 1996, Sen. Florian Chmielewski was accused of abusing Senate phone privileges. Previously, in December 1995, he pled guilty to misconduct of a public officer, a gross misdemeanor (it is unclear whether he faced other charges). He was accused of letting family and friends use his Senate phone access code for more than $3,800 in personal long distance calls. He was sentenced to two years probation and 100 hours of community service.	A senator filed a complaint with the Senate Subcommittee on Ethical Conduct.	The sub-committee recommended removal from two committees; no use of the Senate phone code; no reimbursement for lodging expenses outside his district; and loss of seniority.	None. The Ethics Committee recommendations had to be approved by the Senate Rules Committee which had no scheduled meetings until the following year. The recommendations expired and the senator was defeated in a primary election.
MINNESOTA	In 1996, Sen. LeRoy Stumpf requested an investigation of a possible conflict of interest relating to consultant contract. A newspaper article reported that Stumpf sponsored a bill in 1994 that provided $50,000 to a coalition of six counties to control beavers whose dams caused floods. Two weeks after the bill became law, he was hired as a consultant by the Red Lake Watershed District, which was picked by the counties to administer the program. He was paid $14,000, with the money coming from the district's account which is derived from property taxes.	Stumpf requested that the Senate ethics subcommittee (a bipartisan subcommittee) review the situation.	The Special Subcommittee on Ethical Conduct unanimously found that it was not a conflict of interest. The subcommittee report stated that no money appropriated as a result of Stumpf's legislative work was used directly or indirectly to pay him and he took reasonable steps to avoid a conflict of interest, such as consulting Senate counsel on the matter. It also found no evidence that Stumpf discussed the job while the bill was pending.	None.
MINNESOTA	In 1996, Rep. Tom Workman violated House Rules by releasing confidential	A complaint was filed with the House Ethics Committee.	N/A	None. The complaint was withdrawn and the ethics

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	documents and discussing actions of a closed House Ethics Committee hearing.			committee opened its hearing to the public.
NEW HAMPSHIRE	In 1996, Rep. Roland Hemon authored legislation for the second time to impeach a probate judge involved in the case of his mother's estate.	The Legislative Ethics Committee investigated, held hearings, and issued a report with recommendations.	The committee recommended censure.	None (the House was not in session and the recommendation was not considered).
NEW JERSEY	Sen. Bryant is currently under federal felony indictment for fraud and corruption.	The Ethics Committee announced an investigation in November 2006 but has taken no action to date.	N/A	N/A
OHIO	In 2005, Sen. Ray Miller was investigated for having his aide work for his nonprofit organization while on state time. The legislative inspector general referred evidence of using state personnel and equipment for private business to the county prosecutor. The prosecutor did not pursue charges.	The Joint Legislative Ethics Committee investigated.	The committee required a letter of apology and $936 restitution, which covered the aide's salary for the time she worked for the private organization.	N/A
OHIO	In 2005, Rep. Jim Aslanides was investigated for failing to disclose his real estate holdings for five years. According to a letter from his attorney, he thought that because a city was leasing the land, he had relinquished control and did not have to disclose it.	The Joint Legislative Ethics Committee investigated.	The committee found no violation.	N/A
UTAH	In 1998, Rep. Melvin Brown was offered a position by a lobbyist.	Pursuant to JR-16-04, the Ethics Committee made an inquiry into the matter. It is unclear whether they determined initially that further	No recommendation of disciplinary action by the House Ethics Committee.	N/A

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
		investigation was unwarranted or whether, after the preliminary inquiry, determined the charges were unfounded.		
UTAH	In 1986, Sen. Paul Rogers was accused of applying undue pressure on the executive branch on a constituent's behalf.	Pursuant to JR-16-04, the Ethics Committee made an inquiry into the matter. It is unclear whether they determined initially that further investigation was unwarranted or whether, after the preliminary inquiry, they determined the charges were unfounded.	No recommendation of disciplinary action by the Senate Ethics Committee.	N/A

N/A indicates that the category was not applicable to that particular case.

Attach #1

North Carolina House of Representatives

House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright

REPRESENTATIVE RICK GLAZIER, CHAIR
REPRESENTATIVE PAUL STAM, VICE-CHAIR
REPRESENTATIVE MARVIN LUCAS

REPRESENTATIVE BILL MCGEE
REPRESENTATIVE EDITH WARREN
REPRESENTATIVE LAURA WILEY

To: Members of the House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright

From: Brad Krehely, Co-Counsel to the Select Committee

Date: March 3, 2008

Subj. Definition of Clear and Convincing Evidence

The rules state that the Committee must determine whether, by clear and convincing evidence, one or more of the charges against the accused legislator is true, and if so, what action will be taken by the Committee. This document summarizes how the clear and convincing evidence standard is used in North Carolina.

I. The Middle Standard

Clear and convincing evidence is a burden greater than that of proof by a preponderance of the evidence and less than that of proof beyond a reasonable doubt. *In re Smith,* 146 N.C.App. 302, 304, 552 S.E.2d 184, 186 (2001).

II. Evidence which should fully convince

In a juvenile abuse, neglect or dependency proceeding, the allegations "must be proved by clear and convincing evidence." G.S. 7B-805. In those cases, North Carolina courts have described clear and convincing evidence as "evidence which should fully convince." *In re Smith,* 146 N.C.App. 302, 304, 552 S.E.2d 184, 186 (2001).

In attorney discipline proceedings, the standard is "clear, cogent and convincing evidence." This has also been described as "evidence which should fully convince." *North Carolina State Bar v. Talford,* 147 N.C. App. 581, 587, 556 S.E.2d 344, 349 (2001), *aff'd* 356 N.C. 626, 576 S.E.2d 305 (2003).

III. North Carolina Pattern Jury Instructions: Commonly used and accepted meanings

Clear, strong and convincing evidence "is evidence which, in its character and weight, establishes what [the party with the burden of proof] seeks to prove in a clear, strong and convincing fashion. You shall interpret and apply the words 'clear,' 'strong' and 'convincing' in accordance with their commonly understood and accepted meanings in everyday speech." N.C.P.I.—Civil 101.11 Clear, Strong, and Convincing Evidence.

#2 Stam

I move that Count 6 be withdrawn, without prejudice, from consideration at this evidentiary hearing.

#3

Remove Cont #6

ROLL CALL VOTE

6 YES ___ NO = 6 (TOTAL)

HB# ____
SB# ____

HOUSE SELECT COMMITTEE TO INVESTIGATE ALLEGED MISCONDUCT AND OTHER MATTERS INCLUDED IN INDICTMENTS AGAINST REPRESENTATIVE THOMAS E. WRIGHT

YES	NO	MEMBER	YES	NO	MEMBER (last name)
✓		GLAZIER, Rick - Chair			
		MEMBERS:			
✓		STAM, Paul- Vice Chair			
✓		LUCAS, Marvin			
✓		MCGEE, William			
✓		WARREN, Edith			
✓		WILEY, Laura			
					Ex officio Members
					Speaker Pro Tem
					Majority Leader
					Majority Whip

#4

Effective: August 17, 2006

United States Code Annotated Currentness
Title 26. Internal Revenue Code (Refs & Annos)
Subtitle A. Income Taxes (Refs & Annos)
Chapter 1. Normal Taxes and Surtaxes (Refs & Annos)
Subchapter F. Exempt Organizations (Refs & Annos)
Part II. Private Foundations (Refs & Annos)
→ **§ 508. Special rules with respect to section 501(c)(3) organizations**

(a) New organizations must notify Secretary that they are applying for recognition of section 501(c)(3)status.--Except as provided in subsection (c), an organization organized after October 9, 1969, shall not be treated as an organization described in section **501(c)(3)**--

(1) unless it has given notice to the Secretary, in such manner as the Secretary may by regulations prescribe, that it is applying for recognition of such **status** , or

(2) for any period before the giving of such notice, if such notice is given after the time prescribed by the Secretary by regulations for giving notice under this subsection.

(b) Presumption that organizations are private foundations.--Except as provided in subsection (c), any organization (including an organization in existence on October 9, 1969) which is described in section **501(c)(3)** and which does not notify the Secretary, at such time and in such manner as the Secretary may by regulations prescribe, that it is not a private foundation shall be presumed to be a private foundation.

(c) Exceptions.--

(1) Mandatory exceptions.--Subsections (a) and (b) shall not apply to--

(A) churches, their integrated auxiliaries, and conventions or associations of churches, or

(B) any organization which is not a private foundation (as defined in section 509(a)) and the gross receipts of which in each taxable year are normally not more than $5,000.

(2) Exceptions by regulations.--The Secretary may by regulations exempt (to the extent and subject to such conditions as may be prescribed in such regulations) from the provisions of subsection (a) or (b) or both--

(A) educational organizations described in section 170(b)(1)(A)(ii), and

(B) any other class of organizations with respect to which the Secretary determines that full compliance with the provisions of subsections (a) and (b) is not necessary to the efficient administration of the provisions of this title relating to private foundations.

(d) Disallowance of certain charitable, etc., deductions.--

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(1) Gift or bequest to organizations subject to section 507(c) tax.--No gift or bequest made to an organization upon which the tax provided by section 507(c) has been imposed shall be allowed as a deduction under section 170, 545(b)(2), 642(c), 2055, 2106(a)(2), or 2522, if such gift or bequest is made--

(A) by any person after notification is made under section 507(a), or

(B) by a substantial contributor (as defined in section 507(d)(2)) in his taxable year which includes the first day on which action is taken by such organization which culminates in the imposition of tax under section 507(c) and any subsequent taxable year.

(2) Gift or bequest to taxable private foundation, section 4947 trust, etc.--No gift or bequest made to an organization shall be allowed as a deduction under section 170, 545(b)(2), 642(c), 2055, 2106(a)(2), or 2522, if such gift or bequest is made--

(A) to a private foundation or a trust described in section 4947 in a taxable year for which it fails to meet the requirements of subsection (e) (determined without regard to subsection (e)(2)), or

(B) to any organization in a period for which it is not treated as an organization described in section **501(c)(3)** by reason of subsection (a).

(3) Exception.--Paragraph (1) shall not apply if the entire amount of the unpaid portion of the tax imposed by section 507(c) is abated by the Secretary under section 507(g).

(e) Governing instruments.--

(1) General rule.--A private foundation shall not be exempt from taxation under section 501(a) unless its governing instrument includes provisions the effects of which are--

(A) to require its income for each taxable year to be distributed at such time and in such manner as not to subject the foundation to tax under section 4942, and

(B) to prohibit the foundation from engaging in any act of self-dealing (as defined in section 4941(d)), from retaining any excess business holdings (as defined in section 4943(c)), from making any investments in such manner as to subject the foundation to tax under section 4944, and from making any taxable expenditures (as defined in section 4945(d)).

(2) Special rules for existing private foundations.--In the case of any organization organized before January 1, 1970, paragraph (1) shall not apply--

(A) to any period after December 31, 1971, during the pendency of any judicial proceeding begun before January 1, 1972, by the private foundation which is necessary to reform, or to excuse such foundation from compliance with, its governing instrument or any other instrument in order to meet the requirements of paragraph (1), and

(B) to any period after the termination of any judicial proceeding described in subparagraph (A) during which its governing instrument or any other instrument does not permit it to meet the requirements of paragraph (1).

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(f) Additional provisions relating to sponsoring organizations.--A sponsoring organization (as defined in section 4966(d)(1)) shall give notice to the Secretary (in such manner as the Secretary may provide) whether such organization maintains or intends to maintain donor advised funds (as defined in section 4966(d)(2)) and the manner in which such organization plans to operate such funds.

CREDIT(S)

(Added Pub.L. 91-172, Title I, § 101(a), Dec. 30, 1969, 83 Stat. 494, and amended Pub.L. 94-455, Title XIX, §§ 1901(a) (71), (b) (8) (E), 1906(b) (13) (A), Oct. 4, 1976, 90 Stat. 1776, 1794, 1834; Pub.L. 108-357, Title IV, § 413(c)(30), Oct. 22, 2004, 118 Stat. 1509; Pub.L. 109-280, Title XII, § 1235(b)(1), Aug. 17, 2006, 120 Stat. 1101.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1969 Acts. House Report No. 91-413, Senate Report No. 91-552, and Conference Report No. 91-782, see 1969 U.S.Code Cong. and Adm.News, p. 1645.

1976 Acts. House Report Nos. 94-658, 94-1380, Senate Report No. 94-938, and House Conference Report No. 94-1515, see 1976 U.S.Code Cong. and Adm.News, p. 2897.

2004 Acts. House Conference Report No. 108-755, see 2004 U.S. Code Cong. and Adm. News, p. 1341.

2006 Acts. Statement by President, see 2006 U.S. Code Cong. and Adm. News, p. S39.

Codifications

Pub.L. 109-280, Title XII, § 1235(b)(1), Aug. 17, 2006, 120 Stat. 1101, which directed amendment of section 508, was executed by amending section 508 of this title, which is section 508 of the Internal Revenue Code of 1986, as the probable intent of Congress.

Amendments

2006 Amendments. Subsec. (f). Pub.L. 109-280, § 1235(b)(1), added subsec. (f).

2004 Amendments. Subsec. (d)(1). Pub.L. 108-357, § 413(c)(30), in the matter preceding subpar. (A), struck out "556(b)(2)," following "545(b)(2),".

Subsec. (d)(2). Pub.L. 108-357, § 413(c)(30), in the matter preceding subpar. (A), struck out "556(b)(2)," following "545(b)(2),".

1976 Amendments. Subsec. (a). Pub.L. 94-455, § 1901(a) (71) (A), struck out "For purposes of paragraph (2), the time prescribed for giving notice under this subsection shall not expire before the 90th day after the day on which regulations first prescribed under this subsection become final." following "under this subsection".

Subsec. (a) (1), (2). Pub.L. 94-455, § 1906(b) (13) (A), struck out "or his delegate" in three places following

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"Secretary".

Subsec. (b). Pub.L. 94-455, §§ 1901(a) (71) (A), 1906(b) (13) (A), struck out "or his delegate" in two places following "Secretary" and "The time prescribed for giving notice under this subsection shall not expire before the 90th day after the day on which regulations first prescribed under this subsection become final" following "a private foundation".

Subsec. (c) (2). Pub.L. 94-455, § 1906(b) (13) (A), struck out "or his delegate" following "Secretary".

Subsec. (c) (2) (A). Pub.L. 94-455, § 1901(b) (8) (E), substituted "(A) educational organizations described in section 170(b) (1) (A) (ii), and" for "(A) educational organizations which normally maintain a regular faculty and curriculum and normally have a regularly enrolled body of pupils or students in attendance at the place where their educational activities are regularly carried on; and" following "(b) or both-".

Subsec. (c) (2) (B). Pub.L. 94-455, § 1906(b) (13) (A), struck out "or his delegate" following "Secretary".

Subsec. (d) (2) (A). Pub.L. 94-455, § 1901(a) (71) (C), substituted "(e) (2)" for "(e) (2) (B) and (C)" following "regard to subsection".

Subsec. (d) (3). Pub.L. 94-455, § 1906(b) (13) (A), struck out "or his delegate" following "Secretary".

Subsec. (e) (2) (A). Pub.L. 94-455, § 1901(a) (71) (B), struck out subpart. (A) relating to taxable years beginning before 1972, and redesignated subpars. (B) and (C) as (A) and (B), respectively.

Subsec. (e) (2) (B). Pub.L. 94-455, § 1901(a) (71) (B), redesignated subpar. (C) as (B) and, as redesignated, substituted "(A)" for "(B)" following "described in subparagraph".

Subsec. (e) (2) (C). Pub.L. 94-455, § 1901(a) (71) (B), redesignated subpar. (C) as (B).

Effective and Applicability Provisions

2006 Acts. Pub.L. 109-280, Title XII, § 1235(b)(2), Aug. 17, 2006, 120 Stat. 1102, provided that: "The amendment made by this subsection [enacting subsec. (f) of this section] shall apply to organizations applying for tax-exempt status after the date of the enactment of this Act [Aug. 17, 2006]."

2004 Acts. Amendments to this section by Pub.L. 108-357, § 413, applicable to taxable years of foreign corporations beginning after December 31, 2004, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end, see Pub.L. 108-357, § 413(d), set out in a note under 26 U.S.C.A. § 1.

1976 Acts. Amendment of subsecs. (a), (b), (c)(2)(A), (d)(2)(A), and (e)(2)(A)-(C), by section 1901(a)(71)(A)-(C), (b)(8)(E) of Pub.L. 94-455 applicable with respect to taxable years beginning after Dec. 31, 1976, see section 1901(d) of Pub.L. 94-455, set out as a note under section 2 of this title.

1969 Acts. Section effective Jan. 1, 1970, except that subsecs. (a), (b) and (c) effective Oct. 9, 1969, see section 101(k) (1), (3) of Pub.L. 91-172, set out as a note under section 4940 of this title.

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Savings Provisions

Limits on inclusion of provisions inconsistent with subsec. (e) of this section in governing instruments, see section 101(l) (6) of Pub.L. 91-172, set out as a note under section 4940 of this title.

CROSS REFERENCES

Application of estate and gift taxes to split-interest trusts, see26 USCA § 4947.
Charitable contributions deduction to or for organization or trust under this section, see26 USCA § 170.
Estate and gift tax exclusion of amounts paid, set aside, or qualifying for deduction not including amounts under this section, see26 USCA § 663.
Foreign source supported foreign organizations not within provisions of this section, see26 USCA § 4948.
Gifts to or for trusts under this section not deductible, see26 USCA § 2522.
Inspection of records and information regarding exempt status determination, see26 USCA § 6104.
Transfers to or for trusts under this section not deductible, see26 USCA § 2055.

LAW REVIEW COMMENTARIES

A dubious distinction: rethinking tax treatment of private foundations and public charities. Tanya D. Marsh, 22 Va. Tax Rev. 137 (2002).

Churches and their enviable tax status. Wendy Gerzog Shaller, 51 U.Pitt.L.Rev. 345 (1990).

Use of the nonprofit supporting foundation to assist governmental districts after Amendment 1. Peter C. Guthery, Kerrie A. Boese and Lisa J. Lambert, 22 Colo.Law. 685 (1993).

LIBRARY REFERENCES

American Digest System

Internal Revenue⇐ 4063.

Key Number System Topic No. 220.

Corpus Juris Secundum

CJS Internal Revenue § 468, Private Foundations.
CJS Internal Revenue § 468, Private Foundations.

RESEARCH REFERENCES

ALR Library

57 ALR 3rd 1044, Power of Court to Authorize Modification of Trust Instrument Because of Changes in Tax Law.

Encyclopedias

Am. Jur. 2d Federal Taxation P 20676, Requirements for Exemption of Religious, Charitable, Educational, and

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Similar Organizations (Code § **501(C)(3)** Organizations).

Am. Jur. 2d Federal Taxation P 20801, Determination of Exemption.

Am. Jur. 2d Federal Taxation P 20953, Code § **501(C)(3)** Organizations Presumed to be Private Foundations.

Am. Jur. 2d Federal Taxation P 20954, Requirements for Private Foundation's Governing Instruments.

Am. Jur. 2d Federal Taxation P 20955, Charitable Deduction Not Allowed for Certain Private Foundation Gifts.

Am. Jur. 2d Federal Taxation P 144,317, Organizations Failing to Notify IRS of Exempt Status.

Am. Jur. 2d Federal Taxation P 144,318, Transfers to Private Foundations -- Allowance of an Estate Tax Charitable Deduction.

Forms

Nichols Cyclopedia of Legal Forms Annotated § 1.2104, Private Foundations -- Definition of Private Founda- tion.

Nichols Cyclopedia of Legal Forms Annotated § 1.2837, Not-For-Profit Corporations -- Definition of Private Foundation.

Nichols Cyclopedia of Legal Forms Annotated § 1.3012, Tax Consequences.

Nichols Cyclopedia of Legal Forms Annotated § 8.8018, Charitable Split-Interest Trusts -- Trust Restrictions -- Summary of Private Foundation Rules.

Nichols Cyclopedia of Legal Forms Annotated § 8.8324, Governing Instruments of Charitable Organizations that Are Private Foundations -- Prohibited Activities.

Nichols Cyclopedia of Legal Forms Annotated § 8.8334, Articles of Incorporation of Charitable Foundation -- Activities Prohibited by Tax Code.

Am. Jur. LF 2d Federal Tax Guide to Legal Forms § 3:67, Charitable Lead Trusts -- Required Distributions.

Am. Jur. LF 2d Federal Tax Guide to Legal Forms § 3:71, Charitable Lead Trusts -- Prohibited Transactions -- Self-Dealing.

Am. Jur. LF 2d Federal Tax Guide to Legal Forms § 10:97, Notifying Service of Claim to Exemption.

Am. Jur. LF 2d Federal Tax Guide to Legal Forms § 10:99, Private Foundations Defined.

Am. Jur. LF 2d Federal Tax Guide to Legal Forms § 10:101, Mandatory Governing Provisions.

Am. Jur. LF 2d Federal Tax Guide to Legal Forms § 10:109, Distribution of Income.

Treatises and Practice Aids

Federal Procedure, Lawyers Edition § 48:159, Issuance of Determination Letters or Rulings.

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Federal Procedure, Lawyers Edition § 48:161, Notice to Secretary of the Treasury of Application; Application as Constituting Notice; When to File.

Federal Procedure, Lawyers Edition § 48:167, Request for Determination Letter.

Federal Procedure, Lawyers Edition § 48:168, Presumption of Private Foundation Status; Notice to Avoid Presumption.

Immigration Act of 1990 Today § 8:118, Regulatory Definitions and Documentation Requirements -- Bona Fide Religious Organization.

Mertens: Law of Federal Income Taxation § 40:2, Legislative History.

Mertens: Law of Federal Income Taxation § 34:35, Differences Between Public Charity and Private Foundation.

Mertens: Law of Federal Income Taxation § 34:37, Churches and Religious Organizations.

Mertens: Law of Federal Income Taxation § 34:86, Historical Development.

Mertens: Law of Federal Income Taxation § 34:89, Requirements of Governing Instrument.

Mertens: Law of Federal Income Taxation § 34:92, Other Entities Subject to Private Foundation Rules.

Mertens: Law of Federal Income Taxation § 34:97, Tax-Exempt Income.

Mertens: Law of Federal Income Taxation § 36:90, Charitable Remainder Trusts (Crts).

Mertens: Law of Federal Income Taxation § 34:131, Application of Private Foundation Rules to Certain Nonexempt Trusts.

Mertens: Law of Federal Income Taxation § 34:132, Application of Private Foundation Rules to Foreign Private Foundations.

Mertens: Law of Federal Income Taxation § 34:134, Termination of Private Foundation Status.

Mertens: Law of Federal Income Taxation § 34:340, Application for Exempt Status.

NOTES OF DECISIONS

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  Notice of exempt status application - Generally 2
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Purpose 1

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1. Purpose

The Tax Reform Act private foundation rules [26 U.S.C.A. §§ 507-509, 4940-4947] were intended by Congress to prevent abuses by certain privately controlled charitable entities, called private foundations, of their tax-exempt status, and the generic abuse sought to be addressed was the private foundations' using for noncharitable purposes assets donated by contributors who had received charitable deductions for those donations, such as use of such assets by the foundations to accumulate income, to perpetuate and operate family businesses with competitive advantages of tax exemptions, to invest in overly risky ventures, to engage in self-dealing transactions with substantial contributors or foundation managers or to promote political or other noncharitable objectives. Hammond v. U.S., C.A.2 (Conn.) 1985, 764 F.2d 88. Internal Revenue ⇦ 4270

2. Notice of exempt status application--Generally

Where on Dec. 18, 1973, taxpayer created charitable trust but did not file application for tax-exempt status under section 501(c) (3) of this title until Sept. 24, 1976, date trust became exempt, Tax Court granted Commissioner's motion for summary judgment under Tax Court Rule 121, since subsec. (a) (1) of this section and regs. required application be filed within 15 months of the later of either end of month in which organization was formed on Mar. 22, 1973, so that taxpayer's contributions to trust in 1974 were nondeductible under subsec. (d) (2) (B) of this section. Peek v. Commissioner of Internal Revenue, U.S.Tax Ct.1980, 73 T.C. 912.

3. ---- Churches, notice of exempt status application

Where petitioner claimed to be church which is not required to file Form 1023, Application for Recognition of Exemption; during period before Court, Oct. 1, 1976, through Sept. 1, 1982, petitioner received significant percentage of support from its founder, who was one of petitioner's two ministers and two members, and who effectively controlled disposition of petitioner's assets; founder's living expenses were paid for by petitioner; and petitioner's activities included operation of library, publication of newsletter and bi-monthly meetings, Court determined (1) petitioner was not church within meaning of subsec. (c)(1)(A) of this section, since it served no associational role in accomplishment of any religious purpose, and its 1979-80 gross receipts exceeded 3-year $15,000 limitation in reg. 1.508-1(a)(3)(ii)(c); (2) petitioner satisfied notice requirements in subsec. (a) of this section as of Apr. 26, 1981, when it provided Commissioner with information required on Form 1023; and (3) petitioner was not organization described in section **501(c)(3)** of this title, since substantial element of petitioner's assets were used for private benefit of its minister. Church of Eternal Life and Liberty, Inc. v. C.I.R., U.S.Tax Ct.1986, 86 T.C. 916.

4. Governing instrument provisions--Generally

Insofar as governing instrument of trust makes both charitable and noncharitable entities beneficiaries, the income of the trust, insofar as governing instrument creates noncharitable beneficiaries, is taxable, and donor is either pro tanto or entirely denied charitable deductions for donations to the trust, and thus insofar as such a trust operates within its charter, it does not engage in abuse targeted by Congress. Hammond v. U.S., C.A.2 (Conn.) 1985, 764 F.2d 88. Internal Revenue ⇦ 4280

Trustees under testamentary charitable remainder trust would be directed to administer the fund to conform to conditions, imposed by Tax Reform Act of 1969, classified generally to this title, which must be met by private foundations in order to escape federal taxation, the same as if such directions were explicitly stated in the will and notwithstanding anything therein to contrary, where the will, though not in terms of the Act, specifically

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prohibited two of the powers interdicted by the Act, where the other prohibited powers were forbidden to trustees by the general trust laws of the state, and where there were internal indications of testator's intent to make the will satisfy all requirements of this title as it then existed, subsequent to enactment of the Tax Reform Act. In re Klosk's Estate, N.Y.Sur.1971, 319 N.Y.S.2d 685, 65 Misc.2d 1005. Trusts ⇦ 271.5

5. ---- Accumulation of income, governing instrument provisions

Where testator gave his entire residuary estate to create charitable trust for educational and benevolent purposes, mandatory direction in will to accumulate income for ten years following testator's death must be disregarded for period following effective date of Tax Reform Act, Jan. 1, 1970, and income must be distributed at such time and in such manner as not to subject trust to penalty tax or other taxes imposed on undistributed income by this title. In re Presley's Estate, N.Y.Sur.1973, 351 N.Y.S.2d 305, 76 Misc.2d 462. Trusts ⇦ 280

Provision, "The principal of said trust fund shall always remain vested in my trustees and in their possession and custody and control.", was not a "mandatory direction" against use of principal for any purpose, where such a construction would be contrary to purpose of testator in setting up charitable trust, and hence this section bringing governing instruments of private foundation charitable trusts into conformance with minimum distribution requirements of this title for federal tax purposes was applicable to the trust, and successor trustee, in order to preserve tax exempt status of trust, would be allowed to invade principal, if required, in order to comply with minimum distribution requirements. In re Roche's Will, N.Y.Sur.1972, 330 N.Y.S.2d 441, 69 Misc.2d 481. Trusts ⇦ 276

26 U.S.C.A. § 508, 26 USCA § 508
Current through P.L. 110-185 (excluding P.L. 110-181) approved 2-13-08

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Expulsion, Exclusion, or Censure of Legislators by the General Assembly

	A	B	C	D	E	F
1	Date	Legislator	Charge	Resolution	Notes	Constitutional provision
2	11/23/1757	James Carter - Rowan County	Mishandling public funds - failed to purchase arms and ammunition "for the Defence of the Frontier County of Rowan" as directed.	Expelled from House	North Carolina Colonial Records, Vol. V, pp. 846, 892-893	That the Senate and House of Commons... shall each have power to ...be judges of the qualifications and elections of their members (Sec. 10, NC Constitution of 1776
3	12/5/1758	Francis Brown - Currituck County	Conduct that was "Unworthy a seat [in the House of Representatives]" - admitted to committing perjury before a House investigative committee.	Expelled from House and "rendered incapable to serve as a Member of the Assembly."	Re-elected in 1760. House resolved that "Francis Brown is rendered incapable to sit and vote" in the House and that "his Excellency be addressed to direct the Clerk of the Crown to Issue a Writ for Electing a Member from the County of Perquimans to sit and vote ... in the stead of Mr. Francis Brown." North Carolina Colonial Records, Vol. V, pp. 1050-1051, 1057-58; Vol. VI, pp. 374-376, 473-474.	
4	12/20/1770	Hermon Husband (Husbands) - Orange County	Promoted "Riots and seditions in the County of Orange", published a letter "Libeling Maurice Moore, Jr." in his newspaper, "was guilty of gross prevarication and falsehood" when examined by a House committee regarding the alleged Libel, and threatened a riot if the House disciplined him.	Expelled from House - "Resolved that the conduct of [Hermon Husband] both as a Member of this House in particular and of the Community in general, has justly incurred the contempt of this House, and rendered him unworthy of a seat in the Assembly."	Dictionary of North Carolina Biography, Vol. 3, p. 243; North Carolina Colonial Records, Vol. VIII, pp. 268-270, 330-331, 471, 643, 645-646	
5	2/8/1779	William Gilbert - Tryon County	"Intentionally defrauded the publick to a Considerable amount" - duplicated vouchers for military goods	Expelled from House	Dictionary of North Carolina Biography, Vol. 2, p. 296; North Carolina Colonial Records (State Records of North Carolina), Vol. XIII, pp. 703-708.	
6	11/11/1784	Edward Clay - Caswell County	Petty larceny (no criminal charge)	Expelled from the House	North Carolina Colonial Records (State Records of North Carolina), Vol. XIX, pp. 776-778, 782-787; Vol. XVII p. 181	
7	4/21/1784 (?)	Farquahard Campbell - Cumberland County	"This day a committee of the Senate resolved that F. Campbell's election is void, and that he be expelled the House. The election was palpably illegal, and some things appeared against his political character, which occasioned the resolve for expulsion.	Expelled from Senate	This account is contained in a letter from the Hon. A. MacLaine to George Hooper dated 4/21/1784 - State Records of North Carolina, Vol. XVII, pp. 134-135. Based on the language of the letter, it appears Mr. Campbell took office and was later expelled.	
8	11/23/1786	Benjamin Herndon - Wilkes County	"The election for a Senator in the County of Wilkes hath been illegally conducted."	Ordered that a writ of election issue to Wilkes Count and that a new election be held.	State Records of North Carolina, Vol. XVIII pp 6, 14.	
9	12/11/1786	Benjamin McCullock (McCulloh, McCulloch)- Halifax County	Fraud in the disbursement of public money (army accounts).	Expelled from Senate (?)	State Records of North Carolina, Vol. XX, pp. 408-409, 628-631 (1785-1788); Vol. XVIII, Prefatory Notes (1786).	

	A	B	C	D	E	F
10	12/1/1786	Philip Alston - Moore County	Murder indictment, threatened a riot if his opponent was elected, denied the existence of God and declared the Scriptures were set forth as a Scare-Crow to children, attempted to corrupt the conductors of the election.	Resolved - "Mr. Philip Alston was not eligible to a seat in the General Assembly at the time of his election, and that his seat therefore be vacated".	State Records of North Carolina, Vol. XVIII , p. 32	
11	12/15/1786	Henry Montfort - Warren County	Fraud in the disbursement of public money (army accounts).	Expelled from House	State Records of North Carolina, Vol. XVIII, pp. 306-307, 322-323	
12	12/14/1787	John Bonds - Nash County	Fraud - "having fraudulently drawn from the Commissioners of Army Accounts sundry due bills and Certificates."	Expelled from House	House investigation and exclusion occurred while Bonds was under multiple criminal indictments for fraud and forgery. House of Commons Journal , December 12, 1787, State Records of North Carolina, Vol. XVIII, pp. 109, 150, 335, 370-372; XX, pp. 170-171, 213, 233-235.	
13	11/11/1788	Hardy Holmes - Sullivan County	Public Indebtedness - Holmes was the Collector of the Public Tax in Sampson County and was "in arrears to the public for the Collection of the public Tax in the said County for the year 1787."	Initially excluded from taking a seat - "Mr. Holmes...is indebted to the public and that he was not eligible to a seat in this present General Assembly at the time he was Elected." On 11/29/88, he presented the "Certificate of his Election", was qualified agreeable to Law and was seated.	State Records of North Carolina, Vol. XX, pp.494-495, 562.	
14	11/13/1789	Thomas Wade - Anson County	Public Indebtedness - Wade "is in arrears to the public on account of his collection of the taxes of [Anson County] as late Sheriff."	Excluded from taking a seat - "Mr. Wade was not at the time of the election, nor is at this time, eligible to a seat in the present General Assembly."	State Records of North Carolina, Vol. XXI, p. 595	
15	12/2/1809	John Clary - Perquimans County	Criminal conviction of cohabitating with stepdaughter - "a crime so enormous as renders it unfit that he should be permitted to continue as member."	Resigned before resolution of expulsion could be voted upon.	Journal of the House of Commons of the State of North Carolina, 1809, pp. 10, 14, 20, 22; Dictionary of North Carolina Biography, Vol. 1 pp. 383-384	
16	1816	John Roberts - Carteret County	Forgery and fraud committed while an assistant paymaster during the War of 1812	Expelled from Senate - the resolution declare him ineligible for office and vacated his seat.	Dictionary of North Carolina Biography, pp. 227-228; No House Journal located.	
17	1/2/1835	Robert Potter - Granville County	Public reports that were "highly injurious" to member's reputation and "derogatory to the dignity of this House, touching on his conduct since he took his seat as a member."	Expelled from House	Engaged in a fight after a card game, during which he drew a pistol and a knife. Journal of the House of Commons, 1834, pp. 223-224. 231, 233-234 (December 29, 1834; January 1-2, 1835); Dictionary of North Carolina Biography, Vol. V., p. 133.	

	A	B	C	D	E	F
18	8/20/1868	William Long - Casewell county	Representative elect "is banned by the 14th Article of the Constitution of the United States"	House seat declared vacant	Journal record does not specify how the member was excluded under the U.S. Constitution. However, Section 3 of the 14th Amendment to the U.S. Constitution prohibits a person from holding any State or federal office if, while holding that office the person "engaged in insurrection or rebellion against the United States Constitution." Journal of the House of Representatives of the General Assembly of the State of North Carolina at its Session of 1868, pp. 26, 205, 209-210	Each House shall be judge of the qualifications and elections of its own members. (Art. II, Sec. 24, 1868 Constitution)
19	1875	J. Williams Thorne	Advocated and promulgated a "most sacrilegious doctrine, subversive of the principles of the constitution of the State of North Carolina and of sound morality."	Expelled from the House	Record is unclear as to what the doctrine was, but during the debate, one member offered a substitute resolution accusing Thorne of "denying the being of Almighty God and entertaining regious views at variance with those which should control the action of a representative." That substitute resolution was later withdrawn. Another member moved to amend the resolution to read: "[T]he said J. Williams Thorne has written and published a pamphlet calculated to encourage infideility and a want of confidence in the divine authenticity of the Holy Bible, thereby bringing it into contempt, and promoting vice and immorality." The amendment failed. Journal of the House of Representatives of the General Assembly of the State of North Carolina at its Session of 1874-'75, pp. 261, 465-466, 489-490, 500-503 (p. 503; expelled February 24, 1875); 12 members of the House later submitted a letter of Protest explaining why they voted against the expulsion resolution and stating that "this action of the House is susceptable of being construed as indicative of a spirit of religious bigotry and persecu	
20	3/26/1880	Josiah Turner - Orange County	"[S]aid member from Orange has been guilty of the grossest improprieties upon the floor of this House in his disorderly, contumacious and defiant conduct, violating the rules of this House in a willfully disrespectful manner.	Censured, present when motion of censure was adopted; called to the Bar of the House to receive censure but left the House Chamber, then expelled from the House.	House Journal, 1880 (Special Session), pp. 114-115, and pp. 117-119 (March 26, 1880)	
21	5/13/1996	Ken Miller - Alamance County	Conduct unbecoming and unfitting of a member of the House of Representatives (Unsolicited and in appropriate remarks of a sexual nature to a female employee, to a female lobbyist, and to a female page.)	Censured by the House	Journal of the House of Representatives of the 1995 General Assembly of the State of North Carolina, Second Session 1996, pp. 11-13.	Each house shall be judge of the qualifications and elections of its own members. (Art. II, Sec. 20, Constitution of 1971)

THE GENERAL ASSEMBLY OF THE STATE OF NORTH CAROLINA

MEETING OF THE HOUSE SELECT COMMITTEE
TO INVESTIGATE ALLEGED MISCONDUCT AND OTHER MATTERS
INCLUDED IN INDICTMENTS REGARDING
REPRESENTATIVE THOMAS E. WRIGHT

TRANSCRIPT OF THE PROCEEDINGS

March 3, 2008

THE SELECT COMMITTEE:

Rep. Rick Glazier, Chair
Rep. Paul Stam, Vice-chair
Rep. Marvin Lucas
Rep. William McGee
Rep. Edith Warren
Rep. Laura Wiley

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Rep. Edith Warren
Rep. Laura Wiley

In Raleigh, N.C.
11:03 A.M.

Reported by:
Katherine M. Becker

THE CHAIR: This House Select Committee to Investigate the Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright is now in order. It is March 3rd, 2008, at approximately eleven-oh-three A.M. in Room 544 at the Legislative Office Building. This meeting is called to order.

Again, as everyone knows, the meeting is being recorded by a court reporter, so I am going to, for the record, ask the people who are on staff to introduce themselves, and as well so that Counsel know who they may need to go to at breaks or otherwise. And I'll begin on the back row with Mr. Gehron.

MR. GEHRON: Jake Gehron, office of Representative Glazier.

MS. HUNTLEY: Denise Huntley, research staff.

MR. REAGAN: Walker Reagan, Committee co-counsel.

MR. KREHELY: Brad Krehely, staff attorney with the Research Division, and Committee co-counsel.

MS. GOLDSMITH: Kory Goldsmith, Committee co-counsel and staff attorney.

MS. FENNELL: Heather Fennell, Committee co-counsel and staff attorney.

THE CHAIR: Ms. Savel?

THE CLERK: Carin Savel, Committee clerk.

THE CHAIR: Members of the Committee?

REP. STAM: Paul Stam, Vice-Chair.

THE CHAIR: Rick Glazier, Chairman.

REP. WARREN: Edith Warren, Committee Member.

REP. McGEE: Bill McGee, Committee Member.

REP. LUCAS: Marvin Lucas, Committee Member.

REP. WILEY: Laura Wiley, Committee Member.

THE CHAIR: Counsel, please. Mr. Hart?

MR. HART: William Hart, Special Counsel.

MR. PETERS: Alexander Peters, Special Counsel.

PROF. JOYNER: Irving Joyner, attorney for Representative Wright.

REP. WRIGHT: Representative Thomas Wright.

MR. HARRIS: Doug Harris, attorney for Representative Wright.

THE CHAIR: And to my right is Katherine Becker, court reporter, as has been at previous hearings.

All right. Members of the Committee, I'm going to give you some instructions now as we start our process. We have now reached the evidentiary stage of our investigation into the allegations against Representative Wright of unethical conduct. In accord with the Committee rules, I have asked Committee's outside legal counsel, Bill Hart and Alec Peters, to prepare the presentation of evidence against Representative Wright to be presented to you today.

In accord with the Rules, Representative Wright has been supplied with a list of witnesses Mr. Hart and Mr. Peters have considered calling. He has also been presented with a copy of all documents Mr. Hart and Mr. Peters might want to offer into evidence at this hearing.

Representative Wright was requested to present the Committee with a list of witnesses might want to call in his defense, but has not

so at this time, arguing that to do so would violate his Constitutional rights.

Under the Rules, Mr. Hart and Mr. Peters will have the burden of proving by clear and convincing evidence that the allegations contained in Counts 1 through 8 as adopted by the Committee and sent to Representative Wright are true. Representative Wright will have the opportunity to cross-examine the witnesses and to ask the Committee to consider witnesses and any other evidence he might want the Committee to consider.

Our consideration in this hearing will be in two parts. The first part will be to hear the testimony of all the witnesses and consideration of all evidence on both the fact-finding and potential dispositional issues. After all the evidence is presented, the Committee will then be asked to consider for each outstanding count that remains whether the conduct alleged in the count was committed and whether that conduct that was committed constitutes unethical conduct. Both questions must be proved by clear and convincing evidence for there to be a finding against Representative Wright. If they are not, there will

be a finding in his favor.

If the Committee finds that one or more of the counts are true, the second consideration will be to determine what the appropriate sanction for the unethical conduct is. The Committee will then hear arguments from the Committee's outside legal counsel and Representative Wright on what the appropriate sanction or sanctions should be for the conduct. The Committee would then decide its recommendation to the House of Representatives on sanctions.

Legal counsel will be permitted to make opening statements before the evidence is presented and closing arguments after all of the evidence is heard. In accord with the Rules, legal counsel for both sides will be permitted to question each witness first, with direct examination, cross-examination, redirect examination, and recross-examination.

After that process is completed, each Committee Member will be permitted to ask a series of questions in the order set out on the sheet that I have provided to you and that is in front of your desk. After each Committee Member has been given

an opportunity to ask questions, Committee Members will then be given a chance to ask additional follow-up questions.

Under the Rules, all questions to be asked of the witness must be relevant, they must have probative value as to some substantive issue in the case, and may not be a waste of time or redundant. Committee outside legal counsel, Representative Wright's counsel, and any member of the Committee may object to a question before the question is answered. If a question is objected to, the Chair will rule on whether or not the witness should now be allowed or should not be allowed to answer the question. The witness shall not answer the question until the ruling is issued, so, Counsel, would you please instruct any of your witnesses--in fact, all of your witnesses--in that regard?

After the Chair's rule, any Committee member who disagrees with the ruling of the Chair may object to the ruling by simply making a motion that the ruling of the Chair be overruled. You have been provided with information on the procedure for objecting to a question and for

objecting to the ruling of the Chair.

Are there any questions at this point from any Committee members or counsel on those procedures that we will follow?

Seeing none, Members, you now have two notebooks in front of you today. One is your regular Committee notebook. Much of the information you need is found behind the last tab marked "3-3-08 Meeting." Behind this tab is a copy of the amended counts or charges against Representative Wright. Additionally, there is a revised chart of prior disciplinary actions against legislators in other states, and there is also a copy of the North Carolina Constitution behind this tab.

The other notebook is an exhibits notebook. Currently this notebook contains all of the evidence that Mr. Hart and Mr. Peters might ask to be introduced and considered as part of this proceeding. This evidence has been previously supplied to Representative Wright and his counsel.

The exhibits from Mr. Hart and Mr. Peters are currently marked in your notebook as Exhibits 1 through 19. If Representative Wright offers any

evidence for introduction, his exhibits will be marked as Exhibits A through Z, as necessary, and will be placed in your notebooks behind the white exhibits tab. Since a notebook of the exhibits will be available to the witnesses who will testify to my left, the exhibits will not be handed out, but will be referred to merely by their exhibit number or their exhibit letter.

Any questions about the exhibit notebook?

All right. Seeing none, before we begin opening statements, I had asked Brad Krehely, Committee co-counsel, to give you some short background on the evidentiary standard of proof that will apply in this proceeding. After Mr. Krehely's presentation is completed, we'll have one procedural matter to undertake, and then we'll go and move into opening statements.

Mr. Krehely?

MR. KREHELY: Thank you, Mr. Chairman. members of the Committee, good morning. My name is Brad Krehely, and I'm a staff attorney with the research division and co-counsel to this Committee. The Chair has asked me to give you a brief educational presentation about the clear and

convincing evidence standard. I've handed out a one-page document entitled "Definition of Clear and Convincing Evidence," and it's in your notebooks behind the March 3rd, 2008, tab after the agenda and the amended counts.

The clear and convincing evidence standard arises under Rule C.14 of the Committee's Rules. That rule states, "After hearing evidence on the substantive issues of the alleged unethical and unlawful conduct by the accused legislator, the Committee shall address, one, whether by clear and convincing evidence one or more of the charges against the accused legislator is true; and two, if so, what action will be taken by the Committee.

So, what is clear and convincing evidence? First, clear and convincing evidence is not defined in the Committee's rules. However, the standard is a standard of evidence in some situations in North Carolina. Second, this standard of proof is labeled in three different ways under North Carolina law: One is "clear, strong, and convincing evidence"; two is "clear, cogent, and convincing evidence"; and three is "clear and convincing evidence." Our research

indicates that in North Carolina, these standards generally mean the same thing, and I will try to use the terminology "clear and convincing evidence" because that's the standard that's mentioned in our rules.

Now, there are three levels or degrees of proof in North Carolina, and I'm going to tell you about all three so that you have some context for how "clear and convincing evidence" fits into the bigger picture.

Clear and convincing evidence is not proof beyond a reasonable doubt. That's the standard you would need to apply to convict someone of a crime, and that standard would be too high for this proceeding, because this Committee is not a criminal court of law. Reasonable doubt is a doubt based on reason and common sense arising out of some or all of the evidence that has been presented, or lack or insufficiency of the evidence, as the case may be. Proof beyond a reasonable doubt is proof that fully satisfies or entirely convinces you of the defendant's guilt. Now, once again, that's the standard you use in a criminal case, and so that would be too high for this proceeding.

Now, on the other end of the spectrum, clear and convincing evidence is not simply the preponderance, or greater weight, of the evidence. The preponderance, or greater weight, of the evidence is the standard used in most civil cases, and you'll hear both of those terms used, and they mean the same thing. The preponderance, or greater weight, of the evidence does not refer to the quantity of the evidence, but rather to the quality or convincing force of the evidence. It means that you must be persuaded, considering all of the evidence, that the necessary facts are more likely than not to exist. And once again, this standard is lower than the clear and convincing evidence standard.

Now, in those situations where a clear and convincing evidence standard applies, North Carolina courts have explained what that standard means. For example, in a juvenile abuse, neglect, or dependency proceeding, the allegations must be proved by clear and convincing evidence. In those cases, North Carolina courts have described "cl and convincing evidence" as evidence which shou

fully convince. Similarly, in attorney discipline proceedings, the standard is "clear, cogent, and convincing evidence." And this has also been described as the evidence which should fully convince.

Finally, there is a pattern jury instruction for clear, strong, and convincing evidence which instructs jurors in the following way: "Clear, strong, and convincing evidence is evidence which, in its character or weight, establishes what the party with the burden of proof seeks to prove in a clear, strong, and convincing fashion. The jury shall interpret and apply the words--and apply the words 'clear,' 'strong,' and 'convincing' in accordance with their commonly-understood and accepted meanings in everyday speech."

So, to summarize, the clear and convincing evidence standard is the middle standard; it's stricter than the preponderance, or greater weight, of the evidence, which is the regular civil standard, but it's not as high as the criminal burden of proof beyond a reasonable doubt; North Carolina appellate courts have described

clear and convincing evidence as evidence which should fully convince; and finally, the pattern jury instructions emphasize giving clear and convincing evidence their commonly used and under--excuse me--their commonly understood and accepted meanings in everyday speech.

Mr. Chairman, this concludes my remarks about the clear and convincing evidence standard.

THE CHAIR: All right. Thank you very much, Mr. Krehely. With that, we are now going to move to one logistical matter that we have. Before we move to opening statements from the lawyers, I understand, Mr. Hart, that you would like to be heard with regard to Count 6 of the charges against Representative Wright.

Mr. Hart, you're recognized.

MR. HART: Thank you, Mr. Chairman. As the Committee is aware, during the pendency of this investigation, we have been at times unable to conduct a--a complete investigation of some matters because we never had a copy of the complete SBI file, and still--still do not, although we have had access to a--to most of it. We are in a position where we are recommending that the Committee

withdraw Count 6 from consideration at this hearing, and would like to reserve the right to bring evidence on this count before the Committee at a later time if that's warranted.

Over the weekend was the first time that I was actually able to speak to Teresa Hill Williams, a former employee of Southeast Community Credit Union, who I understood, from reading her report and talking to investigators, would be able to provide us with all of the testimony that we would need to proceed on that count. After talking with Ms. Williams, I now realize that we would need some other witnesses, who have not been subpoenaed and who cannot be at this hearing. And I would ask that the Committee would withdraw that count and sever it from consideration at--at this hearing.

THE CHAIR: All right. We'll--Vice-Chairman Stam?

REP. STAM: Mr. Chairman, I move that Count 6 be withdrawn without prejudice from consideration at this evidentiary hearing.

THE CHAIR: All right. Dr. Joyner, Mr. Harris, response to the motion to withdraw Count 6 from consideration at this hearing?

PROF. JOYNER: No--no--no response.

THE CHAIR: No response? All right. There's a motion by Representative Stam to withdraw Count 6 without prejudice from consideration at this hearing. Is there a second?

REP. WILEY: Second.

THE CHAIR: Second by Representative Wiley. Discussion or debate? Seeing none, all those in favor will vote 'aye,' all those opposed will vote 'no.' The clerk will call the roll.

THE CLERK: Chairman Glazier?

THE CHAIR: Aye.

THE CLERK: Vice-Chairman Stam?

REP. STAM: Aye.

THE CLERK: Representative Lucas?

REP. LUCAS: Aye.

THE CLERK: Representative McGee?

REP. McGEE: Aye.

THE CLERK: Representative Warren?

REP. WARREN: Aye.

THE CLERK: Representative Wiley?

REP. WILEY: Aye.

THE CHAIR: That is unanimous, and we will not be proceeding in this proceedings on

Count 6. It will be reserved and held without prejudice.

We now move to the beginning of the hearing with regard to the charges pending before us. In accord with the Rules, I instruct the members of Committee that counsel for both sides are now permitted to make opening statements. An opening statement is a forecast of what the attorney believes the evidence will be in the hearing. By their opening statements, the attorneys set forth the grounds for their respective claims or defenses.

You should not consider an opening statement as evidence. The evidence will come instead in the form of sworn testimony of witnesses or other evidence that may be introduced into evidence as exhibits by the parties.

All right. Opening statement is first with Committee counsel, Mr. Hart or Mr. Peters.

MR. HARRIS: Mr. Chairman--

THE CHAIR: Yes. I'm sorry. Mr. Harris?

MR. HARRIS: Before we commence on opening statements, I--I wanted to address several issues. The first is I wanted the Chair and the

Committee to be aware that there is a change of circumstance since the ruling of the Chair, and that changed circumstance is that a superior court judge ruled last week that Thomas Wright and his counsel had not had adequate time to prepare for answering these charges. It was a ruling from a superior court judge that substantially the same charges before you have--have not--there has not been adequate time for--for myself, for Mr. Joyner, for Tom Wright to go over these matters, to conform an adequate defense. And as the Chairman himself noted, we--we, in fact, don't even have a defense together yet.

Among other things, as I noted in court last week, these matters are so old, dating from, at times, 2001 and 2002, that, for example, I've had to send for--I've had Tom Wright send for his credit-card records to show things that he spent money on related to these foundations. We don't have those yet, don't expect to have those during this hearing.

It makes it impossible for this Committee to get a full picture and makes it impossible for it to be a full hearing. And--and a judge so ruled

last week. And therefore, if there is to be a full and fair hearing, we respectfully renew our motio

THE CHAIR: And the renewed motion is t continue this matter--is that the motion we're referring to--hold it in abeyance?

MR. HARRIS: It--it is.

THE CHAIR: All right. Mr. Hart, response, or Mr. Peters?

MR. HART: Mr. Chairman, I have not heard anything presented that was different from what was presented to this Committee the last time we were here, and I don't feel there's any need to further respond.

MR. HARRIS: What is different is a superior court judge has so ruled.

THE CHAIR: I--I understand the--and we're talking about Judge Hight, correct?

MR. HARRIS: Judge Hight.

THE CHAIR: Yes. If y'all will give me a minute, I want to re-read your motion from the last time. (Examines paperwritings.) Correct me if I'm wrong: Mr. Hart, am I correct that the amount of material that you have set out in your exhibits is approximately two hundred and fifty to three

hundred pages of material--is that correct--of the some seven thousand pages that may have existed in the criminal discovery?

MR. HART: That's correct, Mr. Chairman, not including what's on the CDs, which are Representative Wright's bank accounts.

THE CHAIR: I understand. Am I also correct that you have limited the case to ten witnesses now? Is that correct?

MR. HART: It actually may be less than that. We may not present more than seven or eight witnesses.

THE CHAIR: But that--but those witnesses were listed on the February 12th disclosure to Representative Wright?

MR. HART: Yes, sir. That's correct.

THE CHAIR: All right.

MR. HART: And let me--if I may, let me add this: Many of the allegations that are before the Committee were before Representative Wright since May of last year with the Board of Elections hearing. In the fall, there was the inquiry by the Legislative Ethics Committee, again with many o the same allegations being involved, and

Representative Wright was aware of those and had an opportunity to respond to those allegations at that time, and then again before this Committee, when it began reviewing it in--in December, and Representative Wright has been aware of those allegations since--since that time.

THE CHAIR: All right. This matter is before the Chair of the Committee on motion by Representative Wright to renew his previous motion to continue or hold in--in abeyance the hearing on this matter on grounds that there's been inadequate time to prepare for the charges as--and relies in making that motion on the decision a week ago by Judge Hight in Wake County Superior Court as related to the criminal trial. Number--the issue's been argued by both counsel and is ready to be ruled upon.

Number 2, the criminal trial on the six felony counts pending against Representative Wright was scheduled to be heard in the Wake County Superior Court beginning on March 3, 2008, comma, but was continued by Superior Court Judge Hight until a time uncertain in the future this spring or summer, period.

Number 3, the ethics case pending before this Committee differs both in quantity and quality from the criminal trial in superior court on a number of grounds. First, this is not a court of law; it is a Legislative Committee hearing. Second, the Legislative Committee process has been pending either at the LEC or before this Committee since May of 2007, while the criminal proceedings have been pending in Wake County Superior Court only since indictment in December of 2007.

Second, the Wake County discovery includes somewhere between seven and eight thousand pages of material, which has been reduced to a maximum of three hundred pages of material to be used by Committee counsel.

Third, the number of witnesses appears to be potentially extensive in the Wake Superior Court trial. It has been limited to between seven and ten witnesses on the Committee counsel's case in chief in this proceeding.

Next, the ethics proceeding in this case has moved at a very deliberate pace to protect the rights of all involved, and most particularly those of Representative Wright. And I'm going to re-read

the finding from the order on Motion 12. The ethics proceeding began in the Legislative Ethics Committee. The Legislative Ethics Committee withheld any action in the ethics case for a number of months to allow the criminal investigation and prosecution to make its determination of whether to proceed. The Legislative Ethics Committee determined there were grounds to refer this matter to the House for disciplinary considerations and withheld judgment on one count over which it retained jurisdiction.

The matter came to the House, and the Speaker appointed this Committee in December of 2007. The Committee established its rules on December 18, 2007, and probable cause was found on the eight counts, now seven counts, pending on January 9, 2008. Representative Wright at that time was provided a detailed list of the charges against him and a full opportunity to file a written response and prepare for any evidentiary hearing.

The Rules that have been established by the Committee detailed a reasonable time frame for the exchange of witnesses, the exchange of a

summary of their testimony, the exchange of documents, the subpoenaing of witnesses, and the time to prepare for any hearing. And at this hearing, Representative Wright is assured the right to testify, present evidence, cross-examine witnesses, and fully defend the charges. Those Rules and the time table are consistent with nearly every set of state ethics rules that were identified as those rules were developed in the United States.

Next finding: Most of the information received and that is contained in the three hundred pages are Representative Wright's own bank records or records related to transactions that were alleged to have been conducted by Representative Wright. Nearly all of the documents, the vast majority of the documents are and have been for some time available to Representative Wright even outside the context of any proceeding in this case or in the Wake County Superior Court.

None of--next finding: None of the counts pending are any different than counts that were alleged throughout 2007, either before the State Board of Elections or in information received

from a Health and Human Services investigation, or in matters pending before the Wake County grand jury.

Accordingly, I find that it--that the motion today to continue this hearing should be denied and any claim of inability to prepare for this hearing is not of merit. The motion is denied. Exception is noted.

Does any Member of the Committee seek to overrule the decision of the Chair? All right. Those--that will be reduced into writing so it's available. Your exception is noted.

Mr. Harris, next matter?

MR. HARRIS: Mr. Chairman, and while we're talking about exceptions, I wish to elaborate on our exception to the--to the rulings from the--from the other session.

THE CHAIR: Sure.

MR. HARRIS: I noted, Mr. Chairman, that we were allowed oral arguments, which presumably the point of oral arguments is to persuade, and presumably they would be listened to and--and there might be some hope of winning. And I also noted that without hesitation or delay or time for

consideration, not for ten minutes, not for ten seconds, at the end of each time when poor Professor Joyner would argue, that the Chair would proceed to read from three and four and five pages of prepared remarks that had already been done, already been ruled upon.

And it--it seemed more than obvious to me and, indeed, the press noted that these decisions were written out in advance, to that point where our participating in oral argument was a mere charade. And Professor Joyner was arguing very strong legal points, very well-considered points. For that matter, I was arguing points and I wished to be listened to, and I found it very disturbing that the Chairman had prepared remarks already written out that had obviously been decided in advance.

And I know that judges oftentimes say "Let us take--I'll this into advisement," or they'll say, "Let me step back in chambers and consider this for a few minutes." And you know, whether they do or they don't, I don't know, but they at least have--they at least have the appearance of propriety. And this had the

appearance of impropriety, because it was apparent that these decisions were made before we even argued.

And if the Chair and this Committee felt that we weren't worth being listened to, then the Chair should have ruled based on the written arguments and told them [phonetic] they wouldn't entertain oral arguments. But if the Chair truly entertained oral arguments, the decisions should not have been written out all in advance. Thank you.

THE CHAIR: Thank you very much. Your objection is overruled. Exception is noted.

For the record, not a single one of my rulings was written out in advance. However, like any good presiding officer, I spent days preparing. I had read all the cases, I'd made notes, I'd read your motions, I'd read the response, and I had notes of questions I was going to ask and notes of points I felt I needed to make.

So you have made--you made your point. The Chair understands it, and it is overruled. It is simply factually totally incorrect, and those on this staff understand that, since I then spent the next week and a half trying to put those written orders together. Your objection's overruled. Does the--exception is noted. Does the Chair's ruling cause any Member of Committee to seek to overrule to Chair?

All right. Thank you. Any other further points?

MR. HARRIS: Yes, Mr. Chairman. The next point I'd like to renew--and this is the most important point--

THE CHAIR: Sure.

MR. HARRIS: --is I'd like to renew my call for this matter to be continued so that we not pollute the jury pool and not have an adverse effect upon the criminal trial.

The criminal trial has now been rescheduled for March 31st, meaning it will fall a few weeks on the heel of the conclusion of this matter. And it's inevitable that things will be said in here that will be played on the press and played out over--over the airwaves and in--in the newspapers that will have an undeniable adverse effect upon a jury pool.

I note that all of you are State

officials, whether elected or employed. All of you are acting under color of state law. And this is not a mere opinion expressed by an individual or as a--as it might be in a newspaper editorial or under the guise of--under the normal operation of free speech, but this is a formal operation of the State.

And I--I note further in this particular instance my client has been exposed in an unusual way to--to an extra dose of adverse publicity. A moment ago, the Chair made reference to the fact there was a hearing before the Legislative Ethics Committee. The Chair will remember the Legislative Ethics Committee eventually ruled that there was no jurisdiction, which, indeed, there's not. And the reason for that is because of the very thing Professor Joyner noted, which is that these matters come from a prior legislative session.

Now, indeed, during this same time period, Fern Shubert, a former representative that you all know and a former state senator that you all know, made a complaint against Pryor Gibson. She made it in January 2007--

THE CHAIR: Well, we're not going to

get--we're not going to get into prior complaints, Mr. Harris.

MR. HARRIS: I'm not getting into a prior complaint. I'm pointing out the difference in what we have right here.

THE CHAIR: We're not going to get into a prior complaint before the Legislative Ethics Commission [sic]. If you have some point to argue with regard to Mr. Wright, you may do that.

MR. HARRIS: My point is that in a letter signed by you, Mr. Chairman, you said that there was no jurisdiction to hear that, and--and indeed--

THE CHAIR: Mr. Wright--Mr. Harris, we are not going to get into any discussion of anybody else's complaint before any other forum. Now, if you want to make an argument as to Mr. Wright, in Representative Wright's case, that's fine; otherwise, no argument as to--

MR. HARRIS: My--

THE CHAIR: --any other complaint.

MR. HARRIS: My argument, sir, is that in--in this instance, you as Chairman held no hearing, no--no adverse publicity was had, whereas--knowing there was no jurisdiction, whereas

in Tom Wright's case, an extra hearing was held before the Legislative Ethics Committee, and therefore my client was exposed to an extra week's worth of bad publicity, when--when you as Chairman knew or should have known there was no jurisdiction, because you signed the letter on July 24th, 2007, demonstrating there was--

THE CHAIR: Mr. Harris, your objection is overruled. Do not go there again. I am instructing you I will not hear argument as to any other complaint. If you want to argue as to Representative Wright and renewing your motion on--I'm speaking--

MR. HARRIS: Yes.

THE CHAIR: --as to polluting the jury pool, I'll be glad to hear you.

If you argue again as to a complaint outside the jurisdiction, your right as to this motion will be denied, and we will move on. Now, if you've got an argument, I'll hear you on it. Do not refer again to any matters outside of Representative Wright's case, please.

MR. HARRIS: I do have an argument. Representative Wright is a black man from New

Hanover County, and he is being tried both in the Legislative Ethics Committee and in this Committee, and a white man in exactly the same position was not. And that is a--that is a direct violation of the federal statutes, general--the U.S. statutes, 1981 and 1866 Civil Rights Act. When similar people are in similar situations, they must be treated the same, and what we have here is a white man being treated one way and a black man being treated another.

And I find it ironic that Representative Wright represents New Hanover County, Wrightsville, which is the very place where the 1898--the very place where the 1898 race--race riot took place, which began the Jim Crow era, and this is a Jim Crow proceeding if he gets treated differently. And I object to my client being treated in a Jim Crow manner in a hearing in 2008. It's totally against the law, and I'm saying that this ought not go forward. He ought to be treated the same.

THE CHAIR: All right. Mr. Hart? Thank you, Mr. Harris. Mr. Hart?

MR. HART: Mr. Chairman, much of the same argument that is being--is being presented on this

particular motion was presented before Judge Paul Ridgeway in Wake County Superior Court last week on a request for a temporary restraining order to prevent this Committee from moving forward. After the hearing and arguments of counsel, Judge Ridgeway made specific findings in Wake County Superior Court on the record, which he has reduced to writing and intends to sign a--an order this morning reflecting those--those findings.

Some of those findings include as--as follows: "The Court next considers the position of the Appellant that even if this matter is not justiciable under the Political Question Doctrine, the Court should nonetheless intervene by staying the proceedings of the House Select Committee because Representative Wright's Constitutional rights as a criminal defendant will be adversely affected in the parallel criminal case pending in Wake County. Allowing the House Select Committee's proceeding to continue, Representative--Representative Wright argues, would cause irreparable harm by depriving him of a right to a fair trial in criminal court.

"Next, while it is axiomatic that a

criminal defendant is entitled to a fair trial by an impartial jury free from outside influence, the law also provides adequate remedies to protect defendants from having these rights abridged. For example, to the extent that Representative Wright is concerned that his testimony at a hearing before the House Select Committee will be used against him at a subsequent criminal trial, an adequate remedy already exists in the Constitutional privilege against self-incrimination.

"Likewise, N.C. General Statute 15A-957 provides the means by which a criminal defendant can petition the Court to change venue of a criminal trial if the defendant believes that pretrial publicity or other factors have caused so great a prejudice that he cannot receive a fair jury trial."

The Court went on to say as follows: "Moreover, it is not unusual for a criminal defendant to be subjected to parallel proceedings, such as civil trials or administrative hearings, involving the same subject matter as the criminal trial." He then cited several cases from the United States Supreme Court and various federal

circuits.

The Court went on as follows: "While t[illegible] decision on whether to participate in the paralle[illegible] proceedings or invoke one's Constitutional privilege against self-incrimination may present a difficult choice for a criminal defendant, the fact that this choice must be made does not in and of itself deprive the defendant of Constitutional rights. For these reasons, the Court finds that Representative has--Wright has not, for the purposes of his application for a temporary restraining order, demonstrated that he is likely to sustain irreparable harm unless the application is granted."

The Court went on to conclude that Representative Wright had not demonstrated a like--likelihood of success on the merits and had not demonstrated that he is likely to suffer irreparable harm which can only be prevented by an issuance of an injunction.

So many of the same arguments about the pollution of the jury pool were made before Judge Ridgeway, and Judge Ridgeway found that there was not--not a sufficient basis to restrain this

Committee from moving forward.

PROF. JOYNER: Mr. Chairman?

THE CHAIR: Dr. Joyner?

PROF. JOYNER: If--if I may--

THE CHAIR: Sure.

PROF. JOYNER: --I was involved in the hearing in the Wake County Superior Court, and I certainly acknowledge that we dealt with in that session what we dealt with.

What we did not deal with, however, was the specific claim that Attorney Harris is making of disparate treatment. That was not an issue that was before the Wake County Superior Court, and that is certainly the basis of the claim that Attorney Harris has made this morning before this Committee. And he has made it before this Committee because this is the Committee that is involved in these--in this proceeding. That would not have been a matter that would have been raised in the Wake County Superior Court and was not raised in the Wake County Superior Court.

So my--my point is that the--the--the focus of Attorney Harris' comment is not--has absolutely nothing to do with what we dealt with

the Wake County Superior Court.

THE CHAIR: All right. I think I understand the--the arguments. First, what I'm going to do on this--as the motion initially started out, which was a motion entitled to renew a prior motion, for all the reasons stated by Judge Ridgeway and for the reasons we stated in our order denying it initially, the motion is denied. Exception is noted.

And does that particular ruling cause any member of the Committee to seek to overrule the Chair? That's as to the initial motion.

Dr. Joyner, I do agree with you, though, that the motion as it was argued by Mr. Harris took a different twist as it was subsequently argued. And as to that subsequent motion as it relates to any claim of disparate treatment, that is a new motion, a dispositive motion potentially, that was not ever briefed, ever argued, or given to us consistent with the scheduling order for dispositive motions, and it is new. In that matter and for that reason, I could summarily deny the motion, but will not.

What I will ask you to do is to submit

that motion in writing, and we will undertake a discussion of that motion and a ruling on that motion either at the end of the day, or if it's impossible to get it done by today, then in the morning. And I understand the difference, and I understand the disparity--disparate treatment argument being made. But if you wish to pursue that motion, it will be in writing, as dispositive motions should be. And I will ask you to serve Mr. Hart and Mr. Peters so they can respond. And I will hear it as best that I can hear it and make a decision at a later time in these proceedings as to that motion--the twist on that motion that came.

But as to the renewed motion as it started out, nothing is new, nothing different than from what was argued before that was denied or that Judge Ridgeway denied, and that is overruled for the same reasons. And exception's noted. All right.

Any further motions?

MR. HARRIS: I--I--

THE CHAIR: Mr. Harris?

MR. HARRIS: I wanted to note that we were not in the possession of this information--it

would be our position we should have been informed of this information, since it has exact parallels to Tom Wright--but we heard this as a result of a--of a contact from former representative--former senator Fern Shubert. She contacted us on Thursday. This is brand-new information for us. And she indicated that she was--although she is a Republican, that she was disgusted at the treatment of Tom Wright and she thought there were clear parallels with Pryor Gibson, and she didn't understand why he was being treated differently. So that's how it came to our attention.

THE CHAIR: That's fine. Mr. Harris, I will receive your written motion on it, allow Mr. Hart to respond. We'll examine it, and we'll go from there.

All right. Any further motions? There being none, we will return to exactly why we are here, back to the issue, and that issue is whether or not there is clear and convincing evidence as to any count. And we will open the hearing on those matters with opening statement by Mr. Hart.

MR. HART: Mr. Chairman, Members of the Committee, we are here to present evidence in the

matter of Representative Thomas Wright that will show you, by clear and convincing evidence, that between the years 2000 and 2006 Representative Thomas Wright engaged in a pattern of improper, unethical, and criminal conduct while a legislator in this General Assembly.

The types of conduct that are involved in what we will be showing in evidence involve a failure to disclose approximately one hundred and eighty-five thousand dollars ($185,000) in campaign contributions during that time period; a failure to disclose the existence of a number of different campaign accounts and personal accounts that he funneled his campaign contributions into during that time period; solicitation of a letter from a State employee, Torlen Wade, falsely stating that funding would be forthcoming for his museum project in the amount of one hundred fifty and thousand dollars ($150,000); fraudulent presentation of that letter to a representative of Coastal Federal Bank to obtain a loan in the amount of a hundred and fifty thousand dollars to purchase property for that museum project; solicitation of funds from three different corporations for charitable

donations to the Community's Health Foundation, Incorporated, stating that it was a 501(c)(3) corporation, which it was not; and then depositing those charitable deduct--those charitable contributions that came from those three corporations that were intended for charitable purposes into his own account and for his own personal use.

As matters of evidence, you will learn that on April 18th, 2001, Representative Thomas Wright filed incorporation papers with the Secretary of State for a corporation entitled the Community's Health Foundation, Incorporated. You will also find out that that particular foundation never had any board meetings, never approved any bylaws, and never approved any of Representative Thomas Wright's activities over the years that we will be going into. You will also find out that it was never approved by the IRS as a 501(c)(3) charitable corporation.

You will learn that on March 5th of 2002 Representative Thomas Wright applied for a loan at Coastal Federal Bank in the name of the Community's Health Foundation, Incorporated, with the purpose

being to purchase a building for an 1898 memorial museum. You will learn that at that time he informed Ronnie Burbank of Coastal Federal Bank that the source of repayment was to be grant money from state and federal government.

You will learn that on March 13th, approximately eight days later, in 2002, Representative Thomas Wright called Torlen Wade, then director of the Office of Rural Health, and solicited him to write a letter that committed a hundred and fifty thousand dollars to his museum project, a commitment that Torlen Wade could not make, funding that he did not have available.

When Torlen Wade informed Representative Wright that he could not make that kind of a commitment, Representative Wright began to be urgently insistent that there was some way that could be done, and that he would not need to ever get the money that Torlen Wade was committing, that he was going to seek other funding, but he needed to be able to have a letter to go to a financial institution to be able to get a hundred-and-fifty-thousand-dollar loan.

You will learn that shortly after that

phone call an e-mail came from Representative Wright's office to Torlen Wade with all of the details that needed to be put into the letter tha he was asking Torlen Wade to sign and send to him.

You will then learn that Torlen Wade did, in fact, comply with the urgings of Representative Wright because Representative Wright--Wright was a legislator, because Representative Wright was the chairman of the main committee that Torlen Wade had to deal with, with the Office of Rural Health, and because Representative Wright was a board member on the--a member of the appropriations committee that also dealt with Torlen Wade's office.

You will learn that Torlen Wade did draft and sign a letter and sent it to Representative Wright on March 15th, 2002, putting all the details that Representative Wright asked him to include that he had set forth in the e-mail. And you will learn that Representative Wright provided that letter to Ronnie Burbank at Coastal Federal Loan sometime prior to actually completing the loan to have the loan completed to be able to buy the property for the museum project.

You will also learn that on September

26th of 2003 Representative Wright, on Foundation stationery for the Community Health Foundation, Incorporated, sent an invoice to AT&T Corporation seeking fifteen hundred dollars ($1,500), that that--the purpose of that invoice was to seek a charitable contribution.

You will learn that on November 14th of 2003 Representative Wright sent a letter to AstraZeneca Pharmaceuticals seeking a charitable contribution to the Community Health Foundation, a letter signed by Representative Wright and seeking twenty-four hundred dollars ($2,400) as a charitable contribution to help him provide for healthcare services for the underserved population in the Wilmington/New Hanover County area.

You will learn that on December 15th of 2003 AstraZeneca Pharmaceuticals sent a check to the Community Health Foundation, Incorporated, in the amount of twenty-four hundred dollars ($2,400) in response to Representative Wright's request for a charitable contribution, and that Representative Wright deposited that check in his own personal account.

You will learn that on February 6th o

2004 Representative Wright sent another letter, to Anheuser-Busch Companies, Incorporated, seeking a charitable contribution to the Community Health Foundation, a letter on their stationery, signed by him, and asking for a contribution so that he could help build the 1898 Race Riot Museum.

You will learn that on February 12th of 2004 AT&T Corporation sent an order to pay the invoice that had been sent by Representative Wright in September of oh thousand--of 2003 to provide him with a check for fifteen hundred dollars ($1,500) as a charitable contribution to the Community Health Foundation, Incorporated.

You will learn that on March 5th, 2004, Anheuser-Busch issued a check to the Community Health Foundation for five thousand dollars ($5,000) and sent it to the Community Health Foundation at the address on the letterhead in the letter provided by Representative Wright, and that Representative Wright deposited that check into his own personal account.

You will also learn that on April 1st, 2004, AT&T Corporation sent a check to the Community Health Foundation, Incorporated, at the

address on the invoice that Representative Wright sent to them, a check in the amount of fifteen hundred dollars ($1,500). That check was deposited by Representative Wright in his own personal account.

You will learn that in the early part of 2007 the North Carolina Board of Elections received a complaint about Representative Wright and that Kim Strach, an investigator with the Board of Elections, began an investigation and compared--among other things, compared disclosure reports of Representative Wright's campaigns from 2000 to 2006 to his personal and campaign bank accounts, several different bank accounts that she found that he had. And you will learn that by her audit of the campaign disclosure reports and his bank accounts she came up with approximately one hundred and eighty-five thousand dollars ($185,000) in check contributions that were not reported from 2000 to 2006 but were deposited in one or--in one of Representative Wright's personal or campaign accounts.

You will also learn that as Ms. Strach conducted her investigation she found three checks

from corporations to the Community Health Foundation, Incorporated, in Representative Wright's accounts. Those three checks are the checks that I spoke about earlier to AT&T--from AT&T, from Anheuser-Busch, and from AstraZeneca Pharmaceuticals.

And, finally, you will hear that on--in September and October of 2007 SBI Agent Johnnie Umphlet requested that Representative Thomas Wright speak to him about the allegations that came up during the investigation, and that Representative Wright agreed to meet with Johnnie Umphlet, that during that--those interviews that Representative Wright videotaped most of the interviews. He asked to be allowed to videotape them; that was granted. Most of the interviews were taped. However, at one point during the interview process--

PROF. JOYNER: Mr. Chairman, we would object to this reference. It's irrelevant to any of the charges that have been filed against Representative Wright.

THE CHAIR: So the objection is relevancy? Mr. Hart, without going further into that, can you tell me what the relevancy is for

purposes of the opening statement?

MR. HART: I'm simply showing the Committee what the counsel's--Special Counsel's evidence is going to show, which includes an interview of Representative Wright where he made certain admissions that deal with the allegations involved in the counts.

THE CHAIR: All right. And--and--all right. I think I understand. For purposes of the opening statement, the objection's overruled. Exception's noted. Thank you.

MR. HART: You will learn that at some points during the interview Representative Wright turned off the videotape and talked with Agent Umphlet off--off tape. You will learn that Representative Wright told Agent Umphlet that he didn't want to answer some questions, that some answers he was going to reserve for future times, and that he wanted to be careful and not say things that would hurt him. You will learn that he wouldn't give copies of certain documents that he had to Agent Umphlet as he showed them to him when the tape--when the videotape was off.

You will learn that initially he told

Agent Umphlet that there were no board meetings for the Community Health Foundation, there were no minutes, and there were no bylaws. You will learn that at the next interview Representative Wright said that he had come up with some bylaws, but that he would not give Agent Umphlet a copy of those.

You will learn that he could not recall his conversation with Torlen Wade but that he would have authorized the e-mail that he reviewed, though he didn't recall it. You will learn that he told Agent Umphlet that he did not intend for Torlen Wade to be hurt by all this, that he tried to get funding for the property and the loan but couldn't, and that the loan was ultimately defaulted.

You will learn that as Agent Umphlet showed him each one of the letters and--each of the two letters to Anheuser-Busch and AstraZeneca Pharmaceuticals for the charitable contributions that Representative Wright said that he recognized those letters and that he sent those letters to those corporations in order to get charitable contributions; he said, however, that he did not recognize the invoice, but that he did, in fact, seek a charitable contribution from AT&T.

You will learn that he told Agent Umphlet that he received the three checks that you will see made out to the Community Health Foundation and that he put those checks into his own personal account. He told Agent Umphlet that the use of those checks was not restricted by those three companies and that he considered that sweat equity.

That is what the evidence will show, Ladies and Gentlemen of the Committee, and shortly you will hear the witnesses who will testify to those facts.

THE CHAIR: All right. Thank you very much, Mr. Hart. Dr. Joyner or Mr. Harris, opening statement?

PROF. JOYNER: We will reserve our opening statement.

THE CHAIR: All right. And I will allow you to do that pending--and--and just, Members of the Committee, so you know, what Dr. Joyner is doing is reserving the ability to do an opening statement until after the Committee counsel's case is completed before he begins Representative Wright's case.

All right. With that, I think it is

probably as good a time as any for us to take just a few minutes of a break before we get started i the evidence. But before I do that, Members of Committee, I have an instruction, and everyone in the room, please.

Before we take our first break, I want to remind members of the Committee, the attorneys for the Committee, and the attorneys for Representative Wright, Representative Wright, and members of the public that because we are now in the deliberative, fact-finding stage, the Chair thinks it would be appropriate that the members of the Committee refrain from discussing this matter with the press, the Committee's outside legal counsel, Representative Wright's attorneys, Representative Wright until the Committee deliberations end up being completed in this case.

I will ask Mr. Hart, Mr. Peters, Mr.--Dr. Joyner, Mr. Harris, Representative Wright as well to refrain from discussing the evidence with you individually outside the context of this room and during our time together.

I will also ask the members of the public to not approach Committee members or witnesses until the matter is completed, at least as far as Committee deliberations are concerned. I believe that this process will allow the hearing to fair--fair to all parties if we follow these suggestions, and I am requesting the sergeant-at-arms to assist in ensuring compliance with this request.

With that, we are in recess for ten minutes, until quarter after. Thank you.

(SIXTEEN-MINUTE RECESS)

THE CHAIR: All right. We are back in session. Mr. Hart, we begin--since there's been a waiver of the opening argument by Representative Wright until his case, first witness is with you.

MR. HART: Special Counsel would call Torlen Wade.

THE CHAIR: Mr. Wade, Torlen Wade, if you'll come up, the witness chair will be to my left. The court reporter will be swearing in all witnesses--okay--Mr. Wade, if you'll be sworn by the court reporter.

* * * * *

Whereupon,

TORLEN L. WADE,

having been first duly sworn,
was examined and testified
as follows:

THE CHAIR: Mr. Wade, if you'll be seated, please. Mr. Hart?

DIRECT EXAMINATION BY MR. HART:

Q Would you state your name, please, sir?

A Torlen L. Wade.

Q Mr. Wade, are you currently employed?

A I am a consultant right now, private consultant.

MR. HART: Mr. Chairman, I don't believe my microphone's working.

THE CHAIR: Let's--do you want to try the lapel mic? Oh, that's what you were using? Okay. Let's hold on, and let's see what we can do. We're at ease for a moment.

(DISCUSSION OFF RECORD)

MR. HART: Mr. Chairman, I'm going to proceed with the button mic while they're working out the mechanical problems.

THE CHAIR: All right. Thank you. And let's try and get that fixed as fast as we can. Mr. Hart, if you need to stop at any point, or if that happens on either side, let me know. But go ahead.

Q (By Mr. Hart) Mr. Wade, are you currently employed?

A No. I'm a private consultant right now.

Q All right. Have you retired from state government, sir?

A Yes, I have.

Q Would you tell us what position?

A I'm retired as a--

MR. HART: Hold on just a minute. I don't think this mic is working either.

(DISCUSSION OFF RECORD)

THE CHAIR: Mr. Hart, the witness is with you.

Q (By Mr. Hart) Mr. Wade, would you tell us--you said you retired from state government. What did you do in state government, please, sir?

A I was--when I retired, I was director of the Office of Rural Health and Community Care.

Q And how long were you with--that's in the Department of Health and Human Services?

A Right, Health and--yes.

Q How long were you in that particular office?

A I was in that office for thirty-three years.

Q And what were your duties in that office?

A Well, originally I was a--a community health worker helping communities organize health centers throughout rural--mainly in the western part of the state.

Q Okay. At some point, did your emphasis shift to the eastern part of the state?

A Well, we were a fairly small staff, so we had to kind of go back and forth. So I--I had projects both--more projects in the west, but I did have projects in the east as well.

Q At some point during your time with the Office of Rural Health, did you come to know Representative Thomas Wright?

A Yes, I did.

Q Tell us about that, please.

A It was in approximately 1991. Jim Bernstein, who was then the director of the Office of Rural Health, and myself were invited down to--to Wilmington to meet with a group of medical and, you know, business and county leaders over the issue of health access, particularly for under-served residents, in--in New Hanover County, and I met Representative Wright. He was part of that group in--in Wilmington, and I met him that--at that time.

Q And did he have a position at that time?

A He, I believe, was a member of the Wilmington city council.

Q From time to time thereafter, did you have occasion to work with Representative Wright?

A Well, out of that--out of that meeting in Wilmington there was a decision to--to try to develop a health center mainly for the inner-city area in Wilmington. And our office agreed to work with the leadership down there, and Representative Wright was a--was the--one of the key people on that effort. So I worked very closely with him between 1992 and '94, when we put together a federal application to get a community health center in--in--in New Hanover County, which--which was--which was successful.

Q Okay. Sometime thereafter, did you become aware that he was elected to the General Assembly?

A Yes. I--I was--I was aware of that.
Q Okay. After that, did you have occasion to again work with him in any way?
A Well, we--we worked very--very closely, you know, throughout the '90s, and even the 2000s, because his--one of his main focus was on--on health care, getting health care for under-served populations, which was the mission of our--our office. So we had a very--we shared--we shared a very common mission.
Q I want to direct your attention to the time period of 2002 and ask you, what was your position at that time with the Office of Rural Health?
A At that time, I--I had become director of the office.
Q And what were your duties as director of the Office of Rural Health?
A Mainly providing--you know, over--overseeing program operations, as well as, you know, supervising the, you know, staff within the office. I also did--you know, continued to do some program work as well, mainly on Medicaid program areas.
Q During that time period, were you continuing to interact with Representative Wright?

A Yes.
Q In what ways?
A Well, on--on issues--both on health-center issues and Medicaid issues. On health-center issues, Representative Wright asked us to help--help get a health center into Columbus County, into the--into the--into Whiteville, town of Whiteville. And so we worked--we provided the staff, and Representative Wright helped organize the--the community pieces down there. And we--we staffed it and then eventually funded the health center, which is still in operation today.
Q Now, you mentioned funding. Was there a process in place for committing funds to different programs?
A Yes, there--there was a process that--you know, once we--once we had gotten to a point where a project was--you know, looked like it would be a--a fund--you know, a good funding possibility, there would be a requirement, an initial step of having to submit a formal--you know, a formal request letter, you know, along with details on the project, budget, how--you know, what--what State funds would be needed, you know, where--what other funds would be coming in to help the project, and

how those funds would be--how--how those funds would be obtained.
And then after that, if--you know, if that--if that was all in order, then there'd be a formal contract process that would be typical of any--you know, any--any State contract before money could be committed.
Q In your position, were you involved in the approval of--of the funding?
A Yes, I--I was. And I had--any--any--below two hundred thousand, I had authority--was delegated authority to approve those requests. Anything above two hundred thousand then went--I approved, but then it also went over to--to the Department's budget office for--you know, for final approval.
Q Even in the instances where the funding was under two hundred thousand dollars ($200,000), was there still this formal process--
A Yes.
Q --that you're discussing?
A Yes, there was.
Q During this time period of--of early 2000, specifically in February and March, were you aware--did Representative Wright hold any positions in the legislature in terms of committees or subcommittees?
A Well, as I recall, he--he was chair of the Health Committee by that point, as well as a member of the Health and Human Services Appropriations Subcommittee. That--that's what I recall.
Q Did your office have to deal with either one of those committees?
A Well, primarily our--our budget and program went through the appropriation subcommittee. The Health and Human Services Appropriations Subcommittee would have to approve any--you know, any budget or, you know, expansion or continuation.
Q How about the other committee that he was chairman of?
A That was--that was an important committee for health issues but was not a--you know, not a money committee, did not approve--you know, there was no appropriation with that committee.
Q Did there come a time in 2002, in March of 2002, that Representative Wright called you about a project?
A Yes.
Q Do you remember when that was?

A I--I don't remember specifically when the--when the call came in, other than it was around the time of the--you know, the letter and so forth.
Q I'm going to ask you, if you would--there's a book in front of you. If you would, turn to Document 2, which should be right near the beginning of that book, Exhibit Number 2.
A Yes.
Q If you--look at the date on the top of that and see if that refreshes your recollection as to when that conversation might have occurred.
A Yeah, I mean, based on the, you know, letter and e-mail, it was somewhere around, you know, March 13th.
Q To the best you can remember, tell us what you recall about--well, let me ask you first, did--you said you received the call from Representative Wright?
A Yes.
Q To the best that you can, tell us what you remember of that conversation.
A You know, as best I can remember, I was in my office that day, and I got--received a call from Representative Wright saying that--that he--he

needed my help on a--on a--on a project, that he had--he had an opportunity to secure the building that was needed for the museum and that--and while he had funds that were coming to support the project, they were not in hand, and he needed to get this thing jump-started, he needed my help to do that.

And as I recall, I--you know, I--we discussed that I couldn't--I didn't have any authority to fund a museum project, even though I supported it, I could not fund that, and that--
Q Why is that?
A Because my authority was--I had--I had funding that was, you know, for health-related projects and--and for under-served populations. That was my--you know, that was the funding authority that I had.
Q And you--you said he told you that he needed your help. Was--can you tell us how he was asking for this?
A Well, as I recall, he was--he was asking for, you know, both a letter of commitment for the project as well as a, you know, financial commitment.
Q Once you told him that you had no authority to commit to that, did he respond in any way?

A Well, then it--as I recall, it--it switched over, well, I--could I help do health offices within that facility, 'cause there had been discussion about--about getting additional health offices for the Community Health Center, which was right across the street. And I--I responded that I--I could--I could--I could help on that.
Q And, if you would, tell us what--what you remember from that point on.
A Well, from that point on, you know, I--as--the best I recall, the discussion was around, well, if--if--before I could do that I would--you know, we'd need to go through this--the formal request process and get information on the project and how the State piece would fit with the museum piece. And--and--and that I--what I recall is that Representative Wright said there, you know, really wasn't time for that, the opportunity was now, "And--and--and plus, I didn't really need the funds, I had the funds coming, I just needed the letter."
Q Now, when you said you--to quote you, you said, "I didn't really need the funds." Is that your words or his--
A No, that was--

Q --words?
A That was my recollection of--of his words.
Q So you--apparently there was some urgency to this letter?
A That was the--that was the--

PROF. JOYNER: Objection.

THE CHAIR: Basis? I'm sorry. The basis for the objection?

PROF. JOYNER: Well, it's leading, first of all, putting words in his mouth. I want--want to hear the witness testify. Mr. Hart can get on the stand and testify if he wants to. We can cross-examine him.

THE CHAIR: All right. Objection sustained.

Q (By Mr. Hart) Did he indicate to you that he might be able to wait for a letter?
A No.
Q Why not?
A Because the opportunity--the opportunity was available right then, and he wanted--you know, he wanted my help then at that point. He needed my help then.
Q Now, you--you mentioned that the--the--part of the

process, if there was going to be multiple uses for this project, was that you would have to know a breakdown in--in budgets and things like that. What is the reason for that?

A Well, we have to have some--you know, some assurance that our--our State funds are going to the purpose that we have--you know, we have authorization to commit funds for. And that--that--that has to be spelled out, you know, in a formal process so that we have a--we have a record in--in our files and--and can see all the different pieces and how they fit together.

Q When Representative Wright told you that he needed something now, what did you tell him, sir?

A Well, I--I--you know, I told him that it--you know, I really--we had a process, and, you know, we needed to stick to it, and--and--but then the discussion was around that he didn't really need the--the funds, that the fund--the funds for the project were--were--were coming.

Q And what did he say he needed the letter for?

A To--as I recall, to get--you know, to get a loan to--you know, to purchase the building.

Q Did he indicate to you who he was going to present

the letter to?

A Not that I recall.

Q Did--did he indicate that it was a financial institution of some sort?

A That's my recollection, yes.

PROF. JOYNER: Objection. I'm going to--this is leading.

THE CHAIR: Well, the--

PROF. JOYNER: He's putting words in his mouth.

THE CHAIR: The--the objection comes a little late. The answer's already given.

PROF. JOYNER: Well, move to strike.

THE CHAIR: Are you moving me--are you moving to strike?

PROF. JOYNER: Moving to strike the answer.

THE CHAIR: All right. I'm going to allow the motion to strike the answer, and will ask Mr. Hart if you'll rephrase the question. Thank you.

Q (By Mr. Hart) Mr. Wade, I take it from your earlier answer that you didn't know a particular organization or--or agency that--that he might be

going to submit the--the letter to. Did you know the--the general nature of an agency that he might be submitting the letter to?

A Yeah. Yeah. My recollection, yes.

Q And what was that?

A That was a--you know, a bank.

Q Once he told you that, that he would not actually be needing the money, what was your response to that, sir?

A Well, it--it didn't change it completely, but it made it a little less--you know, it was--that I was, you know, more open to, you know, help with--knowing that I didn't have to put money out to the project.

Q You knew, I take it, at that point, that you weren't going through the usual process?

A Yes.

Q Did that concern you?

A Yes.

Q Then why did you agree to do the letter?

A Well, it was a combination of--you know, it was the urgency and pressure from Representative Wright to--you know, to--this is very important to him and he--he made it very clear he needed my help on this--and it was the combination of that plus, with the other funding coming, I thought it was more, you know, I was helping jump-start it, then, you know, the money--the money would be there and the project would go on.

Q You thought no one would be hurt?

A Yes.

Q Do you remember anything else about the phone conversation?

A No.

Q Okay. After the phone conversation, what, if anything, happened?

A The next--next thing I--you know, I recall is that an e-mail from Represen--Representative Wright's office came over with the, you know, details on the--what should be in the letter.

Q All right, sir. I'd ask you, if you would, if you'll look at Exhibit Number 2 in the book in front of you there, do you recognize what that is, sir?

A Yes.

Q And what is that?

A That is--that's the e-mail that was--was sent from Representative Wright's office to--to me.

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Q Okay. And that is--that's an accurate copy of what you remember the e-mail to be?
A Yes, it is.
Q Have you had a chance to examine that?
A Yes.
Q After you received that e-mail, what, if anything, did you do?
A After I--after I received that e-mail, I--I drafted the, you know, commitment letter to Representative Wright.
Q If you'd turn the page, sir, to Exhibit Number 3, I'd ask you if you recognize that document.
A Yes, I do.
Q And what is that?
A That's--that's a letter that I wrote on March 15th, you know, to--to Thomas Wright as chairman of the Community Health Foundation.
Q And is that your signature on that page?
A Yes, it is.
Q And is that an accurate copy of the letter that you sent to Representative Wright after your conversation with him and after his e-mail?
A Yes, it is.
Q At the time that you sent that letter to

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Representative Wright, Mr. Wade, had you gone through the formal process that you go through to approve such a commitment?
A No.
Q Was this letter an accurate statement, that you were committing a hundred and fifty thousand dollars ($150,000) to the project?
A No.
Q Why did you send that false document to Representative Wright, sir?
A 'Cause I--I--the funds that were needed for the project were coming, and so I thought I was--you know, no--no--no foul, no harm--no harm, no foul.
Q And he had assured you, as you said, that--that he was going to be able to get other funding; is that correct?
A That's correct.
Q Mr. Wade, would you have short-circuited the formal process and sent this letter if Representative Wright had not been a legislator?
A No.
Q Mr. Wade, did you ever--did Representative Wright ever come back for the funding in the letter?
A No.

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Q Did you have any contact from the bank or anybody regarding the letter?
A Not that I recall.
Q Did you ever become aware of what happened with the project?
A Many, many months later I--I heard--and I'm not sure from whom I heard this--
PROF. JOYNER: Objection to what he heard.
THE CHAIR: All right. And I'm assuming that the basis of the objection's hearsay?
PROF. JOYNER: That's correct.
THE CHAIR: All right. Mr. Hart, any response?
MR. HART: I'll withdraw the question.
TH CHAIR: Question's withdrawn.
MR. HART: That's all the questions I have, Mr. Chairman.
THE CHAIR: All right. Cross-examination? And will that be you, Dr. Joyner?
PROF. JOYNER: Yes.
THE CHAIR: All right. Cross?
CROSS-EXAMINATION BY PROF. JOYNER:
Q Yes. Mr. Wade, my understanding is that at some

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point you had a discussion about these events with an agent of the State Bureau of Investigation. Is that correct?
A Yes.
Q How--how many conversations did you have with SBI agents about this?
A Just one--
Q Just one?
A --that I recall.
Q Okay. Do you recall when that conversation was held?
A Sometime in--in December. I don't remember exactly when.
Q Is that December of 2007?
A Yes.
Q All right. Now, do--do you recall if during that conversation the agent prepared notes of the conversation?
A Yes, they did.
Q And after preparing notes, were you given an opportunity to review those notes?
A Yeah. Later on, I was.
Q Okay. And by--by "later on," when--when do you mean?

A About, you know, a week ago.
Q About a week ago?
A Yes.
Q Could--could you just kind of describe the circumstances under which you had a chance to review those notes?
A I was--it was at the courthouse, in the DA's office, and was given copy of the--of the notes, the SBI notes, and--and was asked to go through them and see if they were accurate.
Q All right. And were--did you determine that the notes accurately reflected what you told the--the SBI agent at that time?
A Yes.

PROF. JOYNER: Mr. Chairman, I'd like to get a copy of that--those notes.

THE CHAIR: Well, do we have a copy of those notes, Mr. Hart?

MR. HART: Mr. Chairman, my understanding is that the interview of Torlen Wade was provided to Representative Wright in discovery by Colon Willoughby. I don't have a copy of that interview.

THE CHAIR: All right. Well, then either we--either you have it--if you don't have it,

counsel for the Committee--

PROF. JOYNER: I don't have it.

THE CHAIR: --Committee for [sic] counsel doesn't have it, so it is not available to us.

PROF. JOYNER: Well, Mr. Chairman, I'm under the impression that those notes would be available to us for the purpose of cross-examining witnesses. I mean, it certainly isn't sufficient to say, "I don't have them" when they exist. And this witness has indicated that as late as last week he was given these notes to--to review. And it would seem to me that it wouldn't take the movement of a mountain to get a copy of--of those notes.

THE CHAIR: Well, we'll see what we can do, but I'm indicating what I've been told, which is the Committee doesn't have it, Mr. Hart doesn't have it. If you don't have it, then I'm assuming that the notes lie and sit totally with Mr. Willoughby's office, as a result. But at this point I'm going to have you to continue to proceed, and we'll do what we can to see if we can get the notes.

MR. HART: Mr. Chairman?

THE CHAIR: Mr. Hart?

MR. HART: This may be a situation that we had earlier where Mr. Harris and Mr. Joyner may need to confer about this, as we have understood all along Mr. Willoughby provided some seven thousand pages--Mr. Harris has--has talked about this in two different forums, both Wake County Superior Court and here, about the--having a complete copy of the SBI report. Mr. Joyner indicated to the Chair one other time that we were here that he did not have that report. However, Mr. Harris certainly did, and therefore Representative Wright did.

THE CHAIR: Mr. Harris, do you have a copy of the full SBI report for Torlen Wade--with the notes from the interview of Torlen Wade?

MR. HARRIS: I think, Mr. Chairman, this goes to the heart of my motion earlier that we haven't had adequate time to prepare, because when you're looking through seven thousand pages it's difficult to judge what you have and what you don't have. I will state that I have seen--I have seen a summary of what Mr. Wade said taken by the head of the elections board, which is not the statement we're talking about here.

Interestingly enough, I received the corrections from Colon Willoughby's office this past week, and so I'm aware there is such a statement, 'cause I got the corrections, but--but I don't have the original statement, either. I understand there should be handwritten notes and there should be some kind of summary, and I don't have either one.

THE CHAIR: Well, let me--well, let me ask--now, you've indicated you don't have it, but then you first indicated that you don't know if you had it, because you haven't had the chance to go through it. So I need to know which it is. Do you not have it and you know that you don't have it, or are you not sure whether you have it?

MR. HARRIS: I don't believe that I do have it. I've looked through the--I've looked through the notes, and it's--I mean, it's--I don't know how long it is, how many pages it is. I guess it's remotely conceivable it got stuck in the middle of something else. For example--I have already noticed this: In the course of looking through hundreds of checks, I'd be flipping along

and all of a sudden there'd be a statement right in the middle of it. So we could have a situation like that where I--it's stuck to another page or something like that. But I--I haven't seen it. I'll put it that way.

THE CHAIR: All right. Let's do this: We're going to continue with the cross-examination. Obviously, we may have more cross-examination after lunch. Over the lunchtime break, Mr. Hart, if you'll call Mr. Willoughby's office and see if he can assure that the documents were or were not a part of the discovery package sent, Mr. Harris, if you can check with your office and see if we can be sure that--that in the section you've marked for Torlen Wade that these documents do or do not exist, we'll see if we can iron it out right after lunch.

MR. HARRIS: I guess we're talking about four or five pages. It may be smarter just to ask the district attorney to ship them on over or fax them on over. That would be simpler. That way we'd have them-- .

THE CHAIR: Well, I'm going to ask the district attorney if they've been shipped over, and

that's the first question, because I don't have authority to order him to ship them over. But I want to find out whether we've got them or not, and we'll go from there.

All right. Well, let's continue cross-examination for a few more minutes. Thank you. Dr. Joyner?

PROF. JOYNER: I'm assuming, then, Mr. Chairman, that this witness will still be available--

THE CHAIR: Sure.

PROF. JOYNER: --at such time that we receive those notes.

THE CHAIR: I absolutely will make the witness available after--you know, I will not relieve him from the subpoena until after you finish your examination after lunch.

PROF. JOYNER: All right.

Q (By Prof. Joyner) All right. Mr. Wade, you indicated in your direct testimony that your first meeting with Thomas Wright was somewhere around 1991; is that correct?

A That's my recollection, yes.

Q All right. Now, the purpose of that contact had to

do with health-related matters; is that correct?

A That's correct.

Q And since that time, basically your contacts with him have been around health-related matters, issues, and concerns?

A Yes.

Q And some of those issues and concerns had some impact or--impacted the legislative process, but many of them didn't?

A Correct.

Q Now, in addition to that, did not the two of you form a personal relationship?

A Yes.

Q You were friends?

A Yes.

Q Right. And you had interactions with each other as--as friends?

A Uh-huh (yes).

Q And if you'd just say "yes"--

A Yes.

Q --for the record, that would--

A Yes, sir.

Q Okay. All right. And--and this friendship continued from--from 1991 right up until, I guess,

just recently; is that correct?

A That's correct.

Q Now, when did you actually leave the Office of Health--was it Healthcare--

A Office of Rural Health and Community Care.

Q Rural--Rural Health and Community Care?

A Yes.

Q Okay. When did you actually leave--leave that position?

A June 30th of 2007.

Q Okay. During that time--now, you--you mentioned that--that Representative Wright was a member of two health-related committees, one having appropriation responsibilities or authority; the other one did not have those type of appropriation authorities. Is that correct?

A That's correct.

Q Now, was it unusual for Representative Wright to come to you outside of the legislative process or outside of his role as a member of either of these committees to discuss health-related issues and concerns?

A No. That was not--not unusual.

Q That would not be unusual?

A No.
Q And it happened quite often--
A Yes.
Q --is that correct?
All right. Now, in your conversation with him on or around March 13th of 2002--well, let me ask you this first: How fresh is your recollection of those events?
A You know, it's six years, so it's not terribly fresh.
Q All right. How positive are you of the conversation and the dialogue that the two of you had?
A I'm--I'm fairly--I'm very positive about the--the--you know, the basic key pieces of the conversation, yes.
Q All right. But the--the specific conversation you're kind of vague on; is that correct?
A Yes.
Q Okay. Now--and the reason I raise that is that you indicated in a response to Mister--Attorney Hart's question that you authored or responded positively to Representative Wright's request because he was a legislator?

A Yes.
Q Is that your recollection as to why you responded positively?
A Why it was--you know, why--he asked me about being--as a legislator, yes, also as a person I worked with for ten years on health issues. So the personal side was important, too.
Q Someone you trusted?
A Yes.
Q Right. And--and y'all had a relationship, and in the past you felt that you--you could trust what he had to say and what he was doing?
A Absolutely.
Q Okay. So in that conversation, Representative Wright never threatened you that your department was going to lose any funds or anything if you didn't write this letter?
A That's correct.
Q So he didn't put any pressure on you at any point vis-a-vis his legislative position to get you to do what you did?
A Yeah, that's correct.
Q Okay. Now, you indicated in your testimony that because of the urgency which Representative Wright

exhibited to you about getting the building--
A Uh-huh (yes).
Q --that you wanted to help him?
A Yes.
Q All right. Why did you want to help him?
A Well, I--I mean, I recognized it was a very--you know, a very important project to Representative Wright, and, I mean, I also supported the project personally. And--but I was, you know, inclined to, you know, want to help him get what was important to him done.
Q All right. Do you recall his description of what it was that he was trying to do with--with this building?
A Well, I recall--as best I recall, it was, you know, two-part. The main part was the--you know, the black history museum, and then there was the part about the health offices in the--in the upstairs part of the building and the Foundation offices in the upstairs. That was my recollection.
Q All right. Now, he--at the time, Representative Wright was the chairperson of the Community Health Center, I believe, in Wilmington?
A Yeah, that's my--that was my recollection, too.

Q Okay. Now, are you familiar with the Community Health Center?
A Yeah, I'm very familiar with it.
Q Okay. Could you just--just explain to the members of this Committee exactly what the Community Health Center did and was?
A The Community Health Center was--it's a federally funded, you know, community health center. It is set up to--to provide health care, fairly comprehensive basic care to residents in particularly the low-income, African-American areas of New Hanover County, and it provided basic primary medical care, dental care, pharmacy care, and provided a lot of social support for patients beyond that.
Q And you were aware that Representative Wright had helped to put that--that organization into existence?
A Yes. I worked with him on it.
Q Right. And, indeed, at that point he was serving as the chair of the board of that organization; is that correct?
A That's correct.
Q Now, what was your role specifically in helping

start that--that organization?
A Well, I worked--our office, basically committed, you know, some of my time to work with, you know, Representative Wright and other folks in Wilmington to put together a federal application to get those federal funds to get the center developed and--and operated. And, again, as I said earlier, that--that happened in, I think, 1994. It was successfully funded and--and then developed.
Q All right. And, in fact, your office also provided some funds to that--to that operation, did it not?
A After--after it became operational, we provided--the best I recall, we provided some funds to--both on the facility piece, to do some expansion, and on operation, where they--they wanted to bring in a other physician and we provided some seed money to do that. And--so, you know, we had provided funds several times since the Center started, yes.
Q And as a part of--of that expansion that you--you just mentioned, you were aware, were you not, that--that the organization had kind of outgrown its capacity?
A Yes.
Q And that they needed some additional space to be

able to maximize the program effort that they were engaged in at that time?
A Yes, I was certainly aware of that.
Q Right. What--
THE CHAIR: I'm going to interrupt you a minute, Dr. Joyner. I think--unless you want to go with a few more questions, is this a good time to take a break for lunch, since we need to do that at some point?
PROF. JOYNER: It's always a good time to break for lunch.
THE CHAIR: All right. What we're going to do, then, is--Mr. Wade, your subpoena continues. We'll need you back right after lunch.
We're going to take a break for one hour, and we'll be resuming at two o'clock. This Committee stands in recess until two P.M.

(LUNCH RECESS)

THE CHAIR: All right. Mr. Wade, just a reminder that you are under oath. And cross--I'm sorry. Mr. Hart?
MR. HART: Mr. Chairman, during the lunch

recess I spoke with Bill Dowdy, who is present in the room, who is an investigator for Colon Willoughby at the Wake County District Attorney's office. He checked with Colon Willoughby and people from his office, and he has assured me that the entire district attorney's file, which includes every bit of the SBI file has, in fact, been turned over to Representative Wright, and that specifically Torlen Wade's interview reports are Bates-stamped pages 6799 through 6804, and that was part of the material that was turned over at the end of December of 2007.
THE CHAIR: All right. Thank you very much. I think that concludes that matter. Cross-examination will continue. Dr. Joyner?
PROF. JOYNER: Well, let--I still don't have the statement, so it doesn't conclude it, to that extent. The request that we had was to have it.
THE CHAIR: Dr. Joyner, are--I understand, though, that the material was handed over to you, to Mr. Harris. So I--it seems to me that concludes the matter. It's in your files, and I--I don't know what else to do. I'm not--

PROF. JOYNER: No, it's--it's not--it's not in my files. Mr. Chairman, we have--and this is not the Wake County Superior Court. This is the North Carolina General Assembly, working with the rules that you created. And among the rules that you created was a discovery one which said that you had to provide me with that information, not that Colon Willoughby had to provide it.
Now, I presume that if you used that information as the basis for getting these charges that you have that information from the--from the outset. But at any rate, I'm still entitled to get from this body that information so that I can complete my examination--cross-examination of this and other witnesses.
I mean, if--if the investigator came from Colon Willoughby's office, all he had to do was make a copy of the document and bring it up--and bring it up here and deliver it.
THE CHAIR: Mr. Hart, would you please repeat for Mr. Harris the copy of the statement and the pages--the Bates stamps that are in their file that has been handed to them in December of 2007?
MR. HART: Yes, sir. The Bates-stamp

numbers are 6799 through 6804, and that information was actually provided to Representative Wright, I believe, on December 31st of 2007.

THE CHAIR: The statement is in your possession. It is in Representative Wright's possession. It has been for months. We are moving on. Cross-examination, Dr. Joyner.

PROF. JOYNER: Well, I'm still going to state my objection to this Committee not providing me with a copy of the statement that the rules of this Committee indicate that I am entitled to receive.

THE CHAIR: Objection is--I'm sorry. Mr. Hart?

MR. HART: Mr. Chairman, the rules actually provide that we have to provide Representative Wright with a copy of everything we intend to introduce. We have done that.

THE CHAIR: I understand and agree. Dr. Joyner, cross--I mean, I'm sorry--your objection is--

PROF. JOYNER: Mr. Chairman--

THE CHAIR: Dr. Joyner, your objection is overruled. The exception is noted. Does any

member of the Committee seek to overrule the ruling of the Chair? Seeing none, please proceed with cross-examination.

PROF. JOYNER: Mr. Chairman, I want to respond. This witness has testified that the basis of his testimony was recorded in a statement that presumably was in the possession of this Committee. Now, to suggest that that statement is irrelevant to our going forward belies the reality. Now, you can--you're the Chair. You can do whatever you want to do. But I want to note my objection to these proceedings and the failure of this Committee to live up to the obligation and requirements of the rules that it established.

THE CHAIR: The objection is overruled. The Chair finds that the Committee counsel has fully complied with the rules set out. It also finds that the statement that is being referred to has been and is in the possession of Representative Wright for the last three months. The objection is overruled. The objection is noted as frivolous. Exception to the ruling is noted. You may continue your cross-examination.

MR. HARRIS: Before you go any further,

when you say "to Representative Wright," I suppose you're really talking about to me. And Colon Willoughby has repeatedly sent me letters and sa that if I notice anything that's missing, to let him know, and he'll supply it. Now, I'd like to note that in order to determine where these matters were, they would have had to go through--they would have had to go in a file, look at the numbers, flip through and see it went from this number to that number, then--then a man has come all the way down here from Colon Willoughby's office, which is some blocks away.

So in the time we've spent messing with this, they could have Photostatted the thing and brought the doggone thing, just to be just a tiny bit fair--just a tiny bit fair. Now, I've said repeatedly I don't have that. I'm going to ask for it. I don't have it. I've looked at his file. And I don't like the Chair repeatedly saying we--we have it when we say we don't have it.

THE CHAIR: Mr. Hart?

MR. HART: Mr. Chairman, first of all, Mr. Dowdy was here in the hearing room, and I simply talked with him at--at the lunch recess. He

conferred with Mr. Willoughby to confirm what he already believed to be true, and that is that the entire district attorney's file had been turned over.

I'd also let the Chair know that on Friday, as Mr. Harris has indicated, he received a faxed communication from Mr. Willoughby which not only included the fact that he was going to try to reset the trial for March 31st, included the corrections that Torlen Wade--a couple of minor corrections, apparently, to the statement that Mr. Willoughby had that Mr. Wade reviewed, and he also at that time told him that if there was anything that he did not have, to please let him know. And as of lunch today Mr. Willoughby had not heard anything from Mr. Harris or Mr. Joyner as to not having Mr. Wade's statement or any other item.

THE CHAIR: Mr. Harris?

MR. HARRIS: As noted, I received that Friday. In fact, just for the record, because I was occupied in other cases, I received my mail very late Friday, after--after the close of business. Am I to understand that in the midst this hearing I was supposed to run over there to

Mr. Willoughby and tell him what I've already told this Chair, that we need that?

I mean, this Chair requested it. It could be provided to us if--if we hadn't been provided. And instead of being provided, we're getting a little song and dance about why it can't be provided. Now, we're talking about fifty pages here. Can nobody run a Photostat machine? I mean--I mean, how far are we prepared to go in this sham to make this look like a fake hearing? How far are we prepared to go?

THE CHAIR: Mr. Harris, do you have your Bates-stamped file present in the courtroom--in this room?

MR. HARRIS: I've got such portions of the file as I needed for this hearing, and that--we're talking about--we're talking about, at this point, four boxes of stuff. No, I haven't brought the whole Bates-stamped file, no.

THE CHAIR: Well, my understanding, and my question, is this: I know that you spent a good portion of your holiday break reviewing that discovery that came in December and January from Mr. Colon Willoughby's office. I assume that at a

minimum you've gone and just made sure that the Bates-stamped pages are sequenced.

If you could let me know specifically which pages of the Bates-stamped pages are missing sequentially, I would appreciate that. And if you will let me know that in the morning, we'll proceed to seeing what we need to do. But if you will check your file just to find out what pages are missing by number--I don't know what's on them, don't care what's on them, just want to know the sequencing numbers that are missing.

MR. HARRIS: The numbers you were just given, I don't have. If--if somebody will get us those numbers you were just given just a moment ago, that's what I need.

THE CHAIR: Do you have any other numbers in the seven thousand pages that are missing?

MR. HARRIS: Yes.

THE CHAIR: Will you please get us the numbers of the pages that are missing in addition? Thank you. Now, we'll proceed again with cross-examination. Thank you.

Q (By Prof. Joyner) Mr. Wade, you indicated earlier that you've worked with Representative Wright and

Dr. Gottovi, I believe it was, in work with the Community Health Center in--in Wilmington. How extensive was your contact with the two of them around the specific healthcare needs existing in--in Wilmington?

A Yeah, it was very extensive during the period '92 through '94.

Q All right. Well, subsequent to '94 and up until 2006--2005, what kind of contact did you have with the--with the two of them?

A After that it was more sporadic. I had, you know, contact here in the General Assembly with, you know, Representative Wright on different issues. And as I mentioned earlier, we also, you know, helped getting a health center down in Columbus County, and I worked with him on that. And I've worked with Dr. Gottovi off and on for, you know, twenty--twenty plus years.

Q All right. And Dr. Gottovi was also involved in the Columbus County--

A No, he was not involved in that.

Q He was not involved in that?

A No. But he's very involved in New Hanover Community Health Center.

Q Has Dr. Gottovi worked with you as a--as a health consultant--

A Yes.

Q --on projects?

A Yes.

Q And in what counties did that work cover?

A That--that work covered a five-county area, New Hanover, Columbus, Pender, Bladen, and Brunswick County, around developing a Medicaid network in that--in that area.

Q Now, do you recall having some conversations with both Representative Wright and Dr. Gottovi about the 1898 Wilmington race rebellion issues and concerns?

A Yes, I do.

Q And--and in those conversations, I believe you indicated that you were supportive of their efforts and the kinds of things that they were doing around those issues. Is that correct?

A That's correct.

Q Do--do--do you recall how much--how extensive your conversations with the two of them were about--around those issues?

A Well, I don't--I don't remember discussing it with

Dr. Gottovi. I do remember discussing it with Representative Wright and--and did have--at one point I recall him taking me over and showing me the building and talking about his--you know, his plans and so forth.

Q Okay. And this was down--down in Wilmington?

A Yes, that was in Wilmington.

Q So you actually saw the building--

A Oh, yes.

Q --that--that they were talking about?
And did you go into the building?

A I--I think so. I can't--I don't remember for sure, but I think so.

Q All right. Now, did this occur before there was the request for this letter--

A Yes.

Q --from--from you?

A That's my recollection, yes.

Q Do you--can you say about how long before you had those conversations you went down to see the--the building?

A My recollection was, you know, a month or so before or something like that.

Q And you knew that--that not only was the Community

Health Center involved, at least in the plans around this--in the securing of this building ,but also was the Community Health Foundation?

A Well, I don't--I don't recall--the Community Health Center had--was trying to get additional space 'cause of crowding. So the issue of space was certainly on their agenda. I don't know if they specifically had any involvement in the--in the--in the building, though.

Q All right. Now, the--the building that we're talking about is right across the street from the Community Health Center; is that correct?

A Correct. Yes.

Q All right. Now--and you are familiar with the--at least some of the work of the Community Health Foundation, are you not?

A Not--I'm not familiar with the work. I don't--you know, the point I knew about it, I think it was still being put together.

Q You knew about its--well, at the time that you knew about it, it was in a formative state?

A Correct.

Q All right. And the formative state, as you understood it, had to do with--or had--was focused

on the purchase of the building and the conversion into the museum, and then the use of additional space for the Community Health Center and the Community Health Foundation?

A Yes.

Q Okay. So when Representative Wright came to you to talk about the need for this letter and the urgency as--as--as you've described it, you were fully familiar with the background of the building and the people who were going to be involved in it?

A I wouldn't say "fully." You know, it was at that point still, you know, an idea. It wasn't--there wasn't a firm plan as to what was going to go where and--I mean, that had not been, you know, laid out at that point.

Q Well, I guess in its broader--in a broader sense, you were familiar with what the goal of the individuals and organizations were with respect to securing this building?

A Yes.

Q Okay. Now, in the past--and I'm referring now from 1991 up to 2001--had you received other requests from Representative Wright for grants or support, assistance in other projects and programs that he

was involved in?

A The only two requests that I recall were for the New Hanover Community Health Center, for help on operations, and then, you know, a capital project, and then the request for help to put together a health center in Columbus County.

Q All right. And--and on occasions when Representative Wright had come to you to make requests for assistance or support or help, on some occasions you--you've had to turn him down; isn't that correct?

A I--probably. I don't recall, you know, any incidents, though, right now.

Q All right. But you have a general recollection that on some occasions you've said "no" to him?

A I can't recall any specific right now.

Q All right. Now, you indicated that once the letter was prepared--and this tracked what you identified as Exhibit 2 in the--in the book--that you then sent the letter--well, let me--did you mail the letter to Representative Wright, or did you physically hand it to him?

THE CHAIR: Let me interrupt for one second. Are we talking Exhibit 2 or Exhibit 3?

PROF. JOYNER: Well, I'm using Exhibit 2 as the basis for what Exhibit 3 is.

THE CHAIR: All right. Thank you.

A I recall giving it to my secretary, who typed it, and then she, I think, sent it to, you know, Representative Wright.

Q (By Prof. Joyner) Okay. Do you recall if she put it in--in--in the mail and mailed it to him?

A I--that's my recollection, but I do not--it wasn't hand--hand-delivered, no.

Q Okay. And that letter is--is basically Exhibit 3?

A Yes.

Q All right. Now, you indicated in that letter that the funding will be awarded by June 30th, 2002. Now, at the time, were you under the impression when you wrote that--that letter that funding would be acquired by Representative Wright by that time?

A That was my understanding.

Q All right. But you knew that that--whatever the funding was, it was not a commitment that binded [phonetic] you in any way?

A Well, it certainly wasn't--was not an expectation that--that I would pay this money, right.

Q All right. So then to say that--to suggest that

the money would be awarded by June 30th--that was then based upon what Representative Wright had said to you about his ability to obtain these funds by that date?

A Well, that plus the--you know, my commitment is based on a fiscal year, so I couldn't--I had funds during this fiscal year that I could commit. Beyond June 30th, I had no--you know, I had--I didn't know what kind of funds I'd have at that point. So it's probably a standard--you know, a standard commitment letter, as well.

Q All right. Now--well, what I'm asking you now is, it was your understanding that Representative Wright was going to be able to get this money from some other source; is that correct?

A That's correct.

Q And you were operating under the assumption that he was going to be able to get this money from some other source?

A Yes.

Q Had--in the past, had Representative Wright demonstrated his ability to get large sums of money for various projects?

A I--I don't know, you know, large sums of money.

All I know is that--my work with him, he always--when he said he would do something, he did it. And--and so that's what I was basing it on.

Q And in the past, he had been able to get appropriations and grants and other financial support that undergirded or supported the organizational efforts that he was engaged in--

A Yes.

Q --is that correct?

All right. And that was the history that you had had with him?

A Correct.

Q And there was no reason at this point for you not to believe that he could, in fact, do that?

A Correct.

Q So the only part about this letter that is not truthful is the--your endorsement that your office was committing a hundred and fifty thousand dollars ($150,000) in funding?

A Correct.

Q Okay. You indicated, I believe, that as far as you know, the letter was sent only to Representative Wright?

A That--that's my understanding.

Q And you don't have any information about what happened with that letter once it was received by him?

A No, I don't.

Q And did you have any other conversation with him about this letter?

A Not that I recall.

PROF. JOYNER: Mr. Chairman, could I just have a moment?

THE CHAIR: Sure.

(DISCUSSION OFF RECORD)

PROF. JOYNER: Mr. Chairman, we have no further questions of this witness at this time. We do want him to remain on standby until we can resolve this question about the prior statement and if there is to be some further questioning of him pursuant to that.

THE CHAIR: Well, we're--and--and we'll get to that, actually, when we get through the rest of the questions on him, so I appreciate that.

Redirect examination, Mr. Hart?

MR. HART: Thank you, Mr. Chairman.

REDIRECT EXAMINATION BY MR. HART:

Q Mr. Wade, you said that, in response to

Mr. Joyner's question, that the only part of the letter that was not true was the commitment of a hundred and fifty thousand dollars ($150,000) in funds; is that--is that correct?

A No, I mean, the part that wasn't true was the funding would be awarded by June 30th.

Q Okay. You never attended to award funding by June 30th, did you?

A No.

Q And that was in his e-mail to you, that it had to be--that the funds would be forthcoming by June 30th, correct?

A Well, I don't know.

Q You can refer back to the e-mail.

A Yeah, it says no later than July or--or August.

Q Okay. So that statement that you put in the letter which was false, that the funding would be awarded by June 30th, was in response to that portion of the e-mail that the funding would be forthcoming by July or August, correct?

A That, plus, as I said to Mister--Dr. Joyner, that our fiscal year ends June 30th, so our commitment--you know, I could commit funds beyond that. So it was a combination of, you know, our

process plus the request from Representative Wright.

Q Okay. So that commitment was false, not only in the amount of a hundred and fifty thousand, but that it was going to be done by June 30th?

A (Nods head.)

Q And you conveyed--I'm sorry. You need to answer that question--

A Yes.

Q All right. And you had conveyed that information to Representative Wright, correct, that that was false, that there would be no money forthcoming from you?

A Well, he--he expressly said he didn't need the money, so I didn't--I didn't restate that.

Q Okay. Now, Mr. Wade, what is the reason you're no longer with state government?

PROF. JOYNER: Objection. Objection.

THE CHAIR: Basis?

PROF. JOYNER: Irrelevant.

THE CHAIR: Mr. Hart?

MR. HART: I think if you allow him to answer, Your Honor, you'll see that it is relevant.

THE CHAIR: I will allow you to connect

it. Overruled for the time being.

Q (By Mr. Hart) Mr. Wade?

A I was--I was given--after this Board of Elections hearing, I was put on administrative leave and then given--basically given the option of retiring or going on leave without pay. But that was not open-ended and not--so I elected to--with--with strong encouragement, elected to retire.

Q And was--and was that based upon your having given Representative Wright this false letter?

A Yes.

MR. HART: That's all the questions I have, Mr. Chairman.

THE CHAIR: Recross? Thank you.

RECROSS-EXAMINATION BY PROF. JOYNER:

Q Mr. Wade, in--in your conversations with Representative Wright, do you recall a conversation in which he indicated that it was his intention to be able to get an appropriation to cover the hundred and fifty thousand dollars ($150,000)?

A No, I don't recall what--the source of the money that he--he said he had lined up, I don't recall that.

Q But he did indicate that it was his intention to

have that by the--by July or August?

A Correct.

Q And you--as to--as to--as to that promise, you had no reason to believe that he was not able to--he was not going to be able to deliver on that?

A Correct.

PROF. JOYNER: I have no other questions.

THE CHAIR: All right. That concludes the counsel's examination. I'll now go in order of the Committee members. And, Mr. Wade, we're in a--since it's a Committee hearing, the Committee members also get to ask questions, and then we'll conclude with one last round of counsel, questions if there are any.

First, Representative Stam.

REP. STAM: No questions.

THE CHAIR: All right. Representative Lucas?

REP. LUCAS: No questions.

THE CHAIR: All right. Representative McGee?

REP. McGEE: No questions.

THE CHAIR: Representative Warren?

REP. WARREN: No questions.

THE CHAIR: Representative Wiley?
REP. WILEY: One question.
THE CHAIR: Certainly.
REP. WILEY: And this may be--I'm not sure who to direct this to.
On this letter, Exhibit 3, is that a legally binding letter if Representative Wright insisted on the hundred and fifty thousand dollars ($150,000) in funding?
THE CHAIR: If you can answer, Mr. Wade--
THE WITNESS: It's not a--it would not be sufficient to convey the funds, no.
THE CHAIR: Further questions, Representative Wiley?
REP. WILEY: No. Thank you, Mr. Chairman.
THE CHAIR: All right. And the Chair has several questions, Mr. Wade.
If you'll look at Exhibit Number 3, in the first paragraph you note that you're enthusiastically endorsing the effort of the Community Health Foundation to move into the Foundation offices, the health center, and a museum. Did you have any capacity to endorse, in

your position, the history museum?
THE WITNESS: No.
THE CHAIR: So that also was something outside of the ability of your office to engage in any letter?
THE WITNESS: Well, definitely awarding funds for it. If--I guess I could--I could write a letter of support for a history museum and, you know, there's no commitment beyond that.
THE CHAIR: All right. In your conversation with Mr. Wright--Representative Wright early on, just so that I'm clear in my notes, I think you indicated, did you not, that you told him that funds would not be available for this project. Is that correct?
THE WITNESS: Well, I told him that--that funds could not be made available for the museum part, but of the health pieces, I had authority and funds to do that.
THE CHAIR: And that was based on filing for the process that you laid out--
THE WITNESS: Correct.
THE CHAIR: --in order to get that?
THE WITNESS: Correct.

THE CHAIR: And that was never done?
THE WITNESS: No.
THE CHAIR: All right. Thank you. Any questions that that leaves--Mr. Hart, any further from you?
MR. HART: No, sir.
THE CHAIR: Dr. Joyner, any further from you?
PROF. JOYNER: Yes, Mr. Chairman.

FURTHER RECROSS-EXAMINATION BY PROF. JOYNER:

Q And I just want to--just for clarification, in terms of your ability and your authority as the director of the Office of Rural Health Development, you were able, had you chosen to do so, make a commitment to fund the Community Health Center?
A Correct.
Q And efforts, programs under the rubric of the Community Health Center?
A Yes.
Q But you were not able in the capacity that you were in to provide funding for the renovation of the building or the purchase of the building--well, the renovation of the building to a history museum or the purchase of the building?

A Corr--yes. I could not.
Q But you were able to provide and had the present ability to provide funds to support the Community Health Center?
A Yes.
Q Okay.
PROF. JOYNER: Thank you.
THE CHAIR: I think that's all the--I'm sorry. Mr. Hart?
MR. HART: I have a couple of questions based on the new area that Mr. Joyner went into.
THE CHAIR: Re-redirect.

FURTHER REDIRECT EXAMINATION BY MR. HART:

Q Mr. Wade, you had authority to fund projects for the Community Health Center, but only if you went through the proper process that your office had set up; is that correct?
A That's correct.
Q So in doing this letter, you were actually outside of that proper--
A Yes.
Q --process and had no authority to fund that Center, even though you stated so in the letter, correct?
A I could not convey the funds based on that letter,

right.
Q So that was a false letter, regardless of whether it was for the Community Health Center or the museum?
A Yes.
THE CHAIR: All right.
MR. HART: That's all.
THE CHAIR: Any re-recross?
PROF. JOYNER: No.
THE CHAIR: Thank you, Mr. Wade. You may step down. Mr. Hart, if you'll call your next witness please--
MR. HART: Before doing that, sir, I'd like to move to introduce Exhibits Number 2 and 3 that were identified by Mr. Wade.
THE CHAIR: Any objection, Dr. Joyner?
PROF. JOYNER: No objection.
THE CHAIR: No objection. Both Exhibits 2 and 3 are admitted.
MR. HART: The next witness for Special Counsel is Dan Rose.
THE CHAIR: All right. The court reporter will swear the witness, please.
* * * * *

Whereupon,
DAN ROSE,
having been first duly sworn,
was examined and testified
as follows:

THE CHAIR: All right. Thank you.
Mr. Hart?
DIRECT EXAMINATION BY MR. HART:
Q Would you tell us your name, please, sir.?
A My name is Daniel Rose.
Q Mr. Rose, how are you employed?
A I'm employed at the Internal Revenue Service.
Q And what is your job with the Internal Revenue Service?
A I'm the group manager of the Internal Revenue agents in Greensboro, North Carolina, and in South Carolina that examine exempt organizations.
Q All right. And how long have you been with the Internal Revenue Service?
A Nineteen eighty-six (1986), very end of it.
Q Are you familiar, sir, with charitable corporations under 501(c)(3)?

A Yes, sir.
Q Tell--tell the Committee a little bit about what that involves.
A Well, IRC Section 501(c)(3) allows exempt from--exemption from federal income taxes based on their activities such as charitable, educational, literary, scientific research, that type of thing.
Q Okay. And what exactly does "IRC" mean?
A Internal Revenue Code. I'm sorry.
Q All right. And essentially, does that allow a corporation that wants to be a charitable corporation to receive contributions from anyone and have those contributions be tax-exempt--
A Well, it allows--
Q --or deductible for tax purposes?
A It allows donor deductibility for those contributions for those purposes, correct.
Q Okay. What does a corporation that wants to be a charitable corporation, a 501(c)(3) corporation, have to do to obtain that status?
A In general, organizations that want to be exempt as described in Section 501(c)(3) are required to fill in a Form 1023 and submit it to the Internal Revenue Service for consideration.

Q And is--is--does that have anything to do with obtaining an identification number?
A No.
Q What does--tell us about an identification number.
A An employer identification number is--it's analogous to a Social Security number for an individual. It identifies the entity by number. So it's--that's all. But they can be obtained--it's an SS-4 form, I believe. It's not something I normally get involved in, but I've seen the form. It can be obtained through submitting that form. It can be obtained--or it could have been obtained years ago through a telephone number and this kind of thing. But it's simply an identification number.
Q Okay. So if a corporation--someone forming a corporation were to send in an SS-4 number--an SS-4 form or call a certain location, they could get an identification number, but that would not make them a 501(c)(3) corporation; is that correct?
A That's correct.
Q You indicated a Form 1023, 1-0-2-3; is that correct?
A Yes, sir.

Q What--what exactly is that form?
A It's a form that is submitted that identifies the organization by name and address and--and gives them the general outline of their activities, their purposes, and this kind of thing so they can be--that would purport them to follow the guidelines as described in 501(c)(3).
Q Okay. Once a corporation submits that Form 1023, is there an approval process that has to be gone through at the IRS?
A There is. It's considered as to whether their activities conform to those guidelines, and they're either approved or denied.
Q And if--if that process is approved, how is--how would we know that?
A There are various public places where the organizations identified--the Internal Revenue Service has a publication that's probably as thick as a phone book called the Publication 78, and the 501(c)(3) organizations are listed there. There are, you know, in recent years Web sites--public access Web sites have come available that you can look organizations up there. And I use those Web sites regularly.

Q Okay. I'm going to ask you if you--if there's come a time where you have been asked to look to determine whether or not a corporation called the Community Health Foundation, Incorporated, in Wilmington, North Carolina, ever filed for 501(c)(3) status.
A Yes.
Q And what did you determine from that investigation?
A There's a--the determinations process is centered in Cincinnati, Ohio. That's what we call our records unit, and I have reason to call them every once in a while. And I've called and asked about this--it's Community's Health Center, I believe. We have no record of that organization being given exempt status under 501(c)(3).
Q Have you checked through other means, as well?
A I checked on the Web sites, and they don't show up there. We've looked in Publication 78 that--the Internal Revenue Service document. It does not show up there.
Q Do you have any way of determining whether or not anything was ever even filed to obtain that status?
A Well, I was wondering about that, and I asked the records unit. Apparently, if an application is

filed and it is not granted exempt status, there is no record of that filing.
Q Okay.
MR. HART: That's all the questions I have of Mr. Rose.
THE CHAIR: Cross-examination, Dr. Joyner?
CROSS-EXAMINATION BY PROF. JOYNER:
Q Yes, Mr. Rose. Just for clarity, first of all, you said that you checked the records for "The Community Health Center"?
A It's the Community's Health Center, yeah, Foundation.
Q Okay. Now, are--are--
A I've got it written down if you--
Q Okay. Do you want to look at your notes, then, and figure out which one it is?
A The Community's Health Foundation, Incorporated.
Q The Community's--
A The Community's, T-Y, apostrophe, S.
Q You didn't look under "The Community"--
A I'm sorry.
Q Did you look under "The Community Health Foundation"?

A I looked under several variations. At first I thought it was "Communities," as in plural. We looked under that. We looked under "Community." We looked under "Community's," as in possessive. And there was no record--no record of it.
Q Okay. So you didn't find a record of that?
A Correct.
Q Now, you said you've been an IRS agent for how long?
A Well, I've been with the Internal Revenue Service since 12-29 of '86. I became a Revenue agent in May of '94. I came to North Carolina July 1st of '05.
Q And, now, 501(c)(3) status, as--as you understand it, is conferred upon organizations that are engaged in charitable and community activities; is that correct? Or at least it meets the criteria for a 501(c)(3) status?
A Well, the--Section 501(c)(3) has several areas that it confers the exempt status on. It's--
Q Well--
A I can't promise you I remember every one of them, but they're such as charitable, educational, scientific research, literary, this kind of thing,

med--medical care, this kind of thing.
Q But 501(c)(3)--
A Right.
Q --is specific as to corporations that are operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes; is that correct?
A Yes, if it's awarded.
Q And if a corporation meets that criteria, then it is a 501(c)(3) organization?
A No.
Q It's not?
A No. That's the--that's the reason for the application process. It comes in, and we--we--it's a letter called a determination letter that is sent out once we have determined that the application meets the criteria.
Now, there's--the first one you mentioned was a religious organization, and churches, I believe, are the only ones that do not--are not required to file an application. It's the separation-of-church-and-state thing. So churches don't have to file a Form 990, which is the information return, and they do not have to apply

for exempt status, but all of the others do.
Q Well, are you familiar with Section 508(a) of the--of the Code?
A Not very much, no.
Q You're not familiar with that?
A No.
Q 508(a) says that new organizations must notify the Secretary that they are applying for recognition of 501(c)(3) status. Are you familiar with that?
A Well, I'm familiar with the requirement, yeah.
Q And--
A That's what the Form 1023 is for.
Q But this notification procedure in--in the--by law creates two mandatory exceptions, does it not?
A Well, you asked me if I was familiar with it, and I'm not that much, so--
Q Oh, you're not. Okay. Well, let me--
A 508(a) or (e), you said?
Q Well, five--let's look at 508(c).
A Okay.
Q 26 USCA 508(c)(1)--
REP. STAM: Mr. Chairman, I have a--
THE CHAIR: Representative Stam?
REP. STAM: If someone's being asked

about a piece of paper, should they not be given a copy of the piece of paper?
THE CHAIR: Well, I'm going to let Dr. Joyner ask his question, and then if we think that--that it will help Mr. Rose to see that, then we can do that. But I'll let Dr. Joyner go ahead and ask his question.
PROF. JOYNER: Well, I'll let him--I only have one copy of this, but I'll let him see it. I mean, he's supposed to be an expert. That's what I understand.
A Well, let me explain something--
PROF. JOYNER: But I'll let him see it.
THE CHAIR: No, no, no. Let's let there be a question first.
THE WITNESS: I'm sorry.
THE CHAIR: So why don't we go ahead and let him take a look at the paper and then--let him read it for a minute, and then if you'll--after you read it, let me know--return it to Dr. Joyner, and we can proceed with the questions. Thank you.
A (Examines paperwritings.) I guess whether I'm familiar--
THE CHAIR: Are you done reading?

THE WITNESS: Yeah, but I can't remember everything I've read here. This is not a section we deal with. That's what I'm trying to tell you.
THE CHAIR: Let's hang on for a minute. All right. If you'll return that to Dr. Joyner, please--all right. Dr. Joyner, if you'll go ahead and pose the question, Mr. Rose, then you can answer the question.
Q (By Prof. Joyner) All right. Let me--let me start with this, then. 26 USCA 508--that is a statute enacted by Congress dealing with Internal Revenue matters; is that correct?
A Yes, looks to be.
Q And specifically it refers back to the recognition of 501(c)(3) organizations; is that correct?
A It looks to, yes.
Q All right. And that is under 501--508--I'm sorry--(c), a section called "Exceptions to the Notification Process." Do you recall seeing that?
A Yes.
Q And one of those exceptions, as you indicated, deals with churches, their integrated auxiliaries, conventions, and associations; is that correct?
A Church organizations, yes.

Q And as to them, they need not file or notify the Secretary of the claim of 501(c)(3) status. Is that your understanding?
A Yes.
Q And--because there is a presumption--well, not that there's a presumption, but they are treated differently, and if challenged, then they have to establish their--the fact that they are a legitimate 501(c)(3) organization; is that correct? Or you're not familiar with that, either?
A No. You say if they're challenged--I don't understand your question, if you'd restate it.
Q You do understand that religious organizations, based on the statute--
A Yes.
Q --don't have to notify or apply--
A Correct.
Q --for 501(c)(3) recognition?
A Correct.
Q And in addition to that, it says any organization which is not a private foundation and the gross receipts of which in each taxable year are normally not more than five thousand dollars ($5,000), they need not apply for recognition either, doesn't it?

A I remember seeing that just now, yes.
Q All right. And that's what--and that's what the statute says?
A I remember seeing that just now, yes.
Q Okay. And is that what the statute says?
A It's what it says there, yes.
Q All right. Is there anywhere else that this information would be?
A Well, see, this is the determination process. You know, to put this into context, when we go to find if an organization has been granted exempt status, we look it up in various places. We might even call that records unit that I was mentioning. But this is not an area that our group gets into, you know. We're not in the determination process.
Q Okay.
A That's centralized in Cincinnati.
Q Okay. Well, I wasn't asking you about that. I was just asking, is there not, based on United States Code Annotated statutes, an exception for organizations, just like churches, that they need not register for 501(c)(3) status?
A Correct. Churches do not need to register or apply.

Q And I'm talking about now organizations.
A Other than churches?
Q Isn't that what the statute says, Mr. Rose?
THE CHAIR: All right. We're--
A It says--it looks like there's two exceptions there. One is churches.
THE CHAIR: We're going to take a break at this point. I'm going to recess us for ten minutes, staff, sergeant-at-arms, if you'll make copies, please, of that statute, give it to Mr. Rose, to Mr. Hart, to the Committee members. We're in recess for ten minutes until a copy of the statute can be made.

(TWELVE-MINUTE RECESS)

THE CHAIR: All right. We'll come back to order, and I'm going to take my coat off, so I'm certainly going to allow anybody else who wants to to do that. All right. We're back on cross-examination with Dr. Joyner. I think everyone has a copy of the statute. Committee members should have it. Mr. Hart and Mr. Peters should have it.
Dr. Joyner, the witness is back with you.

Q (By Prof. Joyner) All right. Mr. Rose, have you had a chance now to review the federal law?
A I'm looking at it, yes.
Q You're looking at it now? Have you had a chance to read it?
A This part, yes.
THE CHAIR: Hang on. You're going to need to speak into the microphone so the court reporter can hear. Thank you.
A Yes.
Q Do you see 508(b)?
A 508(b), yes.
Q (B). All right. And does not that section basically stand for the proposition that if--if the notification of 501(c)(3) status is not given to the Secretary, that there should be a presumption that the organization is a private foundation?
A Yes. That's what it says.
Q All right. And by giving notification of 501(c)(3) eligibility, that authorizes the Secretary to designate the organization as a public or a charitable foundation; is that correct?
A There are two designations of 501(c)(3). On is a private foundation. One is a public charity.

They're determined by the range of donations coming in. So organizations are private foundations until they're determined to be public charities. That's what 509(a) talks about, yes.

Q But if it's deemed to be a private foundation without notifying the Secretary of 501(c)(3) status, then it is not tax-deductible--tax-exempt?

A Yes. I believe you're correct.

Q I mean, the law is right there in front of you.

A Yeah, but the way you said it is what I'm questioning.

Q Well, a private foundation that has been designated as a 501(c)(3) organization is tax-exempt?

A Yes.

Q And a private foundation which has not received a 501(c)(3) notification is not tax-exempt?

A Correct.

Q All right. And the private foundation becomes tax-exempt because it gives notice to the Secretary in the form of your Form 1023; is that correct?

A It applies for exempt status through Form 1023.

Q Then the statute goes on to make mandatory exceptions to that requirement?

A Yes.

Q One is for religious organizations or churches, because it really doesn't say "religious organizations," it says "churches"--

A Correct.

Q --right?

And for any organization which is not a private foundation and the gross receipts of which is--in each taxable year are normally not more than five thousand dollars ($5,000)--

A Yes.

Q Do you see that there?

A Yes.

Q So those two groupings would not be required to notify the Secretary for 501(c)(3) classification; is that correct, based on the statute?

A Well, I think you're missing that 508--508(b) says that if you do not--"does not notify the Secretary that it is not a private foundation shall be presumed to be a private foundation"--and the exceptions--you're saying that an organization that is not a private foundation--now, if they do not apply, they're presumed to be a private foundation. This is the way I'm reading this.

Q Well--

A If they do not apply, then they're presumed to be a private foundation and--which negates 508(c)(b).

Q Well, let's see if I can help you with your--with your reading of this. Do you see (c)(1)?

A Yes.

Q And do you see right next to the term "mandatory exceptions"?

A Sure.

Q What does--what does that say?

A "Subsections (a) and (b) shall not apply to."

Q Okay. So that means those two organizations need not comply with either 508(a) or 508(b)?

A Correct.

Q So that's correct?

A That is correct.

Q Okay.

A That's what it says.

Q So all we have to do is to show that the organization fits into the (c)(1)(b) designation, and it need not file a Form 1023?

A It does not need to file a 1023 if it doesn't wish to have exempt status, correct.

Q Mr. Rose, you're--you're trying to redraft in your mind--

A No, I'm trying to understand--

Q --the statute.

A --your questions, sir.

Q Do you want me to go back again?

A Well, let's start from the section where it says, "Subsections (a) and (b) shall not apply to (a) and (b)."

Q All right. Well, let's--let's--let's--let me ask you this way: When it says, "Subsection (a) and (b) shall not apply," that means that it is mandatory from Congress--

A Right.

Q --that those two groupings need not file a Form 1023?

A Correct. You're right. Okay. All right.

Q So once we have determined that the organization fits into the (c)(1)(b) exception, it need not file a Form 1023?

A Doesn't need to file one, no.

Q So the fact that you looked for and did not find a designation for the Community Health Foundation, if it received less than five thousand dollars ($5,000) normally per year, means absolutely nothing with respect to a determination of whet

it's a 501(c)(3) organization?
A See, I'm getting hung up on where it says--in (b) it says, "Any organization which is not a private foundation and the gross receipts of which in each taxable year are normally not more than five thousand dollars ($5,000)"--"any organization which is not a private foundation"--but when you look under 508(b), if they do not notify the Secretary that it is not a private foundation, it shall be presumed to be a private foundation.

And I also want to tell you--I'm trying to answer this the best I can, but this is not an area we get into. But by the reading of this, it seems, honestly--it seems they have to tell us that they are not a private foundation before exception (b) fits.

Q Well, let's--let's go back, because I know this reading sometimes is hard. I understand--
A Sorry.
Q --it's hard sometimes.
A I'm trying to follow you.
Q All right. 508(c), 508(c)(1)--
A Yes.
Q --says, "Subsections (a) and (b) shall not apply."

So in spite of that mandatory language, now you want to read into this statute some requirement that it apply or that it utilize Section (b) when the statute says that it shall not apply? Do you see that section that says "Subsections (a) and (b) shall not apply"?

A Yeah.
Q So if it says "shall not apply," then how can you go back to (b) and use that as justification for a requirement that there be some notification?
A What I'm questioning is whether (b) is met. It says, "Mandatory exceptions. Subsections (a) and (b) shall not apply to." Let's leave (a) alone. I think we can agree (a) is irrelevant; is that right?
Q Well, we--we--however you want to read it.

THE CHAIR: Okay. And, Mr. Rose, you answer the question, but we're not going to engage in--

MR. ROSE: I'm sorry.
THE CHAIR: Okay. Thank you.

A All right. "Subsection (b) shall not apply to any organization which is not a private foundation and the gross receipts of which in each taxable year

are normally not more than five thousand dollars ($5,000)." I have no idea what the revenue of this organization was, so the five thousand dollars to me doesn't mean anything.

But it says, "Subsections (a) and (b) shall not apply to any organization which is not a private foundation." If--(b) says that if they do not notify us that it is not a private foundation, it shall be presumed to be a private foundation.

So an organization that does not apply for (c)(3) status is presumed to be a private foundation. And (c)(b) looks to me to be--the conditions are not met. That's the way I'm reading.

Q All right. Mr. Rose, let's work through this again, now.
A All right.
Q Subsection (1)(b)--(c)(1)(b)--
A (C)(1)(b). Yes.
Q --relates to an organization which is not a private foundation as defined--you do see that there, don't you--
A Sure.
Q --in Section 509(a)?

A Correct.
Q Now, do you know what 509(a) says?
A 509(a) says that an organization is presumed to be a private foundation unless it fits one of the criteria of (a) (1), (2), (3), or (4). And (a)(1) and (2) have to do with the type of funding that they receive.
Q Well, do you have 509(a) there in front of you?
A No. I've seen it.
Q Oh, you've seen it?
A That one I'm--
Q Well, do I need to show you a copy of that?
A No. What do you feel it says? Which--I'm not understanding your question about 509(a).
Q Well, "any organization which is not a foundation as defined by 509(a)"--
A Right.
Q --that's one criteria--"and the gross receipts of which in each taxable year are normally not more than five thousand dollars ($5,000)"--
A Uh-huh (yes).
Q --and my question was, assuming that the income in each taxable year is normally not more than five thousand dollars, would that organization be

required to file a Form 1023?
A Well, there's two conditions in (b), and you're only alluding to the second one. It says, "Any organization which is not a private foundation and the gross receipts"--I don't know what the gross receipts--if the gross receipts--if it's not a private foundation and gross receipts are not more than five thousand dollars ($5,000), you're correct, they do not have to apply.
Q All right. So you do agree--
A Yes, sir.
Q --you do agree that that--that that would apply and you would not have to file--
A If they--
Q --a Form 1023?
A If they meet both of those criteria, I agree with you.
Q Okay. So--so those are at least two mandatory exceptions?
A Yeah, (a) and (b) you're talking about. Yes.
Q And then the statute goes on to say that the Secretary may, by regulation, exempt other organizations. Have you checked the Secretary's exemptions to see if they might apply in this

situation?
A The regulations? Well, where it says--no, I haven't looked at the regulations recently. To be honest with you, when these things come up, I read the regulations. I don't try to commit--
Q So if an organization--
REP. STAM: Dr. Joyner, let's let him finish his answer.
A To be honest with you, when these things come up, I look at the regulations. I don't try to commit them to memory.
Q And looking at this statute--
A Yes.
Q --which is not a regulation--
A Correct.
Q --but the law--
A Yes.
Q --it says that the Secretary can exempt other organizations not mentioned and not covered by (a) and (b); is that correct?
A Yes.
Q And you have not checked the Secretary's regulations to see how the Community Health Foundation might or might not apply to those--to

those exceptions?
A I'm looking at Number 2 here. Just a moment, please. (Examines paperwritings.) Well, it says it may exempt from those provisions (a) and (b) or both, educational organizations, which is, a, described in 170(b)(1)(A)(iii), and, b, any other class of organizations with respect to which the Secretary determines the full compliance with the provisions of Subsections (a) and (b) is not necessary to the efficient administration of the provisions--okay. Okay. Well, to answer your question, now that I read this, no, I have not looked at the regulations.
Q Okay. And that--and that--and that--and that was my question.
A Okay.
PROF. JOYNER: Mr. Chairman, I don't have any other questions.
MR. CHAIR: I'm sorry. Redirect examination?
MR. HART: No questions, sir.
THE CHAIR: All right. Actually, we've got a slightly different process. Hang with me. You may or may not be done. Question,

Representative Stam?
REP. STAM: Thank you, Mr. Chair. In looking at Exhibit 1, which is the name of the entity in question, the Community's Health Foundation, Inc., my question is this: We've had a forecast of evidence that this corporation, the board of directors never met, that the--there were no bylaws and that the chairman--that the chairman, Mr. Wright, Representative Wright, deposited in his own personal bank account contributions of several thousand dollars to his own account. Could a corporation like that qualify as a corporation to which contributions are tax-deductible under 501(c)(3)?
PROF. JOYNER: Objection.
THE CHAIR: Basis for the objection?
PROF. JOYNER: One, I don't know that this--this witness is qualified to interpret the statute and to make designations of--of tax-exempt status. That's not what he was represented to be able to do when he was presented as a witness.
THE CHAIR: Mr. Hart?
MR. HART: He's just spent twenty min
asking the witness for his interpretation of the

statutes, Mr. Chairman.

THE CHAIR: I agree, and the objection on that grounds is overruled. You can answer the question if you can.

THE WITNESS: Organizations are required to provide organizational documents--there's--there's two tests to be designated an exempt organization. One is the organizational test. One is the operational test.

The organizational test is demonstrated by organizational documents. We require the organizational documents to identify the purpose of the organization, and it has to comply with the purposes described in the particular subsection. So if they don't have bylaws, I don't--I don't--that's not fatal to their exempt status.

501(c)(3) goes on, after it describes the various purposes of the--the section or organizations described in the section--it goes on to ban certain activities. There's an absolute ban on political activities. There's a ban on substantial legislative activities, and there's a ban on inurement of funds to any shareholder--is the word they use, but it means that--inurement

means excess benefit or benefit beyond reasonable benefit to people that have control of the organization.

We have--you know, we do examinations of these organizations, and several--often what we find is the people that control the organizations use the money for their own purposes. This is what inurement is. And this is what can cause the exempt status of the organization to be--proposed to be revoked.

THE CHAIR: Representative Stam?

REP. STAM: Looking at Page 2 of Exhibit 1, if you look under "Prohibited Activities"--and this is the articles filed by Representative Thomas E. Wright--is that what you're referring to, "No part of the net earnings of the corporation shall inure to the benefit of or be distributable to its members, directors, officers, or other private persons"?

THE WITNESS: Yes.

REP. STAM: So if--if the testimony that's to come later under the forecast of evidence would be that AstraZeneca gave twenty-four hundred and Anheuser-Busch gave five thousand and AT&T gave

fifteen hundred dollars that went straight into the pocket of Representative Thomas Wright, would that mean that this corporation--that contributions to this corporation would not be tax-exempt under federal tax law?

THE WITNESS: Contributions would be not tax-exempt--I think--would they be not deductible?

REP. STAM: I'm sorry. Not be deductible against the income tax.

THE WITNESS: Well, the--what happens when an organization applies for exempt status and is granted the exempt status, the--as I alluded to before, the organization's identified in Publication 78 and--and other various places. If an organization gives a donation to--if a company, Anheuser-Busch, whoever, gives a donation to an organization that is listed by the Service in its Publication 78, for example, they get the donation. They get the donation because they're taking the Service's word that it is an exempt organization under 501(c)(3).

REP. STAM: A final question, if I could?

THE CHAIR: Certainly.

REP. STAM: Well, in this case where

there is no listing, if these corporations had given this money thinking that it was going for the charitable purpose, would they now have to amend their returns and instead of claiming charitable contributions, just not claim that deduction?

THE WITNESS: I don't examine for-profit organizations, sir. I--I believe you're correct, but--but I don't examine for-profit corporations.

THE CHAIR: Any further questions, Representative Stam?

REP. STAM: No, sir.

THE CHAIR: All right. Representative Lucas?

REP. LUCAS: No, sir.

THE CHAIR: Representative McGee?

REP. McGEE: No questions.

THE CHAIR: Thank you. Representative Warren?

REP. WARREN: No questions.

THE CHAIR: Representative Wiley?

REP. WILEY: No questions.

THE CHAIR: All right. And the Chair has no questions. Now, redirect examination as the result of any questions asked by Committee members,

Mr. Hart?

MR. HART: No questions.

THE CHAIR: All right. Thank you.

Any recross, Dr. Joyner?

RECROSS-EXAMINATION BY PROF. JOYNER:

Q Mr. Rose--

A Yes, sir.

Q --in your search of the records, did you find any record which showed that the 501(c)(3) status of the Community Health Foundation had been revoked?

A Had been revoked?

Q Right.

A No, sir.

Q Now, my understanding of the law is that once the 501(c)(3) status is granted--

A Yes.

Q --by whatever method it's granted, that the organization keeps it until such time as it's been revoked; is that correct?

A Yes.

Q Okay.

PROF. JOYNER: No further questions.

THE CHAIR: All right. Thank you very much, Mr. Rose. You may step down.

The next witness, Mr. Hart?

MR. HART: May Agent Rose be excused, please?

THE CHAIR: Let me--hang on, Agent Rose. Any reason, Dr. Joyner, he cannot be excused?

PROF. JOYNER: There's no reason he can't be excused.

THE CHAIR: And Mr. Hart?

MR. HART: Yes.

THE CHAIR: Thank you very much. You're excused from your subpoena. Thank you, Agent Rose. Next witness, please?

MR. HART: Special Counsel calls Ronnie Burbank.

THE CHAIR: Mr. Burbank? If the court reporter will go ahead and swear Mr. Burbank in, please?

* * * * *

Whereupon,

RONNIE L. BURBANK,

having been first duly sworn,

was examined and testified

as follows:

THE CHAIR: Mr. Burbank, if--when you speak, you will need to speak into the mic, since everyone needs to hear you and the court reporter is taking it down. Thank you. Mr. Hart?

DIRECT EXAMINATION BY MR. HART:

Q Would you tell us your name, please, sir?

A Ronnie L. Burbank.

Q Mr. Burbank, how are you employed?

A I'm currently employed with North State Bank as a commercial lender.

Q And prior to North State Bank, how were you employed?

A I was employed by Coastal Federal Bank from October 2001 until February 2007.

Q And where is that located, sir?

A It--our office was located at 109 Market Street in Wilmington. It's since been closed.

Q All right. While you were with Coastal Federal Bank, did you have occasion to come into contact with Representative Thomas Wright?

A I did.

Q At some point in the year 2002, have conversations with him about a piece of land that he wanted to purchase?

A I did.

Q Do you remember about when that was in that year?

A January, maybe. It could have actually been late 2006, November or December. I'm not real certain on the date.

Q Two--2001?

A I'm sorry. Yes, 2001.

Q Okay. All right. And tell us--tell us a little bit about that. How did you know Representative Wright, and how did you come to have conversations with him about that property?

A Well, I had met Representative Wright through a couple of social functions. I had served on the board of a nonprofit organization called Wilmington Downtown, Incorporated, and I had the pleasure to meet him on a couple of social occasions. So that's really how I was introduced to Representative Wright.

Q Okay. And in regard to the possible purchases of land and a loan, how did that come about? Did you approach him, or did he approach you?

A I'm not real sure. I know that at one point we did tour the Community Health Center. I had been calling in that area on North Fourth Street tryi

to develop business, and so he was gracious to give us a tour of that one afternoon. And I think this came about as a--as part of that visit.
Eventually, he called me when he had a need to purchase some property.

Q Okay. And do you remember much about the conversation when he did call about the purchase?

A No, sir. I really can't give a lot of detail other than he did want to buy a building to eventually renovate and commemorate--commemorate the 1898 race riots, and to use it for some office space for the health center.

Q Okay. And after that conversation, did you become interested in possibly providing a loan for that purpose?

A I did.

Q And can you tell us about that? What--what kind of a process did you go through, and what transpired between you and Representative Wright?

A Well, we took a look at the request and--and overall need for purchasing the building and the fact that it would be good for the neighborhood. And certainly we asked for how we were going to get repaid, how it would be collateralized, obviously.

And--and the conversations went on to where we ended up approving the loan.

Q All right. Now, you said the conversation included how the loan was going to be collateralized. What do you mean by that?

A Well, obviously we were going to have a deed of trust on the property that was being purchased. The bank was secured by first deed of trust on the property that ultimately was purchased by the Community Health Foundation.

Q Okay. And was--well, let me just back you up just a little bit. When you talk about collateral for a loan, for those of us who may not fully understand that process, what--what is the purpose of collateral for a loan?

A Well, it's protection for the bank in the event the--the loan defaults.

Q Okay. And by a loan defaulting, that's the borrower does not pay the payments; is that correct?

A That's--that's correct.

Q Okay. And at--how did--how did the loan process work at Coastal Federal Bank?

A Well, the--the loan request was submitted to me,

along with an offer to purchase and contract on the subject property. And the determination to make the loan was made either by a loan officer with the appropriate loan authority or a committee. In this case, it was me. I had the authority to approve the loan request.

Q All right. And did you have a--an amount limit that you could--could approve by yourself, or--

A Yes, I did. I can't give you the specifics, but it certainly was at least a hundred fifty thousand dollars ($150,000) at the time.

Q Okay. All right. I want to ask you, if you would, sir, if you'll look at the notebook in front of you and go to Exhibit Number 4. Do you recognize that one-page document, sir?

A I do.

Q And what do you recognize that as being?

A That is our Report of Loan. That is my basic loan application, if you will.

Q All right. And is that particular document, Exhibit Number 4, regarding the loan that you have begun--begun to discuss with us here today about Representative Wright?

A It is.

Q And is that your signature in the lower left-hand corner of that document?

A It is.

Q All right. If you would, walk us through that--well, let me ask you this: Is that an accurate copy of the actual document that you filled out regarding the loan that you discussed with Representative Wright?

A It does appear to be, yes.

Q All right.

MR. HART: Your Honor--Mr. Chairman, at this time I would move to introduce Exhibit Number 4.

THE CHAIR: Any objection, Dr. Joyner?

PROF. JOYNER: No objection.

THE CHAIR: Without objection, it is admitted. Thank you.

Q (By Mr. Hart) If you would, sir, walk us through that document, and--and tell us a little bit about what's in there. For instance, the--the purpose of the credit and amount, what--what did you put in there, and what does that mean?

A Well, the purpose of the credit states that it is to purchase a lot and building for the 1898

memorial on North Fourth Street.
Q And what was the loan amount?
A One hundred and fifty thousand dollars ($150,000).
Q And the next block is "Source of Repayment," is that correct?
A That is correct.
Q And you have a primary and a secondary source. What is--was the primary source that was indicated as the loan?
A Grant money from state and federal government.
Q And the secondary source?
A Conversion of assets.
Q And when you say "conversion of assets," what does that mean?
A Well, basically, liquidation of the collateral.
Q Foreclosure on the property?
A Yes, sir.
Q Okay. But at least for the primary source, you were looking for, according to here, grant money from state and federal government?
A That is correct.
Q Is that information that was provided to you from Representative Wright?
A That is correct.

Q At the time that you filled out this particular paper, was that March 5th, 2002, as indicated on the top of that sheet?
A It is.
Q Was that the first part of the loan application process?
A Yes.
Q At that time, did you know what the grant was going to be?
A Specifically, I'm not certain. Yes, I knew that it was going to be from a state agency, but I can't say specifically the agency at that time, on the 5th of March.
Q Okay. On some loans, sir, do you have a--what's called a guarantor?
A Yes, we do.
Q Tell us what a guarantor is.
A A guarantor is someone who will pledge personal assets, in essence, to--in case the loan to the company defaults, they guarantee repayment of the loan.
Q And what is the reason for having a guarantor?
A Well, it's additional security for the bank.
Q All right. Is that pretty important?

A It is, indeed.
Q You did not require a guarantor on this particular loan, did you?
A No, sir, I did not.
Q And why is that?
A Because it was to a nonprofit, and it was for community development. At this stage, I didn't think one was necessary.
Q All right. And was it also based, in part, on your knowledge of Representative Wright?
A In part. I--I can't say that I knew Representative Wright that well at that time, but, in part, yes.
Q Okay. All right. You said this--this was the paperwork that you filled out initially, and you signed it. Did you have to submit that to anyone else for approval?
A No, sir.
Q And you--was that because this was within your limits?
A That is correct.
Q All right. The--the actual loan and the purchase of the property took--was about another month later; is that correct?
A I think that's correct, yes.

Q Early April?
A I think that's correct.
Q Okay. Was there further discussion between you and Representative Wright about the grants and any kind of documentation of the grants?
A At some point prior to closing, I received a copy of the letter from Mr. Wade.
Q All right. And when you speak of "the letter," I want to ask you to look at Exhibit Number 3 that's before you. Have you had a chance to look at that, sir?
A Yes, sir, I have.
Q And do you recognize that?
A I do.
Q What do you recognize that as being?
A That appears to be the letter that I received to confirm grant money was the primary source of repayment for our loan request.
Q All right. And you did receive that letter or see that letter from--received it from Representative Wright; is that correct?
A I--I recall receiving the letter. I can't specifically say that Representative Wright hand it to me or delivered it to me, but I do recall

getting a copy, as I stated in my interview.
Q All right. And did you take that letter at face value?
A I did.
Q Did you call, in any way, to check with the Department of Health and Human Services, or Torlen Wade, or anybody else?
A I did not.
Q And why is that?
A I didn't feel the need to do so.
Q Did you--did you trust Representative Wright to be giving that to you in good faith?
A I did.
PROF. JOYNER: Objection.
THE CHAIR: Overruled.
Q Mr. Burbank, would you have authorized this loan without a guarantor if it had not been for that letter, Exhibit Number 3?
A Possibly not. I don't think so. I really can't answer that, because I had the letter. I--
Q All right. Let me ask you this: As--as a banker and as someone concerned with repayments, collateral, as you said, guaranteeing the loan, was this letter at least a factor in your approval

process?
A Yes.
Q Did you rely upon this letter to grant the loan?
A Yes.
Q And I believe you indicated earlier that at some point the loan was, in fact, granted and the property was purchased. Is that correct?
A That is correct.
Q At some point after that, sir--now, this--this was not a thirty-year mortgage or a fifteen-year mortgage, as we usually think about it; is that correct?
A That is correct. It was a short-term note.
Q And was that a ninety-day note?
A I believe. I'm trying to get back to my exhibit, but I do believe that was correct, yes.
Q So that the note would have come due sometime in July and August--July or August of 2002?
A Excuse me. The schedule of repayment on the March 5th note was a hundred and eighty days, which would have made it a six-month loan.
Q Six-month loan? Okay.
A Yes.
Q All right. Did there come a time where there was a

problem with payment of the--the loan amount?
A There did, yes.
Q And what--what happened on that?
A It--we were not paid at maturity. So therefore--I think it--we may have renewed the note a couple of times past maturity, waiting on the grant money to come in. But ultimately it never did, and, of course, the loan was declared in default. And I had no further contact with the loan at that time.
Q Okay. So--and when you say the loan went into default, that means that the loan was not paid back, and--and Coastal Federal Bank was out that money unless it foreclosed on the property; is that correct?
A That's correct. At some point, interest payments were no longer being made to renew, and we defaulted the loan, yes.
Q Okay. You indicated that there was some efforts during that time period of the default to try to keep the--the loan going; is that right?
A Indeed, yes.
Q And was that both Representative Wright and Dan Gottovi, Dr. Gottovi?
A I believe that would be correct, yes.

Q All right. And as--as you indicated, there was still some discussion about still trying to get grant money; is that correct?
A Yes, that's correct.
Q If you would, sir, look at Exhibit Number 5, which is the next exhibit. That one-page document, "Notice of Foreclosure," is that a document that was from your bank?
A It appears to be, yes.
Q And that's the foreclosure notice that you indicated on the--the actual property because of nonpayment on the loan; is that correct?
A It does appear to be, yes.
MR. HART: Your Honor, please, I introduce Exhibit Number 5.
THE CHAIR: I appreciate the promotion, but--Dr. Joyner, any--any objection?
PROF. JOYNER: No objection.
THE CHAIR: No objection? Without objection, Exhibit 5 is admitted. Thank you.
MR. HART: Sorry, Mr. Chairman. Force of habit. That's all the questions I have for this witness, Your Honor.
THE CHAIR: Thank you very much,

Mr. Hart. Dr. Joyner, cross-examination?
CROSS-EXAMINATION BY PROF. JOYNER:
Q Mr. Burbank, with respect to the loan process involved here, did you have an independent recollection of your conversations with the people who were involved in conversations with you about this--this loan?
A Other than Representative Wright?
Q No, I said did you have an independent--did you have an independent recollection of your conversations with people who were involved in this loan process?
A Other than what I've testified to, no. I can't--
Q Well, now, did--is your recollection of what happened based on your review of the file?
A Yes, sir. Most of my memory was from the review of the file, yes.
Q All right. So without referring to the file itself, you didn't have an independent recollection of any conversations that you had with people involved with this loan?
A Not in great detail.
Q Not in great detail?
A Not in great detail, no.

Q Okay.
A It had been--
Q Let me--
A --six years.
Q Let me just kind of walk through this just a little bit. Did Representative Wright have a banking relationship with the Coastal Federal Bank?
A Not at the time, no, sir.
Q And your testimony was that prior to this time you had met Representative Wright at a couple of social--social events in Wilmington?
A Yes, sir.
Q All right. And did you have any extended conversations with him on any of these occasions?
A I wouldn't say "extended," just general conversations about Wilmington, and particularly North Fourth Street and that area. Yes.
Q Now, are you familiar with Wayne Loftin [phonetic]?
A I am.
Q And how are you familiar with Wayne Loftin?
A Wayne was a customer of mine at the time.
Q So Wayne Loftin had a banking relationship at the Coastal Federal Bank; is that correct?
A That is correct, and at my previous bank. I had done business with Wayne prior to Coastal Federal.

Q Okay. And what was your previous bank?
A It was Carolina First Bank.
Q And--and, in fact, you and Mr. Loftin had, I guess, contact outside of the banking business; is that correct?
A Occasionally we would play golf, yes.
Q All right. So you had a--a personal relationship, as well?
A Yes.
Q All right. And the--the property that was the subject of this mortgage was property owned by Mr. Loftin's parents?
A That is correct.
Q All right. And--and, in fact, Mr. Loftin was intimately involved in the discussions leading to the granting of this loan; isn't that correct?
A He may have been involved, but he had nothing to do with the loan approval.
Q Well, did not Mr. Loftin make the initial contact with you about securing a mortgage for this building?
A That's very possible, yes.
Q And is it not true that you had some discussion with him about the particulars of this purchase and the--the particulars of the purchase and the purpose for the building being purchased from--from his family?
A We did have that discussion, yes.
Q All right. And the--well, in the bank file, did you have a copy of the offer to purchase?
A I'm assuming, sir. I--I don't have the file here. I would think there would be a copy in there, yes.
Q All right. So you don't have a copy of that with you?
A No, sir, not that I'm aware of. No.
Q Do you recall if you gave a copy of that to the investigator involved in--in--in questioning you about this matter?
A I provided nothing to anyone during this investigation. The bank was--the bank that I formerly worked for, I assume, provided the loan file to the investigators. I've not provided anything to anyone.
Q At the point that you--I think you were interviewed by Mr. Umphlet?
A Umphlet. Yes.
Q Did he provide you with the documents which

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purported to come from the file in this--for this loan?

A I'm not certain, at the initial interview. I think when another interview took place with Agent Rufus Brown, I do believe at that time they had the file documents or some of the file documents at that time.

Q Okay. But you don't--you don't remember that?

A I remember the interview when they did have some of the loan documents. It was not the initial interview. It may have been the second interview that we had.

Q All right.

A But they did come to Wilmington with some of the loan files.

Q Okay. And in that second interview, did they provide you with a copy of the offer--offer to purchase and contract?

A Sir, I would--I'm not sure if it was in the documents that they showed me. I do not have copies of any documents. But it may have been in there. I'm not certain.

Q Okay. What about the--the item that's been introduced as Exhibit 4, was that provided to you

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as a part of the file?

A Yes, sir, it was. I recall seeing this Report of Loan.

Q Okay. So you specifically remember the investigator providing you with that document?

A Yes, I do.

Q And you can identify that document as one that--that you--that you completed?

A Yes, sir.

Q All right. Now, the title of that report is the "Report of Loan"?

A That is correct.

Q Right. This--this is not the loan application?

A Technically, no, it is not. It's an internal bank document to identify what the loan is.

Q All right. Now, where is the loan application?

A There is no loan application.

Q There is no loan application?

A For a commercial loan, we typically did not take a loan application as you would for a consumer loan or a credit card or mortgage loan. No.

Q All right. Now, looking further now at Exhibit Number 4, it indicates at the bottom of this that the loan was approved; is that correct?

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A That is correct.

Q All right. And does your signature here attest to the fact that the loan was approved?

A It does.

Q And it was approved on the date given on the--on this document; is that correct?

A That appears correct.

Q Okay. And it was for a hundred and fifty thousand dollars ($150,000), which was the amount of the loan?

A Yes, sir.

Q All right. Now, you indicated that--well, in the file, the bank file dealing with this loan, did you have a--did you have closing documents?

A Yes.

Q And do you recall who closed the loan?

A The attorney may have been Alan Solana. He did some work for our bank at the time. I'm not real confident of that, though. But it's possible.

Q And in the--in the closing process, there is typically closing instructions?

A That is correct.

Q And--and those closing instructions are given to the closing attorney. So you're not involved in

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the--in the--I'm sorry--you need to answer that question.

A Yes. That is correct.

Q Okay. And you're not involved in the closing of the loan?

A That is correct.

Q Okay. So it was the closing of the loan that took place a month later; is that correct?

A Yes. That's correct.

Q All right. And in that--in those closing instructions, you would have any requirements that the person who was receiving the loan had to provide to the closing attorney?

A Correct.

Q Okay. Now, I want to just kind of take us back. You had indicated that you had seen a copy of this letter identified here as Exhibit 3?

A Yes, sir.

Q Okay. When did you see that letter?

A As I told the Agent, I can't pin that down. I don't recall. I believe it was between March the 5th and the closing, however, 'cause it confirmed the repayment source of the loan as being grant money.

Q Well--
A But I can't give you a date. I--I--it's been six years. I really cannot recall.
Q Okay. Now, you don't have with you the closing instructions for this loan?
A No, sir, I do not.
Q Okay. And you don't have a present recollection of what the closing instructions were?
A Other than the general things that go in it, no, sir, I do not.
Q Okay. And so you--you're not able to say that a condition of the closing or a closing instruction was that this letter be provided?
A It would typically not have been in the closing letter. No, sir.
Q That would not have been in the closing letter?
A No, sir. That is not something I would have typically required to be in a closing letter.
Q All right. Now, do you recall the date that this loan was closed?
A Sir, I cannot without looking at the loan documents.
Q Just to refresh my recollection--
A Sure.

Q --did--did you see those closing documents--
A Did I see the closing--
Q You don't have a present recollection that you saw those closing documents?
A Since the loan was done, no, sir. I--I think that maybe the note and security agreement may have been provided by the agents in the file when they came for the second interview. They may have had the complete file, but I don't recall all the documents that were in it. I do believe that the note, security agreement, and so forth, maybe the deed of trust, was in that file, along with the Report of Loan that we've already discussed.
Q Now, during this--this process, this loan-granting process, can you identify how many conversations you had with Wayne Loftin about it?
A No, sir, I cannot.
Q But you do know that there were several conversations that you had with him?
A I wouldn't say "several." I would probably say that we certainly had the one to get the detail as to what the transaction was about, but he had absolutely nothing to do with the loan that I made to Community Health Foundation. Therefore I would

not have discussed any of those loan deals with him.
Q But he was the one who first approached you about making the loan?
A That could be the case, yes. Or providing loan funding for it, yes.
Q And you were aware that--that the Loftins took a second position on the--on--on the security for this loan?
A Yes, I was made aware of that.
Q Okay. Now what--just explain to the members of the Committee what that means.
A Well, that means they took a second deed of trust for typically your equity portion in the property, which is, again--I don't know how to explain it any better than that. They--they basically put their interest behind the bank to allow us to make the loan.
Q All right. So that was a--now, typically it's done the other way?
A Meaning? I'm not sure--
Q That--that the--the seller, if there is an equity deed of trust, would take the first position?
A Not with bank funding. I would not have done that

in a second position, no.
Q You would not have done that?
A No, sir. I would not have made the loan in a second position.
Q Okay. But typically that's--that's the way it's done?
A Well, it can be done that way, but I don't know that many banks will follow a second on a commercial mortgage.
Q All right. So that means basically that if there was a problem with the loan, the bank would have the first dibs at any recovery of funds from the sale, and then the person with the second deed of trust would then come in to take what was left?
A That is correct.
Q All right. And then in this instance, the Loftins had the second position?
A That is correct.
Q Now, did--did the Loftin family also bank at Coastal Federal?
A No, sir.
Q Okay. So just Wayne Loftin was the only one?
A That is my recollection.
Q Okay. And did not Wayne Loftin sign the offer t

purchase?
A Sir, I'm not sure. I don't know. Until I saw the offer to purchase, I couldn't say. I can't remember who signed it.
Q Now, you indicated that you--you saw the letter, but you don't know where the letter came from?
A That is correct.
Q Or when you saw the letter?
A That is correct.
Q Okay. So you don't have a present recollection that Representative Wright gave you that letter?
A That's correct, sir.
Q You also indicated that the--the initial loan was for a six-month period?
A Yes.
Q And this was a interest-only loan?
A A single-pay note with all principal and interest due at maturity.
Q Okay. So at--so at the outset, at the end of six months, then the entire hundred and fifty thousand dollars ($150,000) plus interest was due?
A That's correct.
Q And when the hundred and fifty thousand dollars was not available at the end, then it was extended by

the payment of the interest?
A That is correct.
Q All right. Do you recall how many times the loan was extended?
A Without the file, my best recollection is maybe twice.
Q All right. And do you--do you recall how it was extended?
A Well, the interest was paid, and of course, a modification agreement would have been done at that time to extend it for an additional period of time.
Q Okay. And do you have a present recollection of extending that--of providing that modification?
A Yes, sir, I do.
Q And whom did you provide that with?
A Representative Wright, and Dr. Gottovi, I think, signed the modification agreement.
Q All right. And did they come in and provide the interest--monies for the interest on that loan?
A Yes, sir. That would have had to have been done.
Q Okay. Now, do you have a present recollection of either or both of them coming in to provide the--the interest payment?
A I can only recall one meeting with Dr. Gottovi when

he came in and paid the interest for it. So I--that's the only one I can specifically remember.
Q Okay. And you don't have a recollection of meeting specifically with Representative Wright and his paying the--the interest?
A It's very possible. I just can't recall that specifically, no.
Q All right. Now, is it possible that the extension would have been three times?
A It's very possible, yes.
Q All right. The extensions would have covered ninety days, or six--six months?
A I would suspect ninety days, though, again, without looking at the documentation, I can't say.
Q All right. Now, do you recall if those documents were in the file that the investigators provided to you?
A Sir, they should have been. If they had the complete file, they should have been. I can't specifically say I recall seeing them during my interview with them, but they should have been in the file. Yes.
Q All right. But you were given the file to look through for the various documents in there; is that

correct?
A I was given the file to review some documents, yes.
Q Right. And--but you don't have a credible recollection that any of those documents were in it?
A I can't recall those--no, sir--specifically.
Q So the answer to that is that--
A No.
Q --no, you don't have a present recollection?
A No.
Q Okay. Now, with respect to--I just want to take you back to Exhibit 4. Do you have a present recollection of the specifics of the conversation that you had with Representative Wright regarding--regarding the source of repayment?
A No.
Q Just in general you have a notion, from looking at what's on the document, that that was the information that was provided?
A That is correct.
Q All right. So the specific conversation you don't remember?
A No.
Q Is--was there anything other than--than this

document in the file that would have refreshed your recollection about the specific conversation that you had with Representative Wright?

A Unless there were some handwritten notes, which I don't recall seeing, no.

Q Now, in this loan, the value of the--the building far exceeded the loan amount; is that correct?

A That is correct.

Q And that's why it was a good source of security for the--for this loan?

A Well, I'm not real certain as to the value on this Report of Loan, other than I knew the tax value by New Hanover County tax assessed records at the time was a hundred and nine--a hundred and eighty-four or a hundred and eighty-five thousand dollars, which gave us a very good margin at a hundred-and-fifty-thousand-dollar loan, yes.

Q And you also required, based on the report--your loan report--your loan approval form, that the Foundation open an account at the Coastal Federal Bank?

A Yes. We were hoping to establish a relationship with the Foundation and asked for their checking account to be a part of the loan process.

Q All right. Well, in the--do you have Exhibit 4 in front of you?

A Yes, sir. I--yes, sir, I do.

Q And would you just look down at the section dealing with required accounts relationship?

A Yes.

Q Now, are you--is your testimony here that that was not a requirement but a suggestion?

A It was a requirement, but unenforceable. We can't force them to do that, but we did ask that the account be opened at Coastal Federal Bank, yes.

Q But you couldn't require that, so it was required that they open up an account at the Coastal Federal Bank?

A That's just boilerplate language on the bank form, and so that was put into the proper section on the form.

Q Now, you have listed as the principals on the loan Thomas Wright and Dan Gottovi. What--what does that mean?

A They were the ones that were part of the Foundation. I'm--I'm assuming that we had Foundation incorporation documents or something that would identify those were the positions they

held with the Foundation.

Q Well, and did you have conversations with both of them regarding this--this loan?

A I don't recall any pre-conversations with Dr. Gottovi till he signed the loan documents.

Q All right. And by signing the loan documents, what--what are you referring to, the closing?

A I believe at closing they were required-- I know one, possibly both, were required to sign the loan documents.

Q So you don't recall any individual conversation with--with Dr. Gottovi, but you do recall--well, let me just ask you that first. You don't recall any individual conversation that you had with Dr. Gottovi before the loan closed?

A No.

Q And your recollection of Dr. Gottovi's involvement in the loan was at the point that he signed the closing documents, which would have been with the--with the closing attorney?

A That is correct.

Q Now, you weren't present at the closing?

A No, sir, I was not.

Q Typically, you're not there for that?

A No, sir, I'm not.

Q So you didn't actually see anyone sign the closing document?

A No, sir, I did not.

Q And, in fact, you didn't have--you didn't review the documents involved in the closing in this matter until the SBI agent brought it to you; is that correct?

A No. I think--I would say that we probably reviewed them post-closing to ensure if my signature was in the proper places. I had a loan assistant who did doc preparation for us on loan closings and so forth, so it would have been reviewed by her to make sure all signatures were in place and so forth before it was sent to--to our home office.

PROF. JOYNER: Could I have a moment--

THE CHAIR: Sure.

PROF. JOYNER: --Mr. Chairman?

(DISCUSSION OFF RECORD)

Q (By Prof. Joyner) All right. Mister--Mr. Burbank, do you have a present recollection regarding the distribution of the funds from the--in the closing of this loan?

A Without reviewing the HUD statement, I'm certain

some of the funds went to pay off a previous mortgage on the subject property.
Q Okay. But you--you don't have an independent recollection?
A No, sir, I--no.
Q You're just speculating on that?
A Yes.
Q Okay. So you--you don't know how the loan proceeds were divided?
A No.
Q And so you can't say Representative Wright received any of the loan proceeds?
A No, I cannot.
Q Okay. Would--would that information have been in the file?
A It should be on the HUD-1 statement from the closing.
Q Oh, so there was a HUD-1 statement that should have been in the file that should be available for--for everybody to see?
A And that would--yes. That's correct.
PROF. JOYNER: No further questions at this time.
THE CHAIR: Thank you. Redirect

examination?
MR. HART: Thank you, Mr. Chairman.
REDIRECT EXAMINATION BY MR. HART:
Q Mr. Burbank, do you know the date of default of the loan?
A No, sir, I do not. That was not handled by me. Our collections department makes that determination, not me.
Q How long before notice of foreclosure would--would that actually be? Is there a set time?
A I--I'm not certain. There is a time period where the borrower is notified of default, and they have a period of time to correct the default before proceedings are taken. But I can't give you the specific time frame.
Q Okay. The application, Exhibit Number 4, the--not an application, but the form that you filled out, the Report of Loan, that's a contingency; is that correct? You fill that out, but there are still things that have to be done before a loan will actually be processed; is that right?
A It's actually--it was an internal bank requirement that it be filled out, but, yes, there were things that had to take place beyond this to--to close,

yes.
Q Okay. And so I take it that the letter that you said you got from Representative Wright was one of the things that occurred between the time you filled out this paper and the time of closing; is that correct?
A That's correct.
Q And Mr. Joyner asked you some questions about the--the letter. Did you get this from someone other than Representative Wright?
A Sir, as I told Agent Umphlet, I can't be certain who gave it to me. I'm assuming it came from Representative Wright or his office, but I cannot specifically say.
Q Okay. And it came sometime prior to the actual closing, correct?
A Yes, to confirm my repayment source. Yes.
Q Okay.
MR. HART: That's all I have, Mr. Chairman.
THE CHAIR: I'm sorry. Recross?
RECROSS-EXAMINATION BY PROF. JOYNER:
Q Mr. Burbank, when you--when you reviewed the file--when you reviewed the file provided by the

SBI officers when they were investigating this matter, was a copy of this letter in the file?
A No, sir, it was not.
Q Now, typically, all of those documents that are important and required and involved in a closing would be in the file; isn't that correct?
A Yes, sir, it is.
Q But this letter was not in the file?
A No, sir, I did not see it in the file.
Q With respect to this Report of Loan form, now, you indicated--and I'm--and I'm somewhat confused--that even though the loan--this form, says "approved," that it was now--it's now contingent. In response to Mr. Hart's question, you say that this was a contingent report, yet the form itself says that it was approved.
A Sir, I don't--semantics. The letter--the loan was not--trying to word this correctly. There's nothing--there's nothing on this form that says there's any contingencies to close a loan. Does that answer your question?
Q Right.
A Yes, sir. That would be a correct statement.
Q Right. So the document does not require from its

face the presentation of anything else to effect the approval of it?

A That's correct. If you'll pay attention to the bottom right-hand corner of that document, where it says "conditions of approval," had there been any contingencies that were required to be met, I would have put them in that box.

Q All right.

PROF. JOYNER: No further questions.

THE CHAIR: Representative Stam?

REP. STAM: Thank you, Mr. Chairman.

Recommended Risk Grade 5, what does that mean?

THE WITNESS: Loans are graded based on risk for our loan-loss provision. Risk Grade 5 was based on the risk in the loan, which we knew that--I knew that there was some going into the loan, was the lowest risk grade possible without putting it on the watch list. So again, that just indicates the level of risk that I assess in a particular debtor.

REP. STAM: All right. Low risk, and then the interest rate is prime--looks like prime plus one and a half.

THE WITNESS: That would be correct, I think. Yes.

REP. STAM: So that reflects fairly low risk; is that--

THE WITNESS: No, that--that reflects fairly high risk. Risk Grade 1 is the lowest risk loan. That's basically secured by cash or CDs. And then, of course, they go down accordingly so. Risk grade does have a reflection in the pricing.

REP. STAM: Oh. When you say recommended risk grade is low, you mean low risk or low--low--

THE WITNESS: No. Five (5) would be not necessarily a high-risk loan, but it is certainly one of the more risky loans that we would do.

REP. STAM: Okay. More risky?

THE WITNESS: Yes.

REP. STAM: Okay.

THE WITNESS: The lower the number. Number 1 would be no risk whatsoever.

REP. STAM: All right. I understand. Now, two places I see state and federal grant money, both under "Source of Repayment" and under "Debt Service Coverage"--

THE WITNESS: Yes.

REP. STAM: --we've seen the indication about the state grant money.

Why do you have the federal grant money there?

THE WITNESS: I can't recall, unless it was part of the conversation I had with Representative Wright. But I can't honestly answer that question.

REP. STAM: Well, did you talk to anybody other than the borrower about the sort--would you have talked to anybody other than the borrower about the source of repayment?

THE WITNESS: No.

REP. STAM: Okay. When you have, at the bottom left, "loan policy exceptions requested," you mentioned non-recourse financing, what is that?

THE WITNESS: That we required no guarantors on the loan.

REP. STAM: Okay. Was the sellers, the Loftins, who took a second deed of trust?

THE WITNESS: I think that's correct, yes.

REP. STAM: All right. Is that maybe the non-recourse financing for the secondary financing?

THE WITNESS: That has nothing to do with that.

REP. STAM: So, no guarantors?

THE WITNESS: That just meant I did not require Representative Wright or anyone else to give a personal guarantee.

REP. STAM: All right. The sales price was three hundred and fifty thousand, apparent--according to the item about two-thirds of the way down on the left, which I guess you got from the contract?

THE WITNESS: Sir, I can't say at this point in time. Yeah, that's what it says on this form. But I'm assuming that's where I got that number, yes, sir.

REP. STAM: Did--did the borrower, Community Health Foundation, put any money into it at all, or was it all hundred and fifty from you and seller financing from the seller?

THE WITNESS: I can't answer that question without reviewing the HUD.

REP. STAM: Okay. The--I want to talk about the gross receipts for this corporation fo this year and the following year. At closing,

y'all provided, I presume, a loan check of a hundred and fifty thousand; is that correct?

THE WITNESS: It would have been provided to the closing attorney, yes.

REP. STAM: And the corporation received that hundred and fifty thousand; is that right? Maybe that's redundant.

THE WITNESS: I don't think that would be the case.

REP. STAM: Well, it was provided on or on behalf of it to purchase property?

THE WITNESS: Well, yes. But--

REP. STAM: I'm not saying that a check was written to them.

THE WITNESS: Yes, sir. The check was provided to the trustee in trust for the Community Health Foundation.

REP. STAM: In order to provide property?

THE WITNESS: That's correct.

REP. STAM: All right. So the corporation received it. Now, in approximately--I understand that they went into default in the fall of '02. Is that right?

THE WITNESS: Looking at the--

REP. STAM: It was a six-month note, and they immediately went into default?

THE WITNESS: That doesn't constitute default, because the loan was not paid in six months. Yeah, it was extended on multiple occasions; therefore, the loan would not be in default due to the extensions that we gave at the time.

REP. STAM: Okay. The time, then, when they paid the--when Dr. Gottovi and Representative Wright paid, do you recall, was that the next year, in 2003?

THE WITNESS: I would guess the first one had to have been six months or shortly thereafter the original note date. Again, looking at the modifications, whatever dates the modifications are dated would be when the interest was paid.

REP. STAM: And they did that--the foreclosure was mid-2004, so as far as you know, they also paid the interest in 2003?

THE WITNESS: Yes, sir.

REP. STAM: All right. Well, what is the yearly interest, prime plus one and a half, on a hundred and fifty thousand, back in 2003? Do you

remember?

THE WITNESS: Sir, without my calculator, I could not. And not knowing what prime rate at the time was, there'd be no way for me to--to do that.

REP. STAM: All right. But it would be more than five thousand dollars ($5,000), wouldn't it?

THE WITNESS: I'm not certain that that would be the case, again. I rely--I rely on a calculator for that. I really am not good enough at math to calculate it in my head. So I'm very sorry. I don't know that it would have been five thousand dollars. It could have been, sir. I don't know. I can't answer your question without my calculator.

REP. STAM: I would think it would just--it could not be less than, or it would be below zero.

So the only source of repayment was grant money, that you know of?

THE WITNESS: That would be incorrect. The secondary source would have been the liquidation of collateral. That's something that

all bankers take in consideration.

REP. STAM: Okay.

THE WITNESS: Not that we wanted to, but certainly it was a consideration.

REP. STAM: No bank--no bank looks only at foreclosure in deciding whether to--

PROF. JOYNER: Objection--objection to what no bank--

REP. STAM: Well, your bank. I'll ask--I'll withdraw that and make it to your bank.

THE CHAIR: Yeah. Sustained.

REP. STAM: Your bank, for any loan, you would never grant a loan where your only source of repayment was foreclosure?

THE WITNESS: That's correct.

REP. STAM: All right. No further questions.

THE CHAIR: All right. Thank you. Representative Lucas?

REP. LUCAS: No questions.

THE CHAIR: Representative McGee?

REP. McGEE: One question, if I may.

THE CHAIR: Certainly.

REP. McGEE: I think that we have that

Wayne Loftin was one of the guarantors.

THE WITNESS: No, sir, he was not. He was--his family, I think, was the seller of the property, but he had nothing to do with this loan.

REP. McGEE: One further question: I noticed that--that one of the officers or the incorporators was James Loftin. Is James Loftin and Wayne Loftin one and the same, or are they not?

THE WITNESS: Sir, I don't think so. I think that may be his father, but I'm not certain.

REP. McGEE: Thank you.

THE CHAIR: Is that it, Representative McGee?

REP. McGEE: Yes, sir.

THE CHAIR: All right. Representative Warren?

REP. WARREN: No questions.

THE CHAIR: Representative Wiley.

REP. WILEY: Thank you, Mr. Chair. I'm not an attorney, so I may be a little more clumsy at this. I'm trying to go back and establish in between when this--it's not an application, but your notes here stated that the basis of credit here was going to be grant money from the state--

THE WITNESS: Yes, ma'am.

REP. WILEY: --and federal, correct?

THE WITNESS: Yes, ma'am.

REP. WILEY: In between that time and filing, would it be accurate to say that that letter would have been presented to someone in order to facilitate that closing as proof of monies?

THE WITNESS: That would be accurate.

REP. WILEY: Third question, if I may.

THE CHAIR: Yeah.

REP. WILEY: At the first extension, I--let me back up. I would assume this is part of the record now, this letter. At the first extension, would it be a normal course of banking business to look down and say the--read the letter--"The funding will be awarded by June 30th, 2002." Would someone question why that grant did not come through before granting the extension? Would someone question that?

THE WITNESS: Yes.

REP. WILEY: Did anyone question that?

THE WITNESS: Yes. I did.

REP. WILEY: And what answer did you

receive?

THE WITNESS: Well, that funding would still be forthcoming, so we continued to extend the note. I--at that point, we were already into the loan. And it was my hope that we would eventually get repaid with grant money or any source of funds so that we didn't have to go to foreclosure. So the extensions were done to--to give time for the funding to take place.

REP. WILEY: Okay. Who told you that the grant money was still possibly forthcoming?

THE WITNESS: Well, Representative Wright, in our conversations, had indicated grant money was forthcoming, so we agreed to extend--

REP. WILEY: One last question--I'm sorry--

THE WITNESS: --from what--from what source--what source I can't specify at that time, but there would be funding forthcoming.

REP. WILEY: I guess it'd be more accurate--did anybody call Mr. Wade to verify that those monies were forthcoming?

THE WITNESS: No, ma'am. By that time, there would be no need. We didn't--it was already

past the date of the letter, so--

REP. WILEY: Thank you.

THE CHAIR: The Chair has several questions.

Did you ever, at any occasion, speak to Torlen Wade?

THE WITNESS: No, sir. I do not recall ever speaking to Mr. Wade.

THE CHAIR: Have you ever met him physically, other than seeing him in the courtroom today?

THE WITNESS: No, sir. I do not.

THE CHAIR: Do you recall ever receiving a fax or letter from Mr. Wade, directly from him?

THE WITNESS: No, sir. I can't say that I have.

THE CHAIR: All right. When you put on the Exhibit 4 that you have, "grant money"--and we later saw a copy of the letter from Mr. Wade--did you understand that that letter was committing funds for the project consistent with what you were told would be grant funds?

THE WITNESS: Yes, sir.

THE CHAIR: Were you ever dissuaded of

that notion by anything that Representative Wright said to you?

THE WITNESS: No, sir.

THE CHAIR: Was it Representative Wright who told you that grant money would be forthcoming?

THE WITNESS: In our initial conversations, yes.

THE CHAIR: That's all the questions the Chair has. Did my questions lead to any questions further, Mr. Hart?

MR. HART: No, sir.

THE CHAIR: Dr. Joyner?

PROF. JOYNER: Yes, Mr. Chairman.

THE CHAIR: I'm sorry. No--no--

PROF. JOYNER: Yes.

THE CHAIR: Oh, I'm sorry. Go ahead.

FURTHER RECROSS-EXAMINATION BY PROF. JOYNER:

Q Okay. I'll just try to get some clarifications here again, and this is with respect--when you say that Representative Wright told you that grant monies would be forthcoming, is that statement based on your review of the notes that's here as opposed to your present recollection of the conversation that you had with Representative

Wright?

A I'm not sure--when you say "present recollection," I remember our initial conversation, sir, to know that grant monies were going to be a source of our repayment. I'm not sure if I answered your question properly, but--

Q No, I'm just saying if your testimony today regarding grant money is based upon your review of the document and the reference here to "grant money" under "primary source"--or is it based on your present recollection of the conversation that you had with Representative Wright at that time?

THE CHAIR: I'm sorry. Let me ask, do you understand the question, of what he means by "present recollection"?

THE WITNESS: I'm not sure I do, sir, no. No.

THE CHAIR: All right. All right. Could you explain a little better to him in the question, Doctor--

Q Is this based on your personal memory, or on your review of the document?

A Well, I have a personal memory that when the loan requests began, that the source of repayment would

have been grant money.

Q Okay. And that specifically Representative Wright told you that?

A Yes. During our initial conversation about how we were going to finance the building, yes.

Q Did he indicate that that--that that--that they had--that he was trying to get an appropriation for this money?

A Correct.

Q Okay. He did not indicate that he had the grant money in hand?

A No. And that I did not have a specific agency at this time that was going to provide it.

Q And--but your recollection is that he told you that he was seeking an appropriation that would cover this--this amount?

A That is correct.

Q Okay. Now, when you answered the question regarding the risk grade at 5, it--did not that risk--that determination--was not that determination based on the fact that grant money had not been received at that point?

A No, sir, not necessarily. The risk was based on my assessment of--we were making a loan to a nonprofit

that didn't have cash flow, didn't have a typical stream of operating cash flow, and that the source of repayment was a little unusual. And therefore, there was some risk involved, and that's why it was graded accordingly.

Q Well, let me ask you, do you have a present recollection that you asked Representative Wright, "What source of payment do you have if the appropriation doesn't come through?"

A I can't give you a--no, I don't recall a present recollection of that.

Q So you don't recall asking him that?

A No, sir. I can't say that.

Q But you were aware that he was seeking an appropriation for this?

A That is correct.

Q All right. Now, when you got to the modifications of the loan, the extensions of the loan, which, I guess, ran somewhere from April 2002 through June 2004, did you have further inquiries about the presence of the--of the appropriation?

A Beyond the first renewal, I can't say, no.

Q All right. Were you--were you aware that the legislative session had ended in August 2002?

A Sir, I can't say that I was aware of that, no.
Q Okay. At some point when this loan went into foreclosure, you had some conversation with Wayne Loftin and his mother; is that correct?

THE CHAIR: And I'm going to issue my own sustained objection on that. I think we're, at this point, only asking questions that follow the questions of the Committee as opposed to engaging in new territory. So unless you can explain to me where we questioned that--

PROF. JOYNER: Well, the--the question was raised about Wayne Loftin or James Loftin and their association with this loan--

THE CHAIR: I think the only question that was asked on Committee questions was James Loftin and Wayne Loftin the same person. And the answer was no, I think it was not. Now, if your question goes directly to that, I'll be glad to allow it. But if it's engaging a new area, I don't want to reopen it--

PROF. JOYNER: Well--

THE CHAIR: --after everybody's questioning.

PROF. JOYNER: Well--

THE CHAIR: But go ahead, if--

PROF. JOYNER: That's what I was hoping--hoping to do.

THE CHAIR: Okay. But--I'll let you ask it again and see if it just focuses on that. Thanks.

Q (By Prof. Joyner) You had conversation with Wayne--Wayne Loftin, and his mother about the foreclosure; is that correct?
A I do recall a conversation with them, yes.
Q All right. And this was sometime--this was after the foreclosure had occurred, or at least the property had gone into foreclosure?

THE CHAIR: Well, again, I don't--the objection is sustained. We're--again, if it just relates to--

PROF. JOYNER: If I can ask my next question, Mr. Chairman--

THE CHAIR: All right. Don't answer that question. Go ahead and ask your next question, Doctor.

Q (By Prof. Joyner) Did you have--well, first, do you know who James Loftin is?
A I'm not sure I've ever met Mr. Loftin, James Loftin, no.
Q Okay. So you--so the conversations you had did include James Loftin?
A That is correct.

PROF. JOYNER: That's my questions.

THE CHAIR: Oh, I'm sorry. Anything further--I'm sorry. Did you say you were finished? I'm sorry.

PROF. JOYNER: I mean, I could go on.

THE CHAIR: No, no. No, no. That's okay. If that's it, then we are--we are done with this witness. And thank you very much. You may step down.

MR. HART: May this--may this witness be excused, Mr. Chairman?

THE CHAIR: Let me just ask. Is there any reason that this witness may not be released from the subpoena? All right. And--

PROF. JOYNER: I know of no reason.

THE CHAIR: And Mr. Hart?

All right. Thank you very much, Mr. Burbank. You're released from the subpoena. I just want to ask this before we take a break: I do want to try and get through one more witness if we can, but only if it's going to be a fairly short witness. Mr. Hart, can we do that?

MR. HART: I do have one witness who I think will take a very short period of time, at least for my questioning.

THE CHAIR: All right. Well, let's take a ten-minute break to--for everybody, and then we'll be back to try to do one more witness today, and then we'll finish up. Thank you.

(FOURTEEN-MINUTE RECESS)

THE CHAIR: All right. And we are all back. A couple of logistics matters. This is the last witness of the day that we're going to do. Secondly, what we're going to do this evening is this room, after everyone clears, will be locked, so you can leave anything that you want in here in the positions that they're in. There'll be no one and no access to it until tomorrow morning when we reconvene. That'll save everybody from having to pull everything and move everything that they don't want to take home.

Third, Committee members, if you'll le

your notebooks here, there's one document that we need to redact some information from, and we'll deal with that overnight so that we do that.

Number 4, as to the motion to dismiss that was made earlier today on the basis of disparate treatment, Dr. Joyner, if you want to pursue that motion, if you will file, please, by tomorrow morning at nine A.M., the motion in the clerk's office that sets out those grounds--I don't expect--you don't have time to be briefing the motion, but I certainly would want it in writing to be able to set it out. You can attach whatever evidentiary material you want us to consider.

Mr. Hart, it will then be available and served, I'm sure, on you at that point. I know there won't be time for you to respond before ten o'clock. I'll take a look at it between nine and ten. If I think that a response is needed, then I'm going to set it for either the end of the day or Wednesday morning to be heard and--and dealt with, but giving you time to--to at least formulate an oral response. If I--if I think that it--it is not something that needs a formal response, then we'll proceed from there. But at this point, I

obviously don't have anything before me. So we'll do that, and I think that takes care of the logistics matters so that when we're clear with this witness, everyone can actually leave and we can get the room locked.

Is there any other logistics matter I need to note? Mr. Reagan, Miss--anybody? Anything else?

REP. STAM: I believe we start at ten tomorrow.

THE CHAIR: We do start--we do start at ten o'clock tomorrow in this room. All right. With that, Mr. Hart, your next witness?

MR. HART: Thomas John Policastro, please.

THE CHAIR: And the court reporter will swear Mr. Policastro.

* * * * *

Whereupon,

THOMAS JOHN POLICASTRO,
having been first duly sworn,
was examined and testified
as follows:

DIRECT EXAMINATION BY MR. HART:

Q Will you state your name, please, sir?

A Yes. T. John Policastro.

Q Mr. Policastro, how are you employed?

A I'm currently employed with the North Carolina Automobile Dealers' Association as general counsel.

Q All right. And that is--is that here in Wake County?

A It is.

Q When were you employed there?

A Beginning January of 2006, January 1st or 2nd, 2006.

Q Prior to that, at some point did you work for the corporation called AT&T?

A I did.

Q And do you recall the time period that you worked for them?

A Yes. It would have been some point in late 1997 through December of 2004.

Q Okay. What was your position with the--with AT&T while you were with them?

A I held various positions. I started as a legislative manager representing AT&T, or assisting in representing AT&T, before the North Carolina

General Assembly, but quickly took on regulatory duties, as well, representing the company in North Carolina before the North Carolina Utilities Commission, and then at some point, I think in 2003, became the state director of--of AT&T's Law and Government Affairs Department here in the state.

Q And what did that position entail?

A It basically entailed the same duties. I ended up pretty much taking on that role as the sole person remaining in the government affairs office of North Carolina. It was pretty much the same role.

Q All right. During the time that you were with AT&T, did you come to know the respondent in this action, Representative Thomas Wright?

A Yes, I did.

Q And in what capacity did you come to know him?

A As a member of the North Carolina General Assembly.

Q Did you have much interaction with him?

A From time to time. I'm not sure what "much" would be, but from time to time, sure, certainly.

Q All right. Did there come a time when you became aware that he had in some way sought a charitable contribution from AT&T to a group called the

Community's Health Foundation, Incorporated?
A Yes, sir.
Q Do you recall about when you became aware of that?
A I think it would be in the late fall, September time frame of 2003.
Q And what--what do you remember--how--how do you remember finding out about that?
A I recall--the best of my recollection is that the--an inquiry or a recommendation into this entity was relayed to me through one of our outside consultants at the time, with the--with the query being along the lines of what was needed to make a formal request. I recall vaguely relaying that back, that certain things were needed to do that, and then receiving documentation after that with that formal request.
Q All right. And was--was that--the information you had and relayed to the person you were talking to, was it with the idea that it would be sent back to the person making the request?
A That or the underlying entity.
Q Okay.
A It was--our understanding that--that it was for the Community Health Center in Wilmington.

Q Okay. Was it Community Health Center, or the Community's Health Foundation, Incorporated?
A Well, I--it--it ended up being the Community's Health Foundation. When it was first relayed to me, it was described as, as I recall, as being on behalf of the--of the Community Health Center down there.
Q Okay.
A And then these--the information that was received specifically identified the organization's name.
Q All right. And the formal request that you had indicated, how did you indicate that that should be made?
A AT&T's process at the time was to--for these kind of things was when--when it was--certainly, when it was an obvious thing, like a health center, or we had given to other small entities like a battered women's shelter, soup kitchens, homeless shelters, that kind of thing--was to acquire an invoice to be submitted. It didn't have to be detailed. It could be simple, it could be extensive, whatever. It just needed to be--it was required, it's my understanding, through the corporate requirements, in order to establish the--the entity in the--in

the payment system, to establish a kind of vendor ID number and that kind of thing, and then also a tax ID number to be identified on an IRS W-9 form.
Q All right. And at--at some point did you become aware that an invoice had been submitted by the Community Health Foundation, Incorporated?
A Yes. At some--at some point in that time frame, I did receive this.
Q All right. I want to point you to Exhibit Number 11 in the book that's before you, a single-page document. Do you recognize that, sir?
A I do.
Q What do you recognize that to be?
A I recognize this as being the invoice that we received at that time to process this formal request for this--this contribution.
Q All right. Now, when you first observed that, had you personally had any conversation with anybody from the Community Health Foundation, Incorporated, or specifically, Thomas Wright?
A I don't recall specifically talking to Representative Wright about this particular--this particular donation. I recall it coming through this--this third party. I'm not sure if--I don't

recall ever having a specific conversation. That doesn't mean down the road it wasn't mentioned as a, you know, "thank you for--for contributing to that organization," that kind of thing. But I don't recall discussing it specifically. I just recall getting this--getting this back from them.
Q All right. Were you involved in the approval process for this charitable contribution to that foundation?
A Not specifically in the approval process. I--I would have sent this on up to our folks--the people who handle contributions like this from, basically, AT&T's corporate, I guess, accounts, so to speak, and--or AT&T's foundation. Our direct liaisons were our public--public relations department, so this would have been passed on to our--our PR folks in the normal process. And then that would be submitted on up--up the chain, up AT&T's corporate levels for approval.
Q All right. Looking at Exhibit Number 11, is that an accurate copy of the document that--that you observed at that time?
A It is without the handwriting with the circling.
Q And did--did you make those notations--

A No, I did not.
Q --or were those done after you--
A I did--I don't--no, I did not make these. I think--I believe these were done at some point in the approval process.
Q All right. I'd also ask you to look at Exhibit Number 12. Do you recognize that document, sir?
A I don't specifically recognize it. I recognize what it is.
Q And what is that?
A The--what it--what it reads to be is a supplier order to pay accounts payable third-party request. This, I believe, is a form that--well, I don't--we didn't usually receive it our--back at our level. This was kind of an internal--appears to be internal documentation on this request that--after it went on up the chain.
Q All right.
A So I would not have received a copy of--of this--
Q All right.
A --necessarily.
Q All right. Was that a form that was typically used to authorize payments, charitable contributions, to agencies--

A I believe it was.
Q --by AT&T?
A I--I believe it was.
PROF. JOYNER: Objection to what he believes.
THE CHAIR: I'm sorry. Objection--
PROF. JOYNER: Objection to what he believes. If he knows, he can answer.
THE CHAIR: Sustained. Do you know?
THE WITNESS: I don't specifically know.
THE CHAIR: All right, sir.
THE WITNESS: But--
THE CHAIR: Thank you.
A I do recognize one of the names on here.
Q (By Mr. Hart) All right. And--and what name is that?
A I don't know the--I never met the gentleman specifically, but I do remem--recognize Robert Show--Shower's [phonetic] name as being an upper-level person in the AT&T public relations department at that time, a very higher-level off--not officer, but a higher-level person in the corporation.
Q All right. And do you--do you recognize him as

being one of the people who would authorize--
A Yes.
Q --payments of charitable contributions?
A Yes. I had seen his name on other documents that--
PROF. JOYNER: Objection to the characterization of approving charitable contributions.
THE CHAIR: Can you rephrase the question?
Q (By Mr. Hart) Did you recognize him as being a person within AT&T who authorized charitable contributions to various agencies?
A Yes.
PROF. JOYNER: Objection.
THE CHAIR: Basis?
PROF. JOYNER: The characterization as someone who would approve contributions to charitable organizations.
THE CHAIR: Overruled.
A I--I recognize him as--as--the--the name that was usually on these--on these forms for approval, on--on forms beyond this form here.
Q All right. I'd ask you to look at Exhibit Number 13. And do you recognize that particular document,

sir?
A I can't say I recognize this--this particular document. I don't know for certain if I ever received this check back in--
PROF. JOYNER: Objection.
THE CHAIR: I'm sorry. Basis?
PROF. JOYNER: He said he didn't know.
THE CHAIR: Would you repeat the question, please, Mr. Hart?
MR. HART: Yes, sir.
Q Mr. Policastro, do you recognize the document that's shown in State's--in Special Counsel's Exhibit 13?
A Yes. It appears to be a check written--
PROF. JOYNER: Objection as to what it appears to be. Does he know that this is what it is?
THE CHAIR: Objection is overruled. I'm going to let him answer, but I will hear you on a motion to strike if it's not hooked up. Go ahead. You can answer, Mr. Policastro.
A It appears to be a check from AT&T's corporate account, or one of AT&T's corporate accounts, written to the "Community's Health Foundation, I."

I suppose the line was too long, and it was supposed to be "Incorporated."

Q Okay. And did you--

PROF. JOYNER: Move to strike.

THE CHAIR: Denied.

Q Do you recognize that as being the form that checks issued by AT&T came in during that time period?

PROF. JOYNER: Objection to what form the checks came in.

THE CHAIR: Do you know, Mr. Policastro, the form--

THE WITNESS: I have seen--I--yes. Yes, Mr. Chairman, I have seen other checks in other circumstances beyond charitable contributions that look like this check.

THE CHAIR: All right. Overruled.

Q (By Mr. Hart) Mr. Policastro, are you aware, was, in fact, an approval made for a fifteen-hundred-dollar donation, charitable contribution, to the Community Health Foundation, Incorporated, by AT&T back in April of 2004?

A I know the approval was--was openly made. I'm not sure the--I'm not sure--aware of the specific date.

Q Okay.

A But, obviously, the check was written on that date.

Q All right.

A The approval could have happened some time before.

Q Okay.

MR. HART: Mr. Chairman, at this time I would move to introduce to Exhibit Number 11.

THE CHAIR: Any objection to Exhibit Number 11, Dr. Joyner?

PROF. JOYNER: No.

THE CHAIR: All right. Without objection, Exhibit Number 11 is admitted.

Q (By Mr. Hart) Mr. Policastro, over the years, have you been a board member in any charitable organizations?

A I've been a board member in nonprofit organizations, not necessarily charitable.

Q Okay. Any--approximately how many different nonprofit organizations have you been a board member in?

A I'd say one or two.

Q Okay. In that capacity, were you a volunteer board member?

A Yes.

Q Did you ever receive any compensation from those

organizations for being a board member?

PROF. JOYNER: Objection, Mr. Chairman. Relevancy.

THE CHAIR: I'm not--I'm not sure it's extraordinarily relevant, but I will allow it to go at least to the witness' credibility for whatever purpose it has for this testimony. I'll allow it for right now. Overruled.

A No.

THE CHAIR: I'm sorry. Would you repeat the--

A I'm sorry. No. No.

PROF. JOYNER: Move to strike.

THE CHAIR: Denied.

Q (By Mr. Hart) Mr. Policastro, from your knowledge involving this particular contribution, was it intended to be a charitable contribution to a 501(c)(3) corporation?

A Yes, sir.

PROF. JOYNER: Objection--

THE CHAIR: Basis?

PROF. JOYNER: --unless he knows, but he said he knew.

THE CHAIR: Well, could--let me ask.

Again, the question was, Did you intend it to be a contribution to a 501(c)(3)? And I understand you to say, "Yes." Is that correct?

THE WITNESS: Yes.

THE CHAIR: All right. Then that question subsumes that he does know and did then, so it's overruled.

Q (By Mr. Hart) Regardless of whether it was a--specifically a 501(c)(3), did you intend it to be a charitable contribution to the Community's Health Foundation, Incorporated?

A Yes, sir.

MR. HART: That's all the questions I have, Mr. Chairman.

THE CHAIR: All right. Cross-examination, Dr. Joyner?

CROSS-EXAMINATION BY PROF. JOYNER:

Q Mr. Policastro, I just need some--some clarification here. My understanding is that you--you did not approve this request. Is that correct?

A That is correct, sir.

Q All right. So what you intended to do is irrelevant, then?

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A I'm not sure it's irrel--I'm not sure how to answer--
Q You didn't approve this request?
A That's correct.
Q All right. You merely passed it on?
A That's correct.
Q And it was approved by someone who's not here today--
A That is correct.
Q --as far as you know, somebody that you don't know?
A I know the name, but no, I don't know him personally, sir.
Q Okay. Now, the general information is that AT&T makes grants to community groups, nonprofit groups, and charitable organizations; is that correct?
A I believe--the overall corporation, not just in North Carolina?
Q Yes, AT&T.
A That's--that's my--I'm sure they do, yes. I'm sure they do--
Q Well, I mean, this check was paid out of Illinois; is that correct?
A (Examines paperwritings.) That--that is the address of the bank, yes, sir.

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Q All right. So you make contributions to community groups, nonpublic groups, and nonprofit groups, charitable groups, as well?
A Yes, sir.
Q Is the approval process the same for each of the groups?
A Not necessarily. I'm not sure--charitable contributions, I think, at times require different internal documentations. Not necessarily.
Q All right. Let me just direct your attention to Exhibit Number 11 and ask you to identify what part of that document indicates that this is a 501(c)(3) organization.
A There's no part of this particular document that does.
Q Is there any part of this document which would indicate that this is a charitable organization?
A Just the word "Foundation, Incorporated," would give me that--that thought.
Q And is there anything about this document that would indicate this is a nonprofit?
A Again, just the word "Foundation" would seem to--would give me the impression that it was a nonprofit, but--

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Q All right. So--
A --I can't--I can't confirm that.
Q So you can't confirm any of that?
A That it was a nonprofit?
Q That it--
A No, sir.
Q --was a nonprofit or charitable organization or--
A No. I--I relied on the representations that were made to us.
Q And the representation that was made--the representations that were made is contained--are contained in Exhibit 11; is that correct?
A Those were not all the representations. Like I indicated earlier, when the--when the--when it was first relayed to me through our--through our outside consultant, it was described as a non--
Q Well, let me--because, I mean, I don't know who your outside consultant was. Let me just ask--
MR. HART: I ask he be allowed to finish his answer.
THE CHAIR: The witness may allow--is allowed to finish his answer before--
PROF. JOYNER: Well, Your Honor, to the extent that he is--

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THE CHAIR: No, sir. I want the witness to finish his answer, and then I'll hear you.
PROF. JOYNER: Well, I want to object to the hearsay that the witness is preparing to testify to.
THE CHAIR: All right. Go ahead and finish your answer, and then if he starts into the hearsay, I'll hear you on the objection. Go ahead.
A What I was saying was that when it was first relayed to us what this entity was, was that--
PROF. JOYNER: Objection.
A --it was a nonprofit.
PROF. JOYNER: It's hearsay.
THE CHAIR: All right. Hold on. The objection's hearsay. Mr. Hart?
MR. HART: Mr. Chairman, it doesn't go to the truth of the matter asserted. It goes to his understanding.
THE CHAIR: I agree completely. Objection is overruled. It's not hearsay. You may answer.
A I'm not sure where I finished. I'll start from the beginning again.
When we--when it was first relayed to me

as to--as to what this was, was the--on behalf of the Community Health Center down there. I didn't see the Foundation's name, or for that matter, Representative Wright's name on this until we received the invoice. I mean, at the time I knew there was some connection with Representative Wright, but I didn't realize there was a direct connection till the invoice was--was received.

It was--I'm not sure it specifically said it was a 501(c)(3), but the terminology used was a non--charitable nonprofit, and that, to me, is a 501(c)(3). We've seen other ones before.

PROF. JOYNER: Mr. Chairman, I would object and move to strike.

THE CHAIR: Basis?

PROF. JOYNER: It was hearsay--

THE CHAIR: All right.

PROF. JOYNER: --and it was offered for the assertion of the truth of the matter--it was offered for the truthfulness of the matter asserted.

THE CHAIR: Mr. Hart?

MR. HART: A response is before you [phonetic].

THE CHAIR: All right. The objection is overruled. Motion to strike is denied.

Q (By Prof. Joyner) Looking at Exhibit 11, that does not request a grant from AT&T, does it?

A It does not.

Q Okay. And you don't have a present recollection that you've ever had any conversation with Representative Wright about this invoice?

A That's correct.

Q And the only thing that remotely ties Representative Wright into this request is that he is listed and identified on the letterhead as the president?

A Well, on this particular document, that's correct. My understanding, as I indicated earlier, was that I had information beyond this document as to that.

Q And that was from this unidentified person that you've referred to?

A Certainly. Yes, sir.

Q Now, you in--(pauses)--

PROF. JOYNER: If I could have a moment--

THE CHAIR: Certainly.

(DISCUSSION OFF RECORD)

PROF. JOYNER: We have no further

questions.

THE CHAIR: Redirect?

MR. HART: Nothing, Mr. Chairman.

THE CHAIR: All right. Representative Stam?

REP. STAM: Thank you, Mr. Chairman. Just a couple of things.

Who was the outside consultant?

THE WITNESS: It's a Mr. Lawrence Beally [phonetic].

REP. STAM: And had the Community Health Foundation, as far as you know, provided any services to AT&T for which Mr. Wright was asking for payment?

THE WITNESS: No, sir. No, sir.

REP. STAM: Had the Community Health Center provided services to AT&T for which you were recommending payment for services?

THE WITNESS: No, sir.

REP. STAM: And I--at the time you approved the invoice, did you understand the difference between the Community Health Center, which was an operating, functioning health provider, as opposed to the Foundation, from which

you got the invoice, which did not have assets except one that was in foreclosure?

PROF. JOYNER: Objection.

THE CHAIR: Sustained. Representative Stam, you may want to--

REP. STAM: Shorten that?

THE CHAIR: --shorten that, yeah.

REP. STAM: At the time you--okay. At the time you approved the--

PROF. JOYNER: Mr. Chairman, I'm going to object to that because he testified he didn't approve anything.

THE CHAIR: Sustained.

REP. STAM: Excuse me. At the time you passed on the request to higher levels, did you understand the difference between the Community Health Center and the Community Health Foundation?

THE WITNESS: I'm not sure I could say I understood the difference. It was my impression this was directly related to it. And my thought was it was the fundraising arm or the charitable arm of that--of that entity.

REP. STAM: Would it have made a difference in your passing this on to higher leve

if--if AT&T knew through you that, in fact, this foundation had not received a charitable tax determination from the IRS?

PROF. JOYNER: Objection. Speculation.

THE CHAIR: I'm going to--I'm going to overrule it and let you answer, if you can answer with some certainty about whether it would have made a difference. If you cannot, please say so.

THE WITNESS: Yes, sir. I would not have--I would've not passed this along had I not thought it was a 501(c)(3) charitable organization.

REP. STAM: And finally--

PROF. JOYNER: Move to strike.

THE CHAIR: Denied.

REP. STAM: Finally, in the notice-of-witness list, there was a statement of your proposed testimony that Mr. Policastro--"he recommended through AT&T's approval process that the contribution be approved to support Wright as a legislator by supporting Wright's local charity." How--

PROF. JOYNER: Objection.

REP. STAM: My question is, if that was why you did it, how does this support

Representative Wright as a legislator by supporting his charity?

THE CHAIR: Okay. Let's--objection sustained. Let's break it up, if we can. First, do you want to break that into several questions?

REP. STAM: First--yeah.

The first question is, did, in fact, you tell the Special Counsel that you recommended through AT&T's approval process that the contribution be approved to support Wright as a legislator by supporting Wright's local charity?

THE WITNESS: No, I did not.

REP. STAM: Okay. No further questions, then.

THE CHAIR: All right. Representative--I don't have my list. I'll just go in this order.

Representative Warren?

REP. WARREN: No questions.

THE CHAIR: Representative McGee?

REP. McGEE: No questions.

THE CHAIR: Representative Lucas?

REP. LUCAS: No questions.

THE CHAIR: Representative Wiley?

REP. WILEY: No questions.

THE CHAIR: All right. Did the questions that were asked cause any further questions, Mr. Hart?

MR. HART: No, Mr. Chairman.

THE CHAIR: All right. Dr. Joyner?

PROF. JOYNER: Yes.

RECROSS-EXAMINATION BY PROF. JOYNER:

Q You mentioned Mr. Beully [phonetic]?

A Yes, sir.

Q Is that someone different than the source of information that you were not able to identify earlier?

A I wasn't asked to identify him. I mentioned he was an outside consultant. It is the same person.

Q Okay. So you don't have any information that he was involved in any way in--in procuring this--this money?

A Procuring the money?

Q Right.

A No, sir. I testified that, without mentioning his name until I was asked by Representative Stam--that it was my recollection that the initial inquiry into how this would--how formal requests would be made did come through Mr. Beully

[phonetic] to--to AT&T--to myself at AT&T.

Q Okay. And is Mr. Beully [phonetic] still with AT&T?

A No, he's--I do not believe he's a registered lobbyist for AT&T, or--or a consultant with AT&T.

Q Do you know if he's alive?

A Yes, sir, he is.

Q But he's not here.

A That's correct.

PROF. JOYNER: No further questions.

THE CHAIR: All right. That, actually, leaves the Chair having one other question, if the mic will--Mr. Poli--Mr. Policastro, are you aware from any conversations you've had with any other governmental relations colleagues--and I use that term broadly--of any other requests that your colleagues received for similar amounts of money or similar donations to the Community Health Foundation, Inc., in Wilmington?

A Not through direct conversations. I've seen some of the evidence that's--

Q Okay.

A No. No, sir.

Q All right. Thank you.

PROF. JOYNER: Move to strike his answer and the question.

THE CHAIR: I'll certainly strike the part about he's seen any--any in evidence. The answer, as far as I take it, was, no, he does not know that from any colleagues.

All right. I think that--thank you, Mr. Policastro. Any--any reason Mr. Policastro cannot be released from his subpoena, Dr. Joyner?

PROF. JOYNER: No.

THE CHAIR: Mr. Hart?

MR. HART: No, sir.

THE CHAIR: All right. You're released from the subpoena. Thank you, Mr. Policastro.

All right. Anything before we adjourn for the evening till tomorrow--or recess for the evening until tomorrow? Anything else? No?

Okay. Yeah, let me do this. If I could, Members of the Committee--I want to remind the members of the Committee and the attorneys for the Committee and Representative Wright, Representative Wright and members of the public--and I use the term "members of the public" in its broadest sense--that because we are now in--

because we are now in deliberative, fact-finding stage, I think it would be appropriate that the members of the Committee refrain from discussing this matter with the press, the Committee's outside legal counsel, Representative Wright's counsel, Representative Wright, until after the Committee deliberations are completed.

And I will also ask all of those folks to refrain from discussing evidence in the case with Committee members other than the Chair during this period of time.

I will also ask members of the public, in its broadest sense, do not approach the Committee members or witnesses in this matter until after the deliberations are completed. I believe that this hearing can proceed fairly to all parties involved if we all follow these suggestions, and I will ask the sergeant-at-arms to assist in assuring compliance with this request.

With that, we are in recess until ten o'clock tomorrow morning. Thank you.

(WHEREUPON, THE PROCEEDINGS WERE ADJOURNED AT 5:21 P.M.)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

C E R T I F I C A T E

I, Katherine M. Becker, a Notary Public in and for the State of North Carolina, duly commissioned and authorized to administer oaths and to take and certify hearings, do hereby certify that these proceedings were held before me at the time and place aforesaid, that all parties were present as hereinbefore stated, and that the record as set forth in the preceding Pages 2 through 234 represents a true and accurate transcription of the proceedings, to the best of my ability and understanding.

IN WITNESS WHEREOF, I have hereto set my hand this the 4th day of March, 2008.

Notary Public
Notary Public No. 20023570191
My Commission Expires 12-29-2012
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Prof. Irving Joyner, Counsel to Rep. Wright
Mr. Douglas Harris, Counsel to Rep. Wright

Mr. William Hart, Outside Counsel to the Committee
Mr. Alexander Peters, Outside Counsel to the Committee

Ms. Carin Savel, Committee Clerk

Mr. O. Walker Reagan, Staff Attorney
Ms. Kory Goldsmith, Staff Attorney
Mr. Brad Krehely, Staff Attorney
Ms. Heather Fennell, Staff Attorney
Ms. Denise Huntley, Research Assistant
Ms. Amanda Smith, Research Assistant

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THE GENERAL ASSEMBLY OF THE STATE OF NORTH CAROLINA

MEETING OF THE HOUSE SELECT COMMITTEE
TO INVESTIGATE ALLEGED MISCONDUCT AND OTHER MATTERS
INCLUDED IN INDICTMENTS REGARDING
REPRESENTATIVE THOMAS E. WRIGHT

TRANSCRIPT OF THE PROCEEDINGS

(Volume II)

March 4, 2008

THE SELECT COMMITTEE:

Rep. Rick Glazier, Chair
Rep. Paul Stam, Vice-chair
Rep. Marvin Lucas
Rep. William McGee
Rep. Edith Warren
Rep. Laura Wiley

COPY

In Raleigh, N.C.
9:59 A.M.

Reported by:
Katherine M. Becker

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THE CHAIR: If I could, I'm going to very, very briefly call this meeting to order only to do this: There's been a motion this morning that I think that was just filed, and we need--I think Mr. Harris hasn't arrived yet and will be arguing the motion. Mr. Hart and Mr. Peters need a little bit of time to read the motion and formulate a response, so we will be in recess until ten-thirty. And if we need a little more time after that, we'll do it, but right now, we're in recess until ten-thirty, and we'll pick up the motion at that point. Thank you.

(THIRTY-SEVEN-MINUTE RECESS)

THE CHAIR: All right. This Committee is now officially back in session at ten-thirty-seven on Tuesday.

There was filed this morning--and I appreciate the prompt filing of the motion by Mr. Harris and Dr. Joyner--for Representative Wright a motion for the Chairman to recuse himself and for the Committee to stay this matter and refer to the Speaker for further action. And with that,

what I will do at this point--I think since it's a recusal motion, it ought to be heard up front.

And Mr. Harris, we waited for you, obviously, and also to give counsel time to prepare. What I'm going to do is let you go ahead and argue that motion. I know there were attachments. Committee members have received it, so that they've had an opportunity to start looking at it. Then what we'll do, Mr. Hart and Mr. Peters, I'll have you respond, and then I'm going to take a few minutes to read through everything and--and rule, so that we can either move on with a new chairman or otherwise move on.

Mr. Harris? You'll need to put that--there you go.

MR. HARRIS: Thank you. Mr. Chairman, Members of the Committee, sometimes something new and different happens in the world, and when it does, it's time to sit up and take notice. And when you see Republicans coming forward to help Democrats, as when you see cats coming forward to help dogs, it's something new and different, and you ought to--you ought to pay attention.

I was speaking to Fern Shubert this morning, and I--I said to her, "I don't mean to embarrass you, but this is something of a Profiles in Courage moment, because, you know--for a Republican to come out like this, and I know you don't have anything great going with Representative Wright. I know you've fought many times on the floor, and you've--you've opposed each other almost always. For you to come forward and help Representative Wright under these circumstances is--is really quite remarkable. I admire you for it."

And she said, "Well, you know, what they're doing to Representative Wright is just wrong. To take a situation where"--she--she was speaking--said, "When I make a complaint about somebody, and I as a representative and as a former senator come forward and say that somebody has misled by written document all the--all the people in the House, all--all the legislators in the House, and there's not even a hearing, it's not even anything, it's just dismissed for lack of jurisdiction, and that person's white, and then--and then Tom Wright comes along and the sa[illegible] situation exists, there is no jurisdiction"--

MR. HART: Mr. Chairman, I object to the testimony that Counsel is apparently trying to put into the record.

MR. HARRIS: I'm not putting any testimony. I'm--

THE CHAIR: Let--let me rule on the objection, please, Mr. Harris.

MR. HARRIS: All right.

THE CHAIR: And I understand the objection, and I--I'll--I'm going to give Mr. Harris some significant leeway to make his argument. But I would ask you if you would try to limit it to matters that you do have in evidence in terms of what's filed--and there's plenty, I think, that's filed--

MR. HARRIS: Yes.

THE CHAIR: --and attached--okay.

MR. HARRIS: And then you take Representative Wright, who is in the same situation, without jurisdiction--as--as the members of the Committee will remember, that your--your Committee, when you were sitting as the Legislative Ethics Committee, ruled there was no jurisdiction--and take two people in identical situations and

treat them differently--one has a great, big hearing, one even has a conclusion that he's probably guilty, and the other has nothing, it makes the most stark contrast.

And when you look for the difference, it's hard to find any difference anywhere except that one is white and one is black.

And that is what we lawyers call prima facie evidence. And what that means is it may not be true, but it puts the burden on the other side to say why it's not true, to bring out some satisfying explanation as to why somehow something else is true other than black and white.

And when we look at the gravity of what we are doing here, we are taking an elected representative of the people who was put in his place by the people from New Hanover County, as each--as each of you were put in your place by--by the people in your district, and we are proposing, at least, to take him out of that seat, to take him out of what the people--where the people put him, I think it's important in that instance particularly not only to have propriety, but not to have the appearance--even the appearance of impropriety.

And I suggest to you that this is a strong appearance of impropriety, if it is nothing else.

And I doubt very seriously that if, indeed, there is some kind of explanation, lame [phonetic] or otherwise, offered today as to why this is okay--I doubt very seriously that--that explanation will be very satisfying to the black citizens of North Carolina. I doubt very seriously it will be very satisfying to Fern Shubert and a lot of Republicans that can see that this is internecine war--warfare in the Democratic Party and it ought not be conducted unfairly. And it certainly won't be satisfying to me.

And a solution is at hand which I propose which is very simple, and that is that this Committee recognize that, unfortunately, you've gone down this road too far. You've gone down this road so far that no matter what you do, it's going to have an appearance of impropriety. It will be embarrassing to all concerned. It will be something talked about for years, things people for years say, "Look what they did to that black man who got in a position of power from New Hanover County. Look what they did to him, and look

what--how nothing happened to his counterpart who was white." We don't need that in North Carolina. We don't need it.

The easiest way to handle this is for you to vote to say, "We think that this is a mistake. We don't want the appearance of impropriety." I'm not going to ask any of you to say that you did anything wrong, just acknowledge that there is an appearance of impropriety here.

This often happens to lawyers. It often happens to judges. Sometimes we have to withdraw, not because we did anything wrong, but because it looks bad. For example, if I talked to--if I talked to a client and, unbeknownst to me, I inadvertently talked to someone on the other side, I've got to get out of that case. It's an appearance of impropriety. And that's what we have here on--on different grounds.

And so what I'm asking this Committee to do is to refer this back to Speaker Hackney and say, "Because of what has occurred here, which we did not intend, but because of what has occurred here, we think, Speaker Hackney, you need to appoint a brand-new committee, one that was not

involved with the Legislative Ethics Committee that--that made this double-standard error. We think that the Committee should not be chaired by the--by the--by the Chairman who made rulings that directly contradicted one another. We don't want the appearance of impropriety over something this important, taking someone out of office who was elected. And therefore, Speaker Hackney, we would like you to do one of two things. Either appoint a brand-new committee that has none of the taint of being associated with the Legislative Ethics Committee and--and decisions that went both ways, or, in the alternative, refer this in the legislature and let the legislature give guidance as to what they want."

Now, what could the legislature do? Well, they could do what was done down in Georgia. They could pass an act specially appointing a committee to consider this. They did that for Julian Bond [phonetic] many years ago. Now, that happened to be a free-speech issue, and maybe not the best example, because it turns out that that was a discriminatory act, too. But the fact is the Georgia legislature did go about it in a proper way

in the sense that the legislature passed a law and made a committee, and a committee was specially made by the legislature. There could be no doubt, and they considered it from the first.

Now, whether you wish to do that or have Speaker Hackney take care of it, that's your business. But it is certainly somewhat beyond your business where we find ourselves. If you vote in this fashion, this will be a tainted decision. It will be a decision that's embarrassing. It could be a decision that makes us look like racists that we are not, make it look like a state we are not. And we don't need this in North Carolina.

So I ask you respectfully to look over these documents. I ask you respectfully to realize that they are--they have far too much in common to ignore and--and to vote accordingly. Thank you.

THE CHAIR: Thank you, Mr. Harris.

Mr. Hart or Mr. Peters? Mr. Hart? Yes. Let me--let me--before Mr. Hart responds, obviously yesterday in the oral motion that was discussed, it discussed a particular member, and again the written motion today discusses a particular member. So let me make the following preliminary notes,

and--so that there can be a response.

First, complaints and actions on complaints filed with the Legislative Ethics Committee, which is a joint House and Senate Committee, are confidential, and they are not matters of public record until the matter is referred to the appropriate house or an evidentiary hearing before the Legislative Ethics Committee commences. As a matter of law, no member of the Legislative Ethics Committee can disclose the existence of the complaint or the contents of the complaint that is not of the public record.

Two. The confidentiality of the complaint lies with the respondent legislator and can only be waived by that respondent.

Three. Under North Carolina General Statute 120-103.1(g), if the Joint Legislative Ethics Committee determines at the end of its preliminary inquiry that the complaint does not allege facts sufficient to constitute a violation of matters over which the Committee has jurisdiction, the Committee must dismiss the complaint and provide written notice of the dismissal to the complainant and to the respondent.

Four. Fern Shubert was the complainant in the case of Representative Pryor Gibson. She was not bound by the confidentiality limitations and was free to disclose the Legislative Ethics Committee disposition, and apparently did so. The Legislative Ethics Committee could only release the information and can only release the information upon Representative Gibson's waiver of his confidentiality right.

In order to--next number. In order to allow the Legislative Ethics Committee to respond today to Representative Wright's motion alleging disparate treatment based on race, Representative Gibson as the respondent has waived confidentiality with respect to certain documents contained in the Legislative Ethics Committee complaint entitled C-LEC-2007-001.

Next number. The jurisdiction of the Legislative Ethics Committee is defined by General Statute 120-103.1.

And at this point, I am going to hold at that. And I've given and told Mr. Hart and Mr. Peters of Representative Gibson's decision. They, therefore, are able to argue consistent wit

Representative Gibson's waiver what--the action involved and the consequences of that action, just as Mr. Harris was able to based on what Ms. Shubert alleged.

So with that, we'll hear a response from Mr. Hart or Mr. Peters. Yes, please.

PROF. JOYNER: Mr. Chairman? We've--

THE CHAIR: Dr. Joyner?

PROF. JOYNER: Yes. We've not been served with the response. Has--has--

THE CHAIR: There's been no--there's been no written response.

PROF. JOYNER: No formal--okay.

THE CHAIR: Right. This is just strictly--I've asked them to do an oral response.

MR. HART: Mr. Chairman, Members of the Committee, we received this response just about forty minutes ago, and so we have not had an opportunity to provide a written response, but I will be presenting our argument against the--the motion.

Essentially, I think Mr. Harris did in a nutshell what his motion says, and that is same circumstances, one is white and one is black,

there's disparate treatment and therefore a strong appearance of impropriety. We contend to you that that's simply not the case. All this is is a bald allegation of race without any--any facts to support it. There's absolutely no similarities in the two situations, and I'll address that--I believe you may be getting copies of--of the complaint disposition.

THE CHAIR: It is, and you may want to wait till everyone gets that for a moment. I apologize. You may proceed. Thank you, Mr. Hart.

MR. HART: Thank you, Mr. Chairman. First of all, there--there are some distinctions that need to be drawn between the Gibson case that has been raised and the Wright case. And that is that the LEC actually had a hearing and made a disposition in the Gibson case, and there has been no hearing--the matter of the--of Representative Wright--there has been one matter, as you know, retained by the LEC, but a decision was made by the LEC that it did not have jurisdiction over the matters that are pending before this Committee, and the matters were referred to the House for any possible treatment by the House. So there is a

distinction there just in terms of procedure and how things were dealt with.

The importance then moves to the actual disposition of the complaint against Representative Pryor Gibson. A review of the materials there will show that, first of all, the LEC found that it did not have jurisdiction over a House Rules violation due to the statutory constraints that were involved. This Committee does not have statutory restraints. We--we have discussed that in various motions both before the LEC and the--and this Committee in prior hearings. But the LEC did have constraints of statutory provisions as to what it could and couldn't consider.

The second situation that--that you need to be aware of--and that's when you review the actual disposition--is that the LEC determined that there was insufficient basis to proceed forward on any kind of an ethics violation because of the confusion about what ethical standards were out there regarding this kind of a representation of a bill not being controversial and no specific guidelines.

In the Wright case, on the contrary, you

had a situation where the LEC determined that it did not have jurisdiction of the matters that were set forth in the charges that had been brought by the Wake County grand jury, but the LEC was aware that not--that the Wake County grand jury had found probable cause as to six serious felony charges against Representative Wright, and that certainly was more basis to proceed to send this matter to the--to the House Committee than in the situation that was present in the Gibson case.

In addition, the LEC was aware that there had already been probable cause for further investigation by the Board of Elections and was also aware of the findings by the DHHS audit.

The next thing that I would ask you to look at is the difference in the nature of the charges. And again, Mr. Harris argues that these are similar situations. These situations could be further from similarity. There's absolutely no relationship, whatsoever.

I would contend to you that in the Gibson matter, what you have is at least, at best, an opinion that the bill was not controversial and then a dispute about that opinion. In the Wright

case we have, again, probable cause having been found by the Wake County grand jury that Representative Wright has committed six serious felony charges that are now before this Committee in similar form of drafting of the counts before the Committee.

On the claim of disparate treatment, the courts in looking at Constitutional violations have determined that more has to be involved than what Mr. Harris has told you. It's not simply one is white and one is black and there's an allegation of disparate treatment and an allegation that there are same circumstances. There actually have to be similar circumstances. And that is not present in this case. There actually has to be some prima facie case shown by the complaining party that--that there are similar circumstances, and that's not been shown. There simply are not similar circumstances here.

There's no pattern of conduct. That's another thing that--that the courts have looked to, whether there is a pattern of conduct on behalf of the particular person or body that's being alleged to--being involved in disparate treatment. And

there simply is none. There's no showing by the--by Representative Wright that there is any pattern of conduct by the LEC, by Representative Glazier, or by any members on this Committee in their actions at the LEC or--or here that would show that there's any kind of disparate treatment between blacks and whites.

The third factor the courts have looked at to determine whether there's disparate treatment that would be a Constitutional violation is any evidence of insidious comments, that is any statements made by the accused party that would show that there was any kind of racial bias. There--there simply has been no showing to that effect as to Representative Glazier or any other member of this Committee or any member of the LEC.

The final thing that I want to discuss is the standard that the courts have used in terms of recusal motions for judges and some of the--some of the law regarding recusal. And first of all, I would argue that this is--this is similar, certainly, to the Judicial Standards Commission procedures. This is similar to situations where trial judges rule in cases every day and may make

pretrial rulings on motions involving different defendants or even the same defendants and appellate courts who sometimes consider cases involving the same defendant or similar defendants.

What the courts have held is that there must actually be shown some actual bias or some evidence that a judge cannot be fair and impartial, that there is an appearance of impropriety. And I suggest to that there has--has actually been no showing that anyone on this Committee or the Chair has in any way shown that it cannot be fair and impartial in this situation or that it has been involved in any kind of disparate treatment.

I'd like to cite a couple of cases, if I might. The first is the case of State versus Mitchell John Pakulski, which is a Court of Appeals case. And this--the Court of Appeals opinion was--was later appealed to the North Carolina Supreme Court and--or petitioned, and the petition was denied, no review. But in that case, the defendant made an allegation that the judge had made a statement prior to trial to the effect that the defense counsel needed to go ahead and--and plead his clients guilty because they--they were--

they were guilty.

And a motion to recuse was filed in the--during the trial of the case, and the judge held a hearing and specifically found that he did not make the comments that the defendant had related. There were also other witnesses that testified that--that those comments were not made. And the Court held that the trial judge properly denied the recusal motion and that there was no necessity for that motion to be heard by another trial judge, since the judge was able to determine that the allegations were--were frivolous and had no merit.

And I think that's the same situation you have here. I think this--this Committee can determine, based on the lack of evidence that's been presented to the Committee, that there simply is no basis for any kind of finding of disparate treatment.

I'll simply cite a couple of other cases, also, to the Committee. One is Love versus Pressley in 34 N.C. Appeals 503, a 1977 case in which the Court found that rulings by a trial ju that were adverse to a defendant were no basis fo

finding that the trial judge could not be fair and impartial from that point forward.

And I know there has--have been a lot of allegations in--in this case that the Committee has already made determinations and has already decided what it's going to do. I think coupled with the allegations of disparate treatment, this Committee can certainly find that there's absolutely no basis to find that any of those allegations are true and find no reason to find disparate treatment or that anyone should be recused.

The last case I would cite is State versus Fie, a Supreme Court case, 320 N.C. 626, and that is simply the basic law dealing with recusal motions. But again, it supports the--the same basic findings that these other cases have--have cited, and that is that there--there has to be some legitimate basis, some evidence to show that there is impropriety in continuing forward.

And I would submit to you the comparison of these two cases should convince you that there's simply no basis for a finding of disparate treatment, no reason for recusal, and no reason for this Committee to continue forward.

THE CHAIR: All right. Thank you, Mr. Hart. Any response, Mr. Harris?

MR. HARRIS: Yes, sir. Since Representative Gibson has--Pryor Gibson has waived his rights under this and we can discuss it, I--it would be--it would be important to note precisely what it is that he was accused of doing.

What was said was on the local bill, which you're all familiar with, of course, that he represented that he'd gotten permission from the other people in his district to put that--to put that bill out there in a--in a special session, in a short session. How it came to light was that when the bill came on the floor, members of the House rose up and said, "Wait a minute. We don't know anything about that. You don't have our permission." That's how it came to light.

And you know, of course, what that means. It means that in a written document, he told a lie to his fellow legislators and all of them, to the entire House, as to what was going on.

Now, I say to you that if it is the Attorney General's position that that's not an ethical violation, then why isn't it? And if it is

an ethical violation, then why wasn't it dealt with? The Attorney General seems to be saying it's--it's permissible to tell a lie to all the legislators, and that's no problem. If that's not an ethical problem, we've got a problem.

Next, it was represented there was a hearing, and it was passed out this sheet saying there were conclusions. Well, here's the difference. There wasn't any sort of hearing. A hearing is when the cameras are there and your dirty laundry, for better or worse, is laid out in front of everybody to see, and--and witnesses come and witnesses testify on both sides. That's a hearing.

Fern Shubert didn't know anything about this. She didn't know when it was. She didn't get a chance to tell her side of the story. The legislators who were--represented that they had given permission for him to introduce that local bill, they weren't given an opportunity to testify. This was not a hearing. It's just a private meeting.

And so the fact remains that with the allegation of serious ethical violations, one man,

a black man, had to have a hearing out in public, and there were conclusions out in public; the other man, a white man, didn't have to have a hearing, wasn't any hearing of any variety, any public variety, and there were no conclusions.

And in each case, there was a finding there was no jurisdiction. Well, if there's no jurisdiction, what do you even--what are you even having a hearing for? If there's no jurisdiction, what kind of legal entity has a hearing and reaches conclusions on something they've got no jurisdiction on?

Because after all, you know--in the package, you see there's a letter written by the Chairman and signed by the Chairman to--to--to Speaker Hackney, and it says, "This Committee has no jurisdiction." And a day before that, also in your packet, there is a letter also signed by this Chairman saying that--that charges had been brought and conclusions had been reached about Thomas Wright. Well, there's either jurisdiction or there's not. If there's not jurisdiction, what are we reaching conclusions for? And if--and if there is, why did it have to be moved over here because

there wasn't any jurisdiction?

And wasn't one man told--wasn't Pryor told in the summertime, on July 24th of 2007, just this past year, that "with no jurisdiction, we can't do anything"? Well, wasn't Thomas Wright--said, "Well, with no jurisdiction, we can do something, by golly. We can rake you over the coals. We can have you out in front of the TV cameras. We can make conclusions. We can pass out stuff to the press. We can do a lot with no jurisdiction"--wasn't Thomas Wright told that?

And you have the power. If you want the power, you can keep on going, if you think that's the wise choice. You've got the power. But you know, they say that discretion is the better part of valor, and I would suggest to you respectfully that discretion is the better part of the appearance of impropriety, too. I don't see how you get out of this thing untainted.

I heard what the Attorney General had to say. Maybe it'll satisfy some people, maybe it won't. But wouldn't it be better--wouldn't it be better for all concerned if a different committee was to hear this and a different committee was to

make its own conclusions without any of this stuff involved here that I've just named? 'Cause we can eliminate this entire issue just by a different committee hearing it, another two or three days with that committee instead of this committee.

Thank you.

THE CHAIR: Thank you, Mr. Harris. Any member of the Committee wish to be recognized before the Chair considers--Representative Stam?

REP. STAM: Yeah, Mr. Chairman, just very briefly before you rule, essentially the motion says that you should recuse yourself because of racial bias. And knowing the House, I would just like to posit the thought that I don't think there's any member of the House that would put any credence in an allegation that you are racially biased, and there's certainly been no evidence of it.

THE CHAIR: Any other member of the Committee need to say anything or want to say anything at this point before I rule?

All right. I want to take a moment, if you don't mind, to put some things together, so we're at ease for a moment.

(DISCUSSION OFF RECORD)

THE CHAIR: All right. The Chair is ready to rule. Again I'm going to ask the Committee's indulgence. My ruling will be oral and going through a series of findings. Obviously, I'm going to reserve the right to add citations or change grammar or text within the writing. And I'll reduce this to a written form at a later date when I've had more opportunity to do that, but you'll get the general tenor of it so that we can make the decision and--and move on, one way or the other.

The Chair has taken account--going to take into account the filings which he read this morning by Representative Wright, as well as the oral--brief oral motion yesterday, a review today and for a great deal of time last night of the full record in this case, the record in the Gibson matter, the law on recusal and disparate treatment, as I worked on with my clerk last night and again this morning, the cases cited.

And with that, the first finding: This matter is before the Chair on motion of the Chairman to recuse himself and for the Committee to stay this matter and refer to the Speaker for further action filed this morning at eight-fifty-nine A.M. by Representative Wright. The motion has been argued by both sides expertly and is ripe for disposition.

Number 2. Representative Wright essentially argues that he is being treated differently than another representative, Pryor Gibson, against whom a complaint had been lodged in the LEC, with Representative Gibson's complaint being dismissed and Representative Wright's complaint being referred to the House of Representatives and this Committee being formed and prosecuting the case before us today. He argues that that is disparate treatment and, in addition, that that's a basis to--for the Chair, who was Chair of both this Committee and the LEC, to recuse.

Number 3. Mr. Hart argues that there is no evidence of a need to recuse as the cases are not comparable and, in addition, that there is no basis under the law for a recusal to take place of either the Chair or the Committee, since there's evidence that inappropriate decisions have been

made and, in addition, no evidence of racial bias or prejudice exists.

Number 4. The issue, therefore, is whether the ethics prosecution of Representative Thomas Wright is disparately selective on the basis of race in violation of the Equal Protection Clause and similar North Carolina Constitutional provisions, a subissue of which is whether for almost identical basis and for any violation of procedure the Chair or the Committee as a whole should be recused.

Number 5. The only evidence presented in support of the motion is the evidence with regard to the prior complaint before the LEC of the Representative Pryor Gibson.

Number 6. Representative Gibson is Caucasian and Representative Wright is African-American.

Number 7. No evidence has been proffered that any member of the Committee, including the Chair, is otherwise racially biased or prejudiced. And in fact, the record will reflect that two weeks ago--and the transcript will show--that that specific issue was asked of Mr. Harris and

Mr. Harris conceded that there was no evidence of racial prejudice or bias by any member of the Committee. Nothing has occurred in the interim which would change that, and no evidence was presented today to show that.

Number--next number. The evidentiary issue on this motion becomes how to view the Gibson case, that is, is it a likely comparable. This requires an examination of the Gibson file, which you now show, as the waiver of his confidentiality, the basis of that decision, the makeup of the LEC, and the determination that was made.

In this case before us, Representative Wright is charged with eight counts alleging conduct of fraud, corruption, and in most counts, a violation of the criminal law.

Next number. This conduct was found to be questionable after full and fair hearings before the State Board of Elections, who found probable cause to believe that a number of state-law violations had occurred by Representative Wright and referred the matter for review for prosecution. No allegation, let alone proof, has been made today or exists in any motion filed that suggests that

any member of the State Board of Elections was racially biased, prejudiced, or in any way unfair or impartial.

Next number. A second investigation was conducted against Representative Wright by the Department of Health and Human Resources [sic]. A referral was made for consideration of prosecution from that investigation. Again, no allegation, let alone proof, exists today or filed in any motion that any member of the HHS investigative team was racially prejudiced, biased, or motivated to make that conclusion.

Next number. The grand jury of Wake County, made up of diverse citizens of Wake County, found probable cause to believe that Thomas Wright was--should be charged with six counts of a violation of criminal law. No allegation has been made, let alone proved, that any member of the Wake County grand jury or the grand jury as a whole was racially motivated, biased, or in any way unfair and partial in their determination.

Next number. The Joint House and Senate Legislative Ethics Committee met and found probable cause to believe--probable cause to exist as to one

count with regard to Thomas Wright and held that the remaining counts against Thomas Wright before the LEC they were without jurisdiction to proceed on, but they should be referred to the House Select Committee for--should be referred--I'm sorry--to the House of Representatives for action by the Speaker of the House of Representatives, who then formed this Select Committee to proceed. The LEC's referral indicated that they believed that the conduct alleged before the LEC, if proven, would constitute probable cause for further counts, which is what the House Select Committee then found.

Next number. This Committee, which contains three Democrats and three Republicans and is diverse, then unanimously found probable cause on eight counts of alleged misconduct, seven of which are being proceeded on in this hearing.

Next number. As to the Pryor Gibson matter, the Pryor Gibson matter was before the LEC on a complaint from Former Senator Fern Shubert, who filed a complaint with the Committee on January 9, 2007, by delivery to Senator Dan Clodfelter and Representative Nelson Cole, co-chairs of the 2005 Committee. The complaint

alleged two things with regard to Representative Gibson, and it was all with respect to a House bill, 2726, that was filed on May 17, 2006.

Specifically, the complaint alleged, number one, that Representative Gibson had filed House Bill 2726 for personal benefit. The allegation was a conflict of interest occurred in that Representative Gibson introduced the bill to move the date of a public referendum on the meals tax to a year in which he was not up for re-election; second, that in conjunction with the filing of the bill, Representative Gibson had falsified a local bill certificate for House Bill 2726 in that he said the bill was not controversial when it, in fact, was, and that each member of the local delegation had not approved the introduction of the bill when the certification indicated that there was no controversy.

Number 3 as to--I'm sorry. Next number as to Representative Gibson's complaint. The law defining jurisdiction and investigative procedures of the Joint Legislative Ethics Committee changed effective January 1, 2007. SL 2006-201, which changed the law in this area, provided that the new

law would apply to offenses committed on or after January 1, 2007, and prosecutions for offenses or ethic violations committed before January 1, 2007, were not abated or affected by the new law. The statutes that were in effect prior to the effective date of the new law would remain applicable to prosecutions arising on or before January 1, 2007. All of the allegations against Representative Gibson arose from conduct committed before January 1, 2007.

Next number. Representative Gibson introduced House Bill 2726 on May 17, 2006, and the bill had two provisions: First, that Section 1 would have allowed the Towns of Wingate and Marshville to exercise extraterritorial jurisdiction within one mile of their municipal borders without a vote of the Board of Commissioners of Union County, and second, Section 2 have allowed the Town of Monroe to hold a referendum on the prepared food and beverage tax authorized under Senate Law 2005-261 in either 2006 or 2007. Senate Law 2005-261 required the referendum to be in 2006.

Next number. Representative Gibson

represented the western part of Union County, which encompassed the towns of Wingate and Marshall [phonetic] and the western half of Monroe. Representative Blackwood, Curtis Blackwood, represented the eastern part of Union County, which encompassed the eastern half of Monroe. Senator Goodall represented the entirety of Union County and was the only senator to represent Union County.

Next number. The complaint by Senator Shubert alleged that at the time the bill was filed, the other members of the Union County delegation did not approve the filing. Representative Blackwood wrote an e-mail to the House Principal Clerk on May 30, 2006, stating his opposition to the bill. Subsequently, so did Senator Goodall to the House Principal Clerk.

Next number. Senate Joint Resolution 1184 of the 2005 session, the adjournment resolution at the end of--for the 2005 session, stated in part that "any local bill that had been submitted to bill drafting must be accompanied by a certificate signed by the principal sponsor stating that no public hearing will be required or asked for by a member on the bill, that the bill is not

controversial, and that the bill is approved for introduction by each member of the House of Representatives and Senate whose district includes the area to which the bill applies."

Next number. The House principal clerk attached a local bill and certificate to House Bill 2726 which Representative Gibson signed.

The conclusions--next number. The conclusions that were made following any prolonged discussion in the Legislative Ethics Committee on this issue was, Number 1, that the law in effect prior to January 1, 2007, would apply to the matter; Number 2, that the conflict of interest under General Statute 120-88 is present when a legislator has an economic interest in the legislation. It would not be a conflict of interest as then defined under 120-88 for a legislator to act on legislation affecting issues on a ballot merely because the legislator is a candidate on the ballot. Acting on legislation that might result in possible political gain but no financial gain to a legislator did not present a conflict of interest under law for the legislato

Number 3. The local bill certificate

signed by Representative Gibson was required by a joint resolution of both the House and Senate. The rule concerning the introduction of local bills in the adjournment resolution was a rule of procedure and not a rule of ethics. The Committee lacked jurisdiction to consider whether a violation of a procedural rule would arise under old law to an ethical violation.

Next number. N.C. Gen. Stat. 121-03(a) directs the Committee on its own motion or in response to a sworn complaint to inquire into any alleged violation of the provisions of the Legislative Ethics Act, which is the bribery statute, the use of the legislative position to effect personnel actions, disclosure of confidential information, conflicts of interest, statements of economic interest [phonetic] violations, and the rules of ethics adopted by the House and Senate, or the criminal law by a legislator while acting in the legislator's capacity or participant in the lawmaking--as a participant in the lawmaking process.

Next number. The jurisdiction of the Committee did not include, found the LEC, the

application and enforcements of rules of procedure in each individual house. Issues instead arising from the application of rules of procedure are within the exclusive jurisdiction of the house of which the legislator is a member, and an alleged violation of a rule or procedure is fundamentally subject to a point of order, which is subject to appeal in either the House or the Senate, an issue which is debatable and requires a vote of the chamber.

The Committee--the LEC then, by a unanimous vote of all present and voting, which included senators and representatives, Republicans and Democrats, black and white, voted, Number 1, that Allegation Number 1 against Pryor Gibson was to be dismissed, as alleging conduct that even if true would not constitute an ethics violation, and Number 2, Allegation Number 2 was dismissed as not being within the jurisdiction of the Committee.

Number 3. The complaint against Representative Gibson as filed by Fern Shubert was dismissed by the LEC with no further action by the Committee.

Now--next number--the law in this case

and the motion before us is clear. First, as to the disparate treatment, in a disparate-treatment case, the movant attempts to demonstrate that he is the victim of intentional and often covert discrimination, that is, that he is being treated less favorably than others because of his race or, in other cases, color, religion, sex, or national origin.

Next number. In a disparate-treatment case, proof of discriminatory intent is critical, and the ultimate factual inquiry in this type of case is whether the defendant or, in our case, whether the House or this Committee intentionally discriminated against Representative Wright. Representative Wright maintains the burden of proof from which any fact-finder can infer that if the conduct remains unexplained, then more likely than not the action was based on discriminatory, illegal criterion. In other words, to establish discrimination on the basis of disparate treatment, it must be shown that the person being alleged as the discriminating official bore a racially discriminatory animus against Representative Wright and that the animus manifested itself in the

challenged action.

Next number. The analytical framework for claims governing--governing disparate treatment has been set forth at length by the United States Supreme Court in the case of McDonnell Douglas Corporation v. Green, as well as the Fernco, Burdine and Aikens [phonetic] cases that succeeded it. These cases suggest several ways that a plaintiff alleging discrimination may show and a court or, in this case, a Committee may find liability exists for disparate treatment.

First, Representative Wright could show discriminatory intent through direct evidence of discrimination, that is, by introducing invidious statements of any one of the Committee members, the Chair, or a member of the House of Representatives.

Second--or--second, since discriminatory intent is seldom capable of proof by direct evidence, indirect or circumstantial evidence can also be used to prove state of mind. Thus, the second method of establishing the prima facie case referred to by Mr. Harris is through the use of indirect evidence whose cumulative, probative force, apart from the operation of any presumption,

shows that as a reasonable probability, but for the--in this case, Representative Wright's race, he would not have suffered an adverse action.

The Supreme Court has also provided explicit guidance for the order of proof in that circumstance, and it goes like this--next number. The plaintiff has the burden, in this case, Representative Wright, of proving by a preponderance of the evidence a prima facie case of discrimination. If he succeeds, second, in proving the prima facie case, the burden shifts to the Committee and Committee counsel to articulate some legitimate, nondiscriminatory reason for the Committee's action.

And third, should the Committee counsel have carried that burden, then the ultimate burden is on Representative Wright to have an opportunity to prove by a preponderance of the evidence that the legitimate reasons offered were pretextual.

The burden of going forward--next number. The burden of going forward and establishing a prima facie case on behalf of Representative Wright is not a heavy one. He need satisfy that burden only by raising an inference that the Committee

acted with discriminatory intent, that is, that the adverse action occurred under conditions which more likely than not were based on impermissible racial considerations.

Various circumstances can give rise to this inference of discrimination, including evidence of irregular or suspect procedures, evidence of a general pattern of racial discrimination within the decision-making process of the Committee. In addition, an inference of discrimination adequate to create prima facie case of disparate treatment can be shown by meaningful statistical evidence or by showing that decisions that were made by the Committee depended largely on excessively subjective factors.

Most frequently, however, the basis is the McDonnell Douglas test, and that is to show simply that Representative Wright is a member of the protected class, that he was treated differently because of his race, and that someone of a different race was treated in a same category in a different manner.

Next number. Applying that law to this case, the Chair finds, first, the two cases cited,

that of Representative Gibson and that with Representative Wright, are so incomparable that a argument suggesting otherwise is profoundly absur The rule-making authority issue in the House that was the subject of the Gibson case was essentially a political vote. This case involves allegations of criminal misconduct, fraud, failure to report campaign contributions, and corruption in office.

The Gibson case involved one incident in one session regarding one House bill. This case literally contains allegations of violations of hundreds of campaign violations over twenty-two reporting periods and seven years.

The Gibson case involves an interpretation of what the Committee found to be an ambiguous requirement on what is controversial and, in fact, then issued a remedial order, which is called a P and G [phonetic], which was circulated to all members of the House and Senate following that hearing to clarify what is meant by "noncontroversial" and what the requirements are for all House and Senate members to respond.

Here, campaign-contribution reporting requirements at issue have been clear for years. And the law, so far as I know, of fraud and corruption has been in the civil law since the common law. There is no ambiguity about the requirements.

Thus, the two cases are not remotely comparable on any plane, and even a cursory review of the Gibson complaint would and should have revealed to any reasoned observer their utter lack of comparability.

Next number. I find under McDonnell Douglas that Representative Wright has not met his prima facie case of showing disparate treatment.

Next number. Even assuming he did so, the House proceeding in the Gibson case--I'm sorry--the House proceeding in the Wright case is based on a patently legitimate, nondiscriminatory basis, that is, probable-cause findings by three prior investigating groups, the Board of Elections, Health and Human Services, and the Wake County grand jury, not to mention the issues and findings of the Joint House and Senate LEC. No such finding existed in any capacity in the Gibson case.

Next number. And it goes without sayi that no evidence of pretext has been produced

against any member of this Committee, against the House, or against the House leadership in pursuing this investigation.

A few final comments are in order, I think, at this point, as I conclude my order, and then we'll turn it over to the Committee. First, let me make--I'm sorry--two other findings.

As to the issue of recusal, the law with regard to the issue of recusal as set out in the cases cited by Committee counsel, that is the cases of Fie, Paluski [phonetic], and Love versus Pressley, it requires essentially that there be some showing that the presiding officer or the particular Committee have made or relied on evidence outside of the proceedings or be so unfair and impartial that their judgment is thus skewed and unable to give a fair hearing to the particular person involved. No such showing has been made in this case.

Now, returning to my final comments--you know, written some time ago, and thought I'd never have to give this--these comments in a different context, but I will.

Racism and all its collateral effects is

a doctrine abhorrent to any modern, civilized society. And at its core, it is an act of violence and a denial of another's right to equal dignity. We all know, sitting here, that, unfortunately, in the not very distant past racism was openly acknowledged as an official policy of the United States and North Carolina governments, and laws designed to ensure the inferiority of black citizens remained on the books until well into this century and last century.

Fortunately, the policy of both governments has changed. And notwithstanding that fact, significant effects and results of previous policies still linger. Prior state-condoned racism encouraged similar attitudes among our citizens which have persisted long after state policy has been reversed. Many claims of discrimination today deal with systemic and subtle and stereotypical practices which developed when overt discrimination was lawful and remained embedded in basic institutional structures.

Invidious discrimination in the form of racial prejudice is the result of subjective, irrational perceptions which drain individuals of

their dignity because of their perceived equivalence as members of a racial group and the misperception that lies at the heart of prejudice, and the animus formed of that ignorance shows malice and hatred wherever it operates without restriction.

Notwithstanding this, this nation, in my opinion, can point with some pride to the remarkable progress made in the last decades in overcoming the effects of past discrimination, and some of that improvement is directly attributable to the anti-discrimination laws passed by this legislature and Congress, but more so from the educative institutions, substantially more powerful than the courts or the political branches of government, that is, schools and churches and synagogues of this nation, as well as enlightened public leaders representing all aspects of society.

And with notable exceptions, widespread segregation in the nation's academic institutions, public facilities, in the legislature, and in places of employment has ended. Racial discrimination at the ballot box and in the halls of justice is not tolerated. And equal academic,

equal employment opportunities, and this year, finally, in many respects, equal political opportunity, has become the rule rather than the exception.

Race, however, remains one of the most divisive problems in our society, despite all of that. And thus, whatever prejudice continues to manifest itself in society at large, we have all in the legislature and in Congress flatly ruled it will not be allowed with prejudice to operate, whether blatant or subtle, practiced by black or white, invoked by those wearing blue or white collars or wearing an officer's uniform or a gray flannel suit.

Having said that, I have been a lawyer as a defense lawyer and a civil-rights lawyer for many years, and I think I understand fairly well the issues of discrimination. I am a minority member of a religion and have been discriminated against in that capacity a number of times in my life, and I understand the pain that goes with it. And thus it is my view that it is up to all of us in public office to fight wherever bigotry exists, wherever hatred exists, and wherever intolerance exists by

confronting that and educating. And I find acts of racism abhorrent and an utter denial of a person's right to equal protection and equal dignity.

Now, I find equally abhorrent racism labels tossed out capriciously and discrimination allegations charged against people where no good-faith basis exists in law and fact to do so. An individual may hold the keys to the litigation door, but it does not imply that he or she may enter with disregard for their actions or distain of the rights of everyone else.

Charges of racism, if proved, carry an enormously stigmatizing effect, and they should only be leveled after careful investigation, thoughtful deliberation, and always with a reasonable basis in law and in fact.

I find in this case that the filing of this motion was patently without a good-faith basis in law and fact and is, in my opinion, beneath the dignity of those who raise it. I deny the motion as frivolous, groundless, and meritless. Exception is noted.

This Committee is now asked, do you wish to overrule the ruling of the Chair? Seeing none,

we are in recess for ten minutes.

(FIFTEEN-MINUTE RECESS)

THE CHAIR: All right. Mr. Hart, we're back in session. I believe that the next witness is yours to be called.

MR. HART: The next witness is Daniel Gottovi.

THE CHAIR: Mr.--Dr. Gottovi?

MR. HART: Dr. Gottovi.

THE CHAIR: Okay. Dr. Gottovi, if you'd come on up. Dr. Gottovi, if you'll be sworn in by the court reporter, please.

* * * * *

Whereupon,

DANIEL GOTTOVI,

having been first duly sworn,

was examined and testified

as follows:

THE CHAIR: Mr. Hart, the witness is with you.

MR. HART: Thank you, Mr. Chair.

DIRECT EXAMINATION BY MR. HART:

Q Would you tell us your name, please, sir?

A It's Daniel Gottovi. That's G as in "gun," O, T as in "Tom," T as in "Tom," O, V as in "Victor," I.

Q And Mr.--Dr.--it's Dr. Gottovi; is that correct?

A Yes. Either one is fine.

Q All right. And you are a medical professional; is that correct?

A Yes.

Q What--what exactly was--are you still practicing medicine?

A Yes.

Q What is your--what is your practice?

A I'm an internist with a specialty in pulmonary medicine.

Q All right. And you are currently practicing in the Raleigh area?

A Yes.

Q How long have you been practicing in the Raleigh area?

A Since--I practiced in Wilmington for thirty-four years. I retired from my--the practice that I started there in 1971. Karen was still working in Raleigh, so I came here, and I've been--my clinical practice is at the Open Door Clinic, a free clinic at--run by Urban Ministries in the old Budweiser plant on Capital Boulevard.

And I also do--I'm working on a hospital harm study for IHI. I'm still doing some work with Denise Levis--now that Torc [phonetic] Wade has left, still working on the Medicaid access program with Denise.

Q Now, you indicated that for thirty-four years you were practicing medicine in the Wilmington area, correct?

A Yes.

Q During that time period, at some point did you come to know the Respondent, Representative Thomas Wright?

A Yes, I did. Knew him well.

Q And tell us about that. How did you come to know him?

A Actually, I came to meet his--his brother, Joe, first, and his sister, who taught my son some skills--some acting skills, and then--and then Thomas probably within a few years of arrival there. I remember meeting him in the emergency

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room. He was an EMT. And--and that's--that was our first--

Q You said when he was an EMT?

A Yes.

Q Okay. And do you remember about when that was?

A I'm not sure. I think when we moved there in '71--I don't think--I think it was probably '72 or '73. I'm not sure exactly when he started working as an EMT, but I would say in the early '70s.

Q All right. Did you have any kind of business dealings with him at all?

A Over the year--early on, not, but we became involved in his--Karen and I both took a day off to work the phone bank when he ran for city council. He lost by seven votes, unfortunately, but--and then later on he was very involved in--in inner city--particularly in healthcare issues, and we worked together over probably a ten-year period on what became the New Hanover Community Health Center, and then worked on the Access III of the Lower Cape Fear, which is the now six-county Medicaid--managed Medicaid program in southeastern North Carolina. So we worked hard together on that.

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Q All right. And at some point, Dr. Gottovi, did Representative Wright talk with you about being part of the Community's Health Foundation, Incorporated?

A Yes, he did.

Q Tell us about that, please.

A Well, he--I can't remember exactly where the conversation was, whether--it probably was in my office. I was very aware of the healthcare needs in his district. In addition to working on the community health center in New Hanover County, I had helped him with the community health center that he established in Columbus County. I had made a presentation to the medical staff at Columbus County Hospital, as I recall.

And I--he told me that he had formed this foundation to help provide funds for the indigent medical needs in his district and--which I knew very well were certainly there and felt that was an important thing to do.

He also said, though, that a separate--a project in part of that was the museum that he had hoped to establish commemorating the atrocities committed in Wilmington in 1898. And so that's how

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it was presented to me.

Q Okay. At some point did he ask you to be a member of the board of directors of the Community's Health Foundation, Incorporated?

A Yes, he did.

Q Would that have been sometime in early 2001?

A I think so. I'm not sure exactly.

Q Okay. All right. I'll ask you, if you would--there's a notebook in front of you there.

A Right.

Q If you would, look at the first document. It's Exhibit Number 1 by number there.

A Okay. I have it.

Q Do you recognize that, sir?

A I don't think I've seen it before, but I recognize it as articles of incorporation of the Community's Health Foundation.

Q Okay. That--that particular document lists you as--as being one of the board of directors, does it not?

A Correct.

Q And you indicated that he--Representative Wright did ask you to be part of that. Did you agree to be part of the board of directors?

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A Yes, I did.

Q Did you know any of the other members of the board?

A Yes. At the time we talked about it, Bessie Funderburg, who was again another close political friend of ours and who had been involved in the formation of the Community Health Center--at the time, I understood that Bessie and I and Thomas were to be the board. I didn't--I didn't--I don't recall James Lofton. I knew James Lofton, but I don't recall--I didn't recall his being on that board, but I know that from the articles of incorporation that he was, as well.

THE CHAIR: Mr. Hart, let me interrupt you just so I'm clear on what we're looking at. On Exhibit Number 1, your question was whether he--this shows that he's a member of the board of directors. But I think that the--Number 6 says an "address of an incorporator." Am I correct that it was an incorporator as opposed to the--on that Exhibit 1?

MR. HART: That--that's correct, as to the exhibit.

THE CHAIR: Okay. Thank you.

MR. HART: Yes.

Q (By Mr. Hart) So you're listed as one of those incorporators on Exhibit 1--
A Yes.
Q --is that correct?
A Yes, that is correct.
Q Were you also supposed to be part of the board of directors of the--
A Yes.
Q --corporation?
A Yes. That's what I--how I understood it.
Q Okay. And--
A Bessie, he, and I were going to make up this board, was my understanding.
Q All right. Did you have--were you told what your title was going to be on the board?
A I think I was to be treasurer, Bessie was to be secretary, Thomas was to be president.
Q All right. Now, as--as you note, your signature is--is not on this document, correct?
A It is not.
Q Okay. Were you part of the filing of that document with the Secretary of State?
A Only in my name being there. I knew--I was sure that it was being done. Thomas and I had

incorporated, too--the New Hanover Community Health Center was a 501(c)(3), and we had gone through the steps of doing that together, having attorneys prepare the papers, having accountants prepare the work with the IRS. And then for the Access III of the Lower Cape Fear, we had gone through that process together, as well. And I knew that he was familiar with how--how to do that, so I--my understanding was that that was in process.
Q Okay. So you have actually been involved with two other incorporations and two other boards with him, as well?
A That's correct.
Q And that was the New Hanover Community Health Center?
A Center.
Q And you also said Access III--
A Of the Lower Cape Fear. That's--that's the Medicaid--the managed Medicaid program that started out in two pilots, one in the Greenville--well, three, one in Cabarrus County, one in the Greenville area, one in--in Asheville. And the Secretary was anxious that it be a statewide program, which is--which it is now. But in--I

think at about this same time--excuse me--at about this same time--at about this same time--I'm sorry. I sort of lost my train of thought here with my spilling of coffee.
THE WITNESS: Thanks.
A I'm sorry. Just give me a second here.
I'm sorry. I sort of lost where I was in that--
Q I'll--I'll bring you back.
A Okay.
Q I may have misunderstood. I--I thought I heard you say "Access Three." Is it Access Free, F-R-E-E?
A No, Access III of the Lower Cape Fear.
Q Is that the number three?
A A-C-C-E-S-S Three. There was Access I--
Q Okay.
A This is how the Medicaid--managed Medicaid started out with Access I. That was requiring Medicaid recipients to pick a doctor. Access II involved some funding into--well, involved some per-patient, per-month funding to the doctors who would sign up for Medicaid. It also involved some funding flowing to the 501(c)(3), or in Duke's case, to Duke, and in East Carolina's case, to East Carolina's foundation. There are different models of this around the state. Most of them, though, are--have involved the formation of 501(c)(3)s in an area.
Ours started out with New Hanover, Pender, Brunswick, Columbus, and Bladen Counties, and then we later added Onslow County. That was added later.
Q Okay. Let me make sure I understand. Did you say that you were both involved in the incorporation of each of those agencies as well as being on the board of directors of each of those?
A Well, I'm sure--I've been through a lot of startup community organizations. The Hospice program in our area was the first. The Community Health Center was the second, and then Access III the third major one that I--that I helped with.
And you start these out with a steering committee for--and Thomas and Bessie Funderburg and other folks along North Fourth Street, where the Center ended up being, were involved in a steering committee for that. While you're getting the legal help and the--the accounting help, it takes about a year. And the same is true with Access III of th

Lower Cape Fear.

Thomas and Torlen Wade and Jim Bernstein and Bill Atkinson, who's now here in Raleigh, were the--and I were the steering committee that sort of started that effort. It started out we were going to do New Hanover-Pender, 'cause that's where the hospital had--and the medical society had its overlap. Bladen County was already working on it. And Bill Atkinson, who's a blue-sky thinker, said, "Well, let's just do the whole southeastern corner of the state." So we did. But it took about a year, and Thomas and I traveled all over those five counties visiting health departments.

We had--on the board was made up of a representative of the health department, a representative from DSS, a physician, and a representative from the hospital in each of those five counties. So it was a twenty-person board.

Representative Wright asked early on that he not be on that board. And--and I was in process of making the steps to end my practice in Wilmington over the next few years, and so I chose not to be on that board, as well. I chaired the steering committee.

And it took us, really, an even year. I can still remember the first meeting at my office with those people I just mentioned, and then a meeting--our final meeting after multiple drafts of bylaws at the library in Bladen County--Ed Nye was there as a speaker that day, just--he was very supportive of the effort--and finally adopting those bylaws.

But at that point-- neither of us were on that board at that point--

Q And that--

A --but we'd been on the steering committee that got it going.

Q And that's as to Access III?

A Access III of the Lower Cape Fear, yes.

Q Okay. But you--you and Representative Wright were both involved in the--the planning, the--

A Exactly.

Q --preparation of bylaws, approval of bylaws?

A Yes. Exactly.

Q Okay. And on the New Hanover Health Center, were you--the same kind of process, you were involved in--

A Same thing there. He and I and Bessie and Dallas

Flood and some other folks, residents of the community there in the inner city of Wilmington, were involved in that steering committee, got through, again, those legal hurdles and accounting hurdles to get it set up and established.

And in that situation, I did become chairman of that board, and Thomas was vice-chairman, and so we did--we worked as the steering committee. We both were on that board as volunteers. There was no compensation involved in that.

Q Okay. Is--that's your understanding of--of most boards of directors, that--and I believe you've been on a number of boards of directors over your time?

A Correct, yeah.

Q And they don't--do not involve compensation to the board members, correct?

A Usually not. There are some instances where they do.

Q Okay. Now, you said you and Representative Wright were both involved in the New Hanover Health Center as incorporators. Did--did you prepare and approve bylaws for that organization?

A Yes. Yes, we did.

Q Did you have regular meetings of the board of directors?

A Yes.

Q Did you approve money issues that came up as far as expenditures and donations and things of that nature?

A Yes.

Q When it came time that you were involved in the incorporation of the Community's Health Foundation, Incorporated, with Representative Wright, was there a similar process as what you had gone through in these other two?

A I think that--this was not my project, so I wasn't really focused on that. This was Thomas's project. And I--and I knew it would take about a year or more to get through the--I assumed that that was--was going on.

Q Did you participate in any preparation of bylaws for the Community Health Foundation, Incorporated?

A I did not.

Q Was there any passage of bylaws for that--

A Not during that--

Q --organization?

A --that year or eighteen months that I was involved. Apparently--there was testimony yesterday that they do exist--

THE CHAIR: No, no, no, no--

THE WITNESS: I'm sorry.

A Okay.

Q At least factoring 2001, 2002, 2003, were you aware of--of any meetings of the board of directors of the Community Health Foundation?

A Only the meetings that--that Thomas and I had. Bessie Funderburg became very ill late in that period, and actually died, unfortunately, so--but we did not--we did not meet other than issues--Thomas and I met regarding the building that was purchased.

Q Okay. But were there actually any board meetings, as such?

A No.

Q Were there any bylaws passed by you and Representative Wright?

A No.

Q Were you asked by Representative Wright at any time about approval of any expenditures or how to receive contributions, any of that--anything like

that?

A I don't recall being asked to do that.

Q Now, at some point--you--you--you spoke of this as being Representative Wright's organization. And what do you--what did you mean by that?

A Well, this is--I had--well, there were lots of people involved, but--in the Hospice project that I'd worked on and the Community Health Center project, and I had been involved as a--in a major way and took responsibility for getting the legal help, getting the contributions in to fund the legal help, to fund the accounting help, that sort of thing. And I was not in that role in this situation.

This was Thomas's project, and--and I felt that he was carrying out those roles that I had carried out in those other projects.

Q All right. Were you ever asked by Representative Wright to do any act as treasurer of the Community Health Foundation, Incorporated?

A Yes, we--I was asked to meet him at an attorney's office to sign the loan papers for the building--for a building on North Fourth Street, which was right across the street from the Community Health

Center, and had some historic significance in that--at least urban legend in Wilmington is that the first black person murdered and shot in the streets was shot right there between the Community Health Center and that building. So--(pauses)--

Q And to the best you can recall, was that the first time that you were asked to do anything as treasurer?

A Yes.

Q Tell us--tell us what you remember about that particular experience.

A Well, it was a--a typical closing. I guess I've sat there through most of them with Karen over the years--you know, there's a big pile of papers that the lawyer hands you, and you sign it and hope--hope for the best--has been what I've done for the most part. And it's turned out pretty well. So--so it was one of those occasions. There were huge piles of paper that I--I signed and Thomas signed and--

Q All right. So you were simply there to sign your name as treasurer of the organization--

A That's--that's correct.

Q --the Community Health Foundation, Incorporated?

A That's correct. And I felt good about doing that. I--I was--I felt that it was an important thing to do and was certainly very enthusiastic and sympathetic with what Thomas was trying to do there.

Q And I take it in addition to signing the--the papers for the purchase of the property, you also signed the loan papers for Coastal Federal Bank. Is that correct?

A I--I guess so. I--I--I guess they were part of that.

Q Okay. Were you involved in any way in the loan application process at Coastal Federal Bank?

A I was not. When I--when Thomas called me about "It's time to get on with this," that was all in place, and I just went and met him and got on with that act.

Q All right. During the time preceding you going and signing the papers, had you had any discussions with Representative Wright as to how he was going to be able to pay the payments for the loan?

A No. But I did--after--I remember walking out of the lawyer's office, 'cause I, you know, signed--the practice that a friend of mine and I

from Chapel Hill started in '71 when I retired had, you know, over seventy doctors and twenty-five Pas, and during the course of thirty-four years, I had put my name on a lot of loans. I tried not to ever sign anything that I couldn't pay off myself. And the--I certainly could have paid this off myself, but--so I asked him as we left, you know, "Thomas, how are we going to pay for this?"

And--and he said that he felt that he--there would be a combination of three things, that--some State appropriations that he was working on; he was working with the federal government, the Parks Service, on their historic--I'm not sure what the actual name of it is, but it has to do with historic properties, and hoping to have some grant funds from them, and then was hoping for private donations and corporate donations to the Community's Health Foundation that would end up putting together enough funds to take care of this money that we had just borrowed.

And--so I felt--I'd--I had worked on--with him for a long time, and I felt confident that that would happen. So--

Q Okay. You were here yesterday during the

testimony?

A Yes.

Q You--were you able to hear the testimony of Torlen Wade and the letter that--hear about the letter that he wrote--

A Yeah.

Q --for Representative Wright?

A Yes.

Q Were you aware of that letter at all prior to the time you signed the loan application?

A No, I was not.

Q Did there come a time, Dr. Gottovi, that you became aware that the--the loan was not being repaid?

A Yes.

Q Tell us how you first became aware of that.

A I went home from work one day and went out to the mailbox and got the mail, and there was a certified letter from the bank saying that the loan was overdue and going into foreclosure. That was the first that I was aware that there was a problem there. I had assumed that what had been proposed was happening during the course of the year, and it hadn't. So that's when I became aware that there was a problem.

Q Okay. And was--that was a short-term loan, was it not, a six-month loan, hundred and eighty days? Do you--you recall--

A Yes, I--when the--Agent Umphlet went over things with me, apparently midway through the year I had signed a renewal of that loan. And I think--I--I think it was renewed without any request at that point for further funds. So I had signed something--I think it was six months, and then at the end of twelve months is when I think the--the bank became concerned that no money had flowed in to pay on the interest or the principal on the loan. And that's when they sent out a letter to me and I--and, I guess, the other board members that it was in default, or going into default.

Q All right. And what happened at that time?

A Well, I--I--I called Thomas. And--and he said, you know, "I'm still working on it," that it had not--"This was not a good year in the legislature," and I know that that happens, and there weren't a whole lot of funds to draw on for special projects. So that--those funds had not come through. And it did--didn't surprise me that--that a black legislator, Democratic legislator was probably not

having a whole lot of success with the Department of the Interior, which was controlled by others.

And so, you know, the--there was still a grant process going on there with the historic--people that did historic properties, but that--those funds did not come through. And I think at that point there had been no personal or corporate contributions to the Foundation either.

Q Okay. At some point, were you asked to pay some monies on the loan?

A No, I wasn't asked to. I--after talking to Thomas, I went--I never had defaulted on anything in my--in life. I'm not a very good financial person. Karen knows I balance my checkbook at the ATM machine. But I had never defaulted on anything. I'd always--you know, sort of basic rules of life, you know, pay your mortgage and your utilities, and then pay your lawyers and your accountants--that's in--in business--and keep on their good side.

But any--anyway, no, I went down and--and talked to--to the gentleman that was here yesterday to see--

Q Is that Ronnie Burbank?

A Yes. Yes. That was the first time I'd ever met

him. He was not at the closings. In the closings, all that paperwork had been done in an attorney's office.

So, anyway I said, "What--what can we do about this?" And he said, well, he would--you know, that was a branch of a bank--I think the bank is South Carolina-based--"I'm just getting some pressure--I did this in good faith 'cause I felt it was a--a good project, and I knew it was somewhat risky"--and he talked--I'm sorry. I'm not supposed to talk about what was said yesterday.

But, well, he--he did say to me, "I--I wanted to do something--our bank wanted to do something in this community, and that's why I willing to do this."

So I--I asked if there was any way we could extend it. And I volunteered--I wasn't asked, 'cause--it's interesting. I--in all that pile of paper flying by, I wasn't sure that I hadn't signed a personal guarantee. But he hadn't required--as he said yesterday, he had not required a personal guarantee.

So--but I asked if I could extend the loan. So I--I did--I paid the interest personally.

I--again, I--those papers--between our move from Wilmington here, we've got storage units in three places, I think, and--I--I haven't been able to find--but--but Agent Umphlet was able to find those documents.

So, I think it ended up about--let's see--forty-six hundred dollars ($4,600) or so to get a ninety--that was the interest to extend the loan for ninety days, because I wanted to give Thomas some more time and--and--and felt that we might be able to intro--interest some of the folks in Wilmington. There's a very active development--was very active development going on along the North Fourth Street corridor. I felt the, you know, developers, inner-city developers that I knew well might be interested in helping with this or taking over this property.

The mayor of Wilmington at the time was a--is a downtown businessman, has several restaurants, several businesses. I talked to him. He was actually very excited and tried to put together a group to consider it.

So anyway, the ninety days was to give some time to do that. Unfortunately, none of

that--the developers--it really didn't fit with their business plan. The mayor was not able to come up with any funds.

So at the end of the ninety-day period it was going to go--I'd sort of done what I was willing to put into that personally. And at the end of the ninety-day period the bank was actually going to put it up on the auction block at the courthouse. And I--I think the inner-city developers were going to go down and probably try to steal it at that point, but the bank decided to take over the ownership and--of the building. And that's--that's how it was left.

Q All right. The--the time period where you said you paid the forty-six hundred dollars ($4,600) in interest, you said that was twelve months after the original loan?

A About that, yeah.

Q And that would put it at about spring of 2003?

A I--I guess so, right.

Q And then it--there was another ninety-day extension?

A Right.

Q And then after that was when it was--

A Exactly. Exactly.

Q Okay. And you didn't make any further payments after that?

A No. No.

Q Okay. And is that--that's when it went into default?

A Yes.

Q Okay. During the time period from when you first became involved in signing the loan papers and there were all these issues about whether you'd be able to pay the loan, were the any board meetings of the Community Health Foundation, Incorporated?

A There were not as such. I mean, I had times with Bessie Funderburg. I had times with Thomas. I don't think we were ever necessarily together at a time we talked about these matters the three of us, though. So I think--I think not.

Q Aside from being asked to sign the--the loan papers and the property purchase papers, were you ever asked to anything as far as treasurer of the Community Health Foundation, Incorporated?

A No, no, not that I can recall doing.

Q I'm going to ask you, sir, if you'd look at Exhibit Number 6 in your notebook.

A Okay.
Q Would you take a look at--at that letter? Have you ever seen it before?
A I--I have not.
Q Okay. Did you have anything to do with authorizing or sending that letter to Anheuser-Busch, Incorporated?
A I did not.
Q Okay. If you'd look at Exhibit Number 7, please--
A I have it.
Q You've not seen that before?
A No.
Q Did--did there come a time in March or April of 2004 that you became aware that Anheuser-Busch had contributed five thousand dollars ($5,000) to the Community Health Foundation, Incorporated?
A No.
Q You were never aware of this contribution?
A No.
Q Did you or the board approve Thomas Wright putting that money in his own account?
PROF. JOYNER: Objection.
THE CHAIR: Basis?
PROF. JOYNER: Speculation.

THE CHAIR: Overruled. You may answer the question.
A We did not, but I--I do not know--there may well have been bylaws that allow him to do that. So I--I can't say that there weren't contingencies or bylaws in place that allowed him to do that. I don't know.
Q Okay. Well, let--let me ask you this, Dr. Gottovi: You told me that the board never met?
A That's--that--that's correct, not in a formal way. Correct.
Q And never prepared or approved any bylaws?
A That's--that's correct.
Q So there couldn't be any bylaws that would allow him to do this, correct?
A I--I don't know the--
PROF. JOYNER: Objection.
A I--
THE CHAIR: Wait a minute. Basis?
PROF. JOYNER: Because his answer--the answer speaks for itself.
THE CHAIR: Yeah, I'm--that--that one's sustained.
Q But at least you're not aware of any approval of

Representative Wright being able to take this check and deposit it into his own personal account, correct?
PROF. JOYNER: Objection. Same objection.
THE CHAIR: Overruled as to that. Please answer.
A I'm not aware of it.
Q Okay. You were not part of any approval process?
A No.
Q And you were still on the board at that time and still treasurer, as far as you know?
A I didn't think I was. I thought that when this building project collapsed that--that the Foundation had as well. So--but I never, you know, checked with the Secretary of State or submitted a formal letter of resignation, even after I had moved up here. So I--I--
Q Was part of the reason that you thought that the Foundation had essentially ended the fact that there were no board meetings?
A No, I--I just felt the main project that we had taken on had--had failed, and I--I really didn't think much more about it. I was involved in lots

of other things, sort of closing down my practice there, mending a relationship with my wife--just had a lot of other things on my mind.
Q Okay. I'll ask you, if you would, to look at Exhibit Number 8.
A Okay.
Q Do you recognize that particular document, sir?
A No.
Q Were you as a board member, as the treasurer, involved in sending a letter to AstraZeneca Pharmaceuticals, Mr. Brian Shank, requesting a charitable contribution for the Community Health Foundation?
A I was not.
Q Okay. I'll ask you, if you would, sir, to look at Exhibit Number 10. Do you recognize that document, sir?
A No.
Q Did you at any time handle that particular check?
A No.
Q At any time, did you become aware that AstraZeneca Pharmaceuticals in 2003 or 2004 had contributed twenty-four hundred dollars ($2,400) to the Community Health Foundation, Incorporated?

A No, I did not, not until SBI Agent Umphlet met with me and asked me that same question.
Q All right. As to that particular contribution and that particular check, sir, did you or the board ever approve Representative Wright cashing that check or putting that check in his own personal account?
A No, we did not.
Q I'll ask you to look at Exhibit Number 11, sir.
A I have it.
Q Do you recognize that document?
A No.
Q Were you in September of 2003 or thereabouts involved in seeking a charitable contribution from AT&T for the Community Health Foundation, Incorporated?
A I was not, personally.
Q Did--did you or the board approve that request?
A I did not.
Q Okay. I'll ask you to look at Exhibit Number 13, sir.
A I have it.
Q Do you recognize that particular check?
A No.

Q Do--did you at some point become aware, as treasurer of the Community Health Foundation and as a board member, of the fact that AT&T had sent a check for fifteen hundred dollars ($1,500) to the Community Health Foundation as a charitable contribution?
A I was not aware of that.
Q Did you and--and/or the board approve Representative Wright taking that check and putting it into his own personal account?
A I did not.
Q Are you aware of any board action in doing so?
A I am not.
Q Okay.

MR. HART: Mr. Chairman, we--may I have just a moment?

THE CHAIR: Certainly.

(DISCUSSION OFF RECORD)

Q Dr. Gottovi, earlier you testified that when you were involved in the incorporation of the Community Health Center and Access III that you were involved with the process of--of setting up the organizations. And you spoke about knowing that attorneys had worked on the files and accountants

had worked on the files to obtain 501(c)(3) recognition, correct?
A That's correct.
Q Were you aware of any similar planning and preparation, working with attorneys or accountants, on the Community Health Foundation, Incorporated?
A I assumed it was going on. I wasn't aware of it, though. I wasn't involved in any conversations, but--
Q All right. When you were involved in those conversations and the other two organizations, was Representative Wright also involved in that as well?
A I--I--I believe so. We worked really as a team on those--both of those projects. So I--I think, in terms of picking attorneys and picking accounting firms--we tried to--tried to use firms that either were minority firms or had minorities involved in them in a major way. So I--yes. I'm sorry.
Q Okay. Earlier you indicated that usually board members are not entitled to compensation. Have there been--it leads me to ask you whether or not there have been some occasions where you were aware that organizations you were involved in--that board

members were entitled to some kind of compensation.
A I can't think of any that I was involved in personally.
Q Okay. Did you, as treasurer of the Community Health Foundation, ever open a checking account for that organization?
A I did, when I was working with the--the banker who was here yesterday, open an account--I mean, I wrote a check for--I think for a hundred dollars out of my checking--our family checking account to get an account under way. And then when I put the funds in to pay for the ninety-day extension, they went in--well, I think they were--it was really pretty much a pass-through.

I wrote the checks to the Community's Health Foundation, Inc., there at the desk at the bank and--and signed them over immediately to--to the bank. The hundred dollars did remain in that checking account.
Q So the account--the actual checking account that you're talking about you passed the funds through, that was open from the time that you signed the loan papers and purchased the property?
A No. There--there may well have been a checking

account opened. It was opened at the time that I received the notice that the property was going into default and went down to--to--and arranged with the banker for a ninety-day extension, which I paid for personally.

Q Okay. So that's the first time, at least that you were aware, that there was an actual checking account for the Community Health Foundation?

A That--that's correct, yes.

Q And that would have been in the spring of 2003, approximately somewhere in that range?

A I guess so. I'm--I'm--I get those dates--

Q Okay. That was that--that twelve months--

A Yes. Right.

Q --after the original closing?

A Exactly. Exactly.

Q Okay. Did you at any point thereafter close that account?

A No, I did not.

Q So as far as you know, that account would still have been open in 2003 and 2004?

A I think not. Again, SBI Agent Umphlet actually came back to our house to ask me specifically about that, and--and had the monthly statements on that

account that, you know, showed the--the bank charges. And over--I'm not sure--I don't remember how many months it was, but over a period of time my hundred dollars was gone in--in bank charges, and I think the bank closed the account at that point. And I'm not--I don't remember what the date was. I know Agent Umphlet has that information.

Q Okay. Dr. Gottovi, did you ever seek reimbursement for the forty-six hundred dollars ($4,600) in interest that you paid from--from the Community Health Foundation, Incorporated?

A No, I did not.

Q Other than the one-hundred-dollar deposit and the forty-six-hundred-dollar deposit that you made for interest, did you make any deposits or withdrawals from that account?

A I did not.

MR. HART: That's all the questions I have, Mr. Chairman.

THE CHAIR: Thank you very much. Cross--cross-examination?

PROF. JOYNER: Dr. Gottovi, thank you for your testimony. Let me--let me--let me just raise with the Chair as to your plans for lunch.

THE CHAIR: The Chair would be delighted to share those. I'm going to ask us to go to close to one, and then if you have cross to continue, we'll continue it after lunch. I don't anticipate being finished with this witness till after lunch. I know that there will be some Committee questions. The--so I'd like to go ahead and get as much done as we can, but you--if you have questions after lunch, I'll hold the witness.

PROF. JOYNER: Well, I was trying to avoid breaking up the examination, but if that's how you want to handle it, that's--that's fine.

THE CHAIR: I'd like to at least get as much--since we were delayed in starting and--but I'll be glad to allow you time after lunch as well.

PROF. JOYNER: Thank you.

THE CHAIR: Sorry, Dr. Gottovi.

THE WITNESS: No, that's okay.

CROSS-EXAMINATION BY PROF. JOYNER:

Q Dr. Gottovi, you indicated that you came to Wilmington around 1971, 1972. And if I'm correct, that was around the time that there was significant racial turmoil in Wilmington; is that correct?

A That is--that is very correct.

Q And--and as a result of or during that turmoil, I believe, you had occasion to meet Representative Wright's brother?

A Yes, I did.

Q And--and Representative Wright's brother was eventually involved in the Wilmington Ten case?

A That's correct. He was hauled out from under his bed, where he was hiding, by the police.

Q And you were involved pretty actively in those defense efforts, were you not?

A Yes.

Q And--and--and as a result of that, you formed a relationship with the Wright family?

A I did.

Q And pretty close relationship with the Wright family?

A Very--very close.

Q And you knew Representative Wright's parents well?

A Yes.

Q As well as his sister, Dale?

A Yes.

Q And--and I believe at--at that time Representative Wright was a lot younger--

A He was.

Q --certainly than he is right now?
A He had dark black hair all over his head when I first met him in the emergency room.
Q And since that time, could you kind of describe your involvement with the Wright family and Representative Wright in particular?
A Well, let me speak to the Wright family first. Karen and I were both very upset about the way these ten--ten--I guess nine of them were teenagers, and Mr. Chavis was not a teenager. But Thomas' brother was a teenager when this happened, and--and frightened, and--and sick, too. He had sarcoidosis, and died prematurely because of that disease and our state's inadequate healthcare--well, anyway, that's another matter.

But we--we did become involved. We were involved politically with Governor Hunt's campaign and, I know, petitioned Governor Hunt along with a lot of other people over what we felt was inappropriate prolonged incarceration of his brother and--and the others.

And--and when--when Joe was finally released, he came back to Wilmington and had a very hard time finding work. Karen was a--I think a

county commissioner at the time and helped him get employment through the--at the Department of Social Services. So we were--and one of our mutual friends was a city councilman that--who lived in--a Caucasian city councilman, who lived downtown, though, and had a monthly social gathering at their home. And--and Thomas's mother and Joe and--and Thomas and Dale were often there.

So we had a lot of social contact with them in addition to the projects that we--I think the things we've worked on all happened later, after that. But--but it was--it was very--a very close relationship with his family.

Q And it was as a result of that close relationship that you formed with the family that you then got involved in these other community self-help efforts that Representative Wright was involved in?
A I--I think that's accurate, yes.
Q And--and--and with--with respect to--to these efforts, though, some of those were efforts that you initiated, and others were efforts that he initiated; is that right?
A Yes. Yes.
Q So you both were kind of thinking along the same

path?
A Yes.
Q All right. And he was involved extensively in healthcare issues in the--in the Wilmington community?
A Yes.
Q Now, you--you talked about--well, let me just--you--you talked about your involvement with the Community Health Center?
A Yes.
Q Now, is that one of the projects that you and Representative Wright helped to put together?
A Yes.
Q Okay. Could you talk about how--how that developed?
A Sort of several steps involved.

Torlen Wade and Jim Bernstein came to the New Hanover/Pender/Brunswick County Medical Society meeting one--I remember it was a pretty cold November night--to talk about--and there was a representative from the State medical society there--talked with--the medical society had an Access program that was developed in the Asheville area that--they talked about that and trying to get more physicians to accept Medicare assignment.

And--and the--when the whole issue--and--and Bernstein and Wade were there to talk about, again, trying to get cooperation with this Access I, getting more primary-care doctors to be willing to take on Medicaid recipients into their practice.

And one of the pediatricians, actually one of my partners, raised his hand and said, "What if there"--you know, "What if there aren't enough family docs and internists and--and pediatricians in our three counties to take care of them?"

And Jim Bernstein, who--and Jim and Torlen Wade are really the heroes of health care for the poor in this state. And Jim Bernstein was the first person to mention in my presence, "Well, some communities form a community health center."

And that--you know, that--the meeting ended, and we all went home. And about four months later there was an article in the Wilmington Star-News that inner-city Wilmington had been declared pretty much a federal disaster area by the department--by the public health service, which made it eligible for community health service grants. And Torlen Wade, he and I had worked--he

and Jim and I had worked on a project--interestingly enough, Carolina Beach, which is now a thriving metropolis, was--was in the '70s still a rural area. And--and--I'm terrible--I'm trying to think of the senator's name--but worked with them to get a rural health center on Carolina Beach. Anyway, that's--that's--had worked on that.

And--and so--but Torlen called me as he got the word from the feds as well, "Hey," you know, "And what about our working on a community health center?" So, again, the steering committee--I think there's a famous woman who said, "Nothing--don't think that great things can't happen in this world by a small group of people working on it."

And a steering committee was put together--this was before Bill Atkinson came, but the hospital director at the time--Thomas Wright, who was involved in the part of the community that was affected. I was there on behalf of the medical society. The AHEC director, Bill McMillan, was there. I--we had a group of about five or six people that, again, became the steering committee for that effort.

Torlen Wade, who's a superior grantsman, got a grant from the--I think, K.P. [phonetic] Reynolds for forty thousand dollars to put together--the application for a federally-qualified health center is about three--is about that thick. (Indicating.) And it--it took the forty thousand dollars to do the paperwork and get all the help to get that done. So--but Thomas and I worked intimately. Thomas was pretty much the community representative from that part of the city that was involved, and worked on that--again, that was probably a year's process or more to do that.

So that--that's--that's--that was our first really close work together, on that project.

Q Okay. Now, did you--the steering committee that you were referring to, did they engage in the effort of incorporating the Community Health--Health Center in conjunction with Torlen Wade and Jim Bernstein?

A Yes.

Q All right. Now, Torlen Wade, is that the same Torlen Wade that testified yesterday?

THE WITNESS: Is it all right for me to answer that?

THE CHAIR: Sure.

A Yes.

Q And who is Jim Bernstein?

A Jim Bernstein--again, Jim Bernstein was in--getting his Ph.D. in public health at Chapel Hill when I was finishing my pulmonary fellowship there, and we worked on--started--sort of my legislative lobbying began then. We worked on day-care regulation, day-care-center regulation, health regulations, which were nonexistent in--in North Carolina at that time. The department of pediatrics and Jim and I and others worked on that project.

Jim went on to form what became the Office of Rural Health and Community Development, and--and Torlen was there in the School of Public Health at the time, and the two of them then carried that effort forward.

Jim, unfortunately--he was assistant secretary for health. Karen and I lob--lobbied hard to get him to be secretary, but Easley didn't--or Hunt didn't listen, but anyway-- another matter. We--

THE CHAIR: I think this is as good a time as any--

THE WITNESS: I'm sorry. I'm sorry.

THE CHAIR: --to take a break for lunch.

THE WITNESS: Oh, okay. I'm--I'm sorry. to--

THE CHAIR: That's--oh, no, it's really--

THE WITNESS: --to drabble [phonetic] on.

THE CHAIR: Not a problem.

PROF. JOYNER: No, no, no. No, you're doing fine. You're doing fine.

THE CHAIR: I think that what we'll do, if we can, is we'll come back--and I would ask that we kind of just stay to the hour, so we'll come back at ten of two. That'll give us an hour for lunch. And we'll pick up with cross-examination at that time. Thank you.

(DISCUSSION OFF RECORD)

THE CHAIR: I'm sorry. Before we break, just--Members of the Committee, I need to give you this admonition: Before we break, I want to again remind members of the Committee, the attorneys for the Committee and Representative Wright, Representative Wright, and members of the public that because we are now in deliberative, fact-finding stage, I think it would be appropriate that

the members of the Committee refrain from discussing this matter with the press, the Committee's outside legal counsel, Representative Wright's counsel, Representative Wright until after the Committee deliberations are completed.

I will also ask Mr. Hart, Mr. Peters, Dr. Joyner, Mr. Harris and Representative Wright to refrain from discussing evidence in the case with Committee members other than the Chair during this time. I will also ask members of the public to not approach Committee members or witnesses in the matter until after deliberations are completed. And I believe that this hearing can proceed fairly to all parties involved if we follow these suggestions. I have asked the sergeant-at-arms to assist in assuring compliance with this request.

Have a good lunch. Thank you.

(LUNCH RECESS)

THE CHAIR: Dr. Gottovi, if you want to resume the stand, please. And just a reminder that you are under oath. Dr. Joyner, back with cross-examination for you?

Q (By Prof. Joyner) Dr. Gottovi, I believe when we--when we broke for lunch we were talking about the creation of the Community Health Center--

A I believe so.

Q --and your involvement and the involvement of Representative Wright, who I believe at that time was a city councilman; is that correct?

A I believe so. It was before his legislative--

Q Before he became--

A --career, yes.

Q But he was--he did have an official position with the City of Wilmington?

A I believe so. I don't remember the dates of that, but I believe so.

Q Okay.

A He was a city councilman, and I don't know if it was at that time or not.

Q All right. Now, in--you also indicated that you worked on this Access III--

A Yes.

Q --venture.

A Yes.

Q And did--did that involve an incorporation effort, as well?

A Yes, it did.

Q And what was Representative Wright's role in that?

A He and I--well, we were on the steering committee. Bill Atkinson, Thomas, myself were the local members of that steering committee. We then involved folks from each of the five counties involved on a steering committee that--that went forward. But he was very much involved in putting that together.

Q All right. And you and he were really the instigators of that effort; is that correct?

A Yes.

Q And did a lot of traveling around to meet with people, and you basically chose the people who would become the steering committee, didn't you?

A We did. We--the model that was given to us by Jim Bernstein and Torlen Wade that was used in other areas had a representative from Department of Social Services, from the health department, the hospital, and the medical society in--in each community. And so we--and--and Thomas knew, because a lot of these counties were in his district or adjoined it, the rural counties--I didn't know as many of the people in those

positions. So he did most of the work with health departments and DSS's. I did the work with the hospitals and medical societies to get a representative from each.

I think we asked--as I recall, we approached, like, the head of DSS in, say, Bladen County and said--told them what we were doing, "And would you or one of your staff--would you appoint one of your staff people to be on this committee?" And then once we got through the incorporation process, they became the actual board, these representatives from each of those bodies.

Q All right. So the people who actually worked on it became the board?

A That's--that's correct.

Q And during those efforts, both you and he incurred expenses associated with that, did you not?

A We did.

Q All right. And you were not--you were in private practice, I believe?

A Yes.

Q All right. And with respect to the expenses that you--that you incurred, how was--how was that handled?

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A We--Jim Bernstein and Torlen--there was a foundation called the--it's--and still exists in North Carolina--Foundation for Advanced Healthcare. It's a foundation that Bernstein had established. And we submitted monthly invoices to them for--for our time and our travels in--in doing that work.

Q All right. So the expenses that you incurred, you were reimbursed for those?

A Yes. Yes.

Q And that was from a grant that you were able to--well, at least Jim Bernstein and Torlen Wade were able to--to put together; is that correct?

A Yes.

Q Okay. And, now, there were other efforts as well in which you and--and Representative Wright dealt with the development and incorporation of community efforts; is that correct?

A Well, the two that I recall in detail were--were the New Hanover Community Health Center and the Access III of the Lower Cape Fear. Those were the two major ones that--if there were others, I need to be reminded.

Q Now, when--once the Community Health Center was established, you and Representative Wright became

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board members; is that right?

A That's correct.

Q And--and I believe at some point you became chair of that board?

A Yes. Yes.

Q Do you recall when you became chair of the board?

A I was the initial chair. Thomas was vice-chair. I don't remember what year we actually--that it actually happened. And we hired a--an executive director and hired a medical director and--and had--we had--initial space was near the--what had been the community--not the community hospital--the community hospital was the black hospital in Wilmington--but near the old James Walker Hospital.

It was--the hospital had been demolished. The nurses' dorm was there, and there were several doctors' offices across the street. And we rented one of those doctor's offices as--that's where the Community Health Center started functioning.

And then with the help of Gene Merritt [phonetic], were able to put together parcels of land on North Fourth Street where the current center--we had a commitment of a million dollars from the New Hanover Regional Medical Center--Bill

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Atkinson was the head of that at that point--I think a quarter of a million dollars from the City to help with putting through the parcels of land--putting together the parcels of land, and ultimately were able to construct that facility.

We had a wonderful, actually, black architect with Ballard, McKim & Sawyer, who was the architect who designed the facility, and--anyway, we finally opened the doors and moved to that center that's--the facility that's the current site.

Q And Representative Wright was instrumental in obtaining those funds necessary for the building and purchasing of those parcels of land?

A Yes, he was.

Q Right. And, in fact, over the years, he was very instrumental in obtaining quite a few grants and appropriations of both state and federal that went into this community health initiative; is that correct?

A Yes, he was.

Q All right. And you were familiar with the fact that he had a lot of contacts that he was able to utilize that brought in funds for--for the

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community health effort?

A That's--that's correct.

Q Now, there was a--well, around this time Representative Wright was elected to the legislature; is that correct?

A Yes.

Q All right. And as a member of the legislature, did he continue his work in the healthcare area in--in Wilmington and Southern Cape Fear?

A Yes, he did.

Q All right. And was he, as a result of his position in the legislature, able to then get additional state grants and appropriations for the work that you were doing?

A I believe so. I--I couldn't enumerate them, but I--I--I think that probably is the case.

Q Right. From time to time, y'all talked about the fact that he was making an attempt to--to get certain appropriations for the Community Health Center?

A Yes.

Q All right. There was a specific effort involved where the Community Health Center was expanding its facility?

A Yes.
Q And there was a purchase of a building next door?
A Yes. There was a--a hardware store next door, and--that--again, we purchased the land and the store. It was a pretty contentious process, as I recall. So--
Q Uh-huh (yes). And for the purpose of that, Representative Wright was able to get State appropriations for--to assist in that purchase and renovation of that building; is that correct?
A I believe so. I don't recall those details, but I believe that is the case. We certainly needed that adjoining property. And I don't remember the funding stream that ended up acquiring it, but--
Q At--at some point, the Community Health Center, I believe, was involved in an effort to obtain the building across the street as well?
A We had conversations about that, because, again, we were--we had added dental services that were--actually--actually, barely had enough space to function, and--and the thought of moving some of the administrative offices across the street to--to the building that--that we attempted to purchase--those conversations definitely were held.

I also--when--when Access III of the Lower Cape Fear finally became an entity, the administrator--administrative--the director that we hired was looking for office space, and we wanted to have that centered in the inner city of Wilmington. And Lydia looked at that space. We didn't--we hadn't--I don't think we had even made the purchase at that point, but I know she looked at it. And it really didn't--wasn't going to work out for her needs for the corps of nurses and social workers that she was hiring, so that--that didn't happen. But I know that we would like to have had the option of office space in that building across the street.
Q Okay.
REP. STAM: Mr.--Mr. Chairman?
THE CHAIR: Yes, sir.
REP. STAM: Question. I know we didn't have a forecast of evidence yet, like an opening statement, and we didn't have a forecast of witnesses. Is--is there something we're coming to that will be relevant to the charges?
THE CHAIR: Well, I'm going to--
PROF. JOYNER: Well--well--

THE CHAIR: I'm going to--this is technically cross-examination, so I'm going to allow us to continue to proceed. But--but--obviously Dr. Joyner was creating background, but if--I'm sure he'll be moving fairly quickly to--to points that are related directly to the case, as opposed to just background. But it seems to me that this is fairly important background at this point in the relationship and the understanding of the transactions in Wilmington. Is that where we're--
PROF. JOYNER: Well, that's what I'm trying to do, Mr. Chairman.
THE CHAIR: Yeah. Okay. So we'll--
REP. STAM: I withdraw my objection.
THE CHAIR: All right. Thank you. You may proceed.
PROF. JOYNER: I mean, apparently I'm losing some--someone if they don't understand where we are.
Q (By Prof. Joyner) Dr. Gottovi, the building across the street is--and this is just my terminology--is--was the Lofton building; is that correct?
A That's--that's correct.

Q That's--yeah. And that is the--the same building that Representative Wright, through the Community Health Foundation and yourself, signed the note for the purchase of?
A That's--that's correct.
Q Okay. Now, do you recall how--the time span between the time that the Community Health Center had discussions about the purchase of that--of that--of the Lofton building and the time that Representative Wright and yourself began to discuss the effort to purchase it for--as a part of the Community Health Foundation?
A Yeah. I really don't recall the details of the timing there. I'm sorry.
Q But you--you do know that you and Representative Wright had a discussion about creating this Community Health Foundation for the purpose of purchasing the Lofton building, and then using that for an 1989 museum, for office space for the Foundation, and possible office space for the Community Health Center?
THE CHAIR: Well, let's hang on one minute. Can we just break that up, 'cause that a whole lot in one--you might want to ask him a

couple questions there--
PROF. JOYNER: Okay.
THE CHAIR: --just so I'm clear what he's answering.

Q (By Prof. Joyner) You and Representative Wright had some discussion regarding the purchase of the Lofton building?
A Yes.
Q All right. And the purpose of that purchase was--or the projection for that purchase was to use that building for an 1989 museum--Wilmington museum?
A Yes. Yes.
Q Office space for the Community Health Foundation?
A Yes.
Q And possible office space for the Community Health Center?
A Yes.
Q And for other community efforts; is that--
A Yes.
Q All right. And this was before the actual incorporation of--of that--of that organization; is that correct?
A I believe so, but I don't--can't recall that time

line in detail. But I believe so.

Q But this was an initiative that Representative Wright approached you with?
A Yes.
Q Now, was that unusual?
A No. For him to approach me about something like--
Q Right.
A No.
Q Would it have--would it have been unusual for you to approach him about an idea that you wanted to pursue?
A No, not at all.
Q All right. So there was nothing out of the ordinary about him coming to you to talk about what his projections were?
A No.
Q Okay.
A That was--
Q And what was your response?
A I--I was happy to proceed. I had worked with him and respected him and happy to--and still do--and was happy to proceed with the effort.
Q And so you have a high level of trust--
A Yes.

Q --in--in Representative Wright?
A Yes.
Q All right. Did--did you talk about possible funding sources for this effort?
A We did.
Q And do you recall what they were?
A They were, hopefully, that things were going well with the revenues of the State of North Carolina, to--to try to get some funds appropriated from the legislature, to try to get some grant funds from the federal government's Department of Interior, the Parks Service that had--oversaw--oversaw historic sites in this country, and then from corporate and personal contributions to the Foundation.
Q And I believe around that time there was the work of the 1898 Wilmington Race Riot Commission?
A Yes. Yes.
Q Right. And there was a lot of publicity around the town and in the area about the efforts that they were engaged in?
A Yes.
Q And were there also a lot of community efforts in the city around this 1898 Wilmington race--race

rebellion?
A Yes, there were--
Q Okay.
A --very--very intensive and extensive, lots of community meetings over a period of a year or two, really a--a--a major effort to heal that wound.
Q Now, would it be safe to--to say that based on your background, your history with Representative Wright, based on what he had been able to do in prior efforts, that you felt pretty comfortable that he would be able to--to secure the funding for that effort?
A Yes, I did.
Q All right. And--and that was one of the reasons that you--you signed on with him?
A Exactly.
Q Now, Mr. Hart asked you about subsequent meetings between you and he regarding this Community Health Foundation, and you indicated that there were--there were not regular meetings. Why--why--was that unusual?
A I guess when we started the effort I thought--as I said, I knew from having done this on several occasions that it took a--a year or more to, you

know, put together all of the steps for a new foundation. I guess I expected at some point we would--we would meet and we would talk about--I knew there were other things in his district that needed attention. I thought as funds came in we probably would meet and talk about a grant for, you know, a nurse-practitioner clinic in Brunswick County--that--that was what I envisioned.

But I also know, from having lived with a legislator, there--this is a complex life, and not everything happens that you would like to happen. So I wasn't--I didn't think about it during the course of that year that that loan was ticking away, because I knew he was a busy man.

Q Oh. Well, I'm talking about now the period before you actually obtained the loan. From the period that--that the incorporation in April of 2001 up until the time that you came in to sign the--the loan papers, was it unusual that you and Representative Wright didn't have regular conversations about efforts that he were--he was engaged in to promote the Foundation?

A I don't think it would be unusual. I really wasn't involved in that part of the effort. That was, you

know, his--his effort and--more than mine at that point.

Q That was his initiative. So you left it to him--

A That's correct.

Q --to basically work through all of the details?

A That's correct.

Q All right. And when he approached you, then, around--around March of 2002 to sign loan papers, were you under the impression that he had been working successfully in putting together this Foundation effort?

A I was.

Q All right. And is that why you went with him to sign the--the mortgage papers?

A Yes.

Q All right. Did--did you have any discussion at that point about some of the things that--that he had been doing up until that point?

A I don't--I don't recall any discussions, but they may well--certainly may well--we were together a lot, and we may--I mean, we traveled a lot together around that five-county area, so we certainly may have talked about some of those things. I don't recall the specifics of those conversations,

though.

Q But when he called on you to--to advise you that--that he had closed or worked out the plans for this loan, you--you weren't taken by surprise?

A No, no. I was not.

Q And that's pretty common--commonly the way that you-all had operated in the past?

A I would say so, yes.

Q Okay. Now, in response to a question from Mr. Hart, you indicated that after you had signed this stack of documents at the lawyer's office in the--in the closing package, you then had some discussion with Representative Wright about "Well, how do you plan to--to come up with the money."

A Or how do we plan to come up with the money.

Q "How do we plan to come up with the money?"

A I felt that it was my responsibility, as well.

Q All right.

A Yes.

Q And what--what is your recollection was his response to that?

A That--that he was hoping to be able to obtain some State appropriations, that he was working on a grant with the federal Department of Interior, and

that he was going to work on private and corporate contributions to the Foundation.

Q All right. And was this response consistent with earlier conversation that you had with him about the Community Health Foundation?

A Yes.

Q All right. So this was in--in line with what the initial projections were?

A Yes.

Q Now, you indicated that some things happened that made--from your perspective, made that impossible to achieve?

A I'm not sure what you're referring to. I'm sorry.

Q Well, I don't know--you had--you said something about--in response to a question from Mr. Hart, something about the State budget crisis?

A Oh, right. Well, I--when--when--when the--I got the notice that there hadn't been any payments on the loan, I--and talked to Thomas, it turned out, I think if you look at those years, that it was a difficult time in the State budget. There were not readily available funds for special projects. I think that was the--that was the difficulty.

Q Okay. And then he was not able to successfully

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handle the appropriations then with respect to the state and federal grants that he was pursuing at that time?
A That's--that's correct.
Q All right. And he told you that as--
A Yes.
Q --as the reason that he had not been successful?
A That's correct.
Q Okay. Were you familiar with--you know, with any of this, well, with the fact that there were some budget constraints?
A Yeah, I'm sure I was at the time. I follow politics pretty carefully both--at both levels, and I'm sure I was aware of revenue issues and--and budget problems. I'm sure I was.
Q All right. Now, when you went in to--to sign the loan--the mortgage--well, the closing package--
A Yes.
Q --did you--did you meet with an attorney?
A Yes.
Q And do you recall if there was a closing statement prepared and circulated and signed?
A I don't remember that. I remember the--that there were a large number of documents that we both had

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to sign related to both the primary mortgage or primary loan from the bank and also the second mortgage to the Lofton family. There were two separate stacks there. I don't remember a--it probably was in those papers, but I don't remember seeing it.
Q All right.
A I--we--I signed as quickly as I could to get back to work, to be honest with you.
Q All right. And during--and during that--that signing and the review of the documents that--that were placed in front of you, was there any conversation by anyone about the necessity of having a letter from any State agency guaranteeing an appropriation to secure any of the payment of the funds?
A No, there was definitely not.
Q All right. And you had absolutely no information or no one provided you any information whatsoever about any funds or any letter that had been provided or was to be provided by Torlen Wade?
A No.
Q And you--and you do know who--
A Oh, yes. Yes. I would have known that very

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clearly, as we worked closely together on other projects.
Q How soon after the--the closing--after you signed the closing documents did you receive a letter--you said a certified letter from the--from the bank?
A It was a year later.
Q About a year later?
A About a year later.
Q Now, the initial loan was for six months; is that correct?
A That's correct. And I--and I--and I gather--and, again, SBI Agent Umphlet showed me my signature on a document, a renewal of that loan at six months. So I think there probably was a call or a note to come in and--and do that, which I did. I--I--there were--I know there were no funds requested at that time, 'cause I know I didn't provide any funds until the end of that next six-month period, where we extended it for another ninety days.
Q All right. Now, at any point--and I think each time you--you paid some down [phonetic] to allow a ninety-day extension?
A That was after the year. Right. But the six-month period, I think Thomas and I were both asked to

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sign a six-month extension, which we did. And then there was no more contact, at least with me, from the bank until the end of that six-month period, which was a full year's period, then, since the initial loan, at which time, you know, they were concerned about there not having been any payments on that--
Q So this initial renewal document that you signed was also signed by Representative Wright?
A I believe so, yes.
Q Okay. Were the two of you together, or did you happen to see his signature on it?
A I--I--I don't know if we were. Probably not, because I think he was back and forth in the legislative session. I think I probably just went down--it was right downtown near where I liked to go for coffee in the morning, and--and just--I think I probably just went over and took care of it one morning, my signature, the six-month signature.
Q All right. At any point, do you know if anyone else paid any interest payments?
A I--I don't know.
Q You don't know that?
A I don't know.

Q You just know that you were--at--at one point, that you paid forty-six hundred dollars ($4,600) to extend for an additional ninety days?
A That's correct. That was at the end of the year.
Q You indicated that around this time you also had--had a meeting with Mr. Burbank?
A That--that was at the end of the year when I got the notice--when we received the notice that they were going to foreclose, essentially. Yes.
Q And in that con--in your conversation with Mr. Burbank, he talked to you about his motivation for granting the loan?
A As I recall, he did, yes.
Q And do you recall what--what basically his motivation was?
A It was that his bank wanted to do some things that--to help with developments in the inner city of Wilmington. And he--he indicated that he knew there was some risk to it but that the bank wanted to--to do that. And I--that certainly is my experience with other--some of the other ventures we've talked about. Bankers stepped forward with the Community Health Center, stepped forward with the Hospice program. When they felt that there was

a community need, they were happy to sort of step out there and be a part of it.
Q During that conversation, did Mr. Burbank say anything about a letter guarantee--a letter from Torlen Wade--
A No. No, he did not.
Q So that was never mentioned in any--
A No.
Q --conversation that you had with him?
A No.
Q And this was at the point that there was some crisis in the funding for the--for the purchase of that building?
A Yes.
Q All right. And did you talk with him about the--the failure to be--to obtain appropriations to pay for that?
A I did. I mean, we talked about the fact that Thomas had--had tried and not been able to get the State funds. I think the grant request for the feds was still out there but not likely to be honored because of his political affiliation. And--and the--you know, there hadn't been any contributions, corporate or private, to the effort

up to that point.
Q And--but at no point did Mr. Burbank say anything about having received a--a letter from any department of the State of North Carolina indicating that a--an appropriation was forthcoming?
A No. He did not.
Q And you said eventually the bank took over ownership of the building?
A That's correct.
Q All right. In response to questions from Mr. Hart about the failure of the--the Board of Directors to meet, you indicated that there were no formal meetings?
A That's correct.
Q All right. Now, during this time, though, you and Representative Wright did meet?
A We did. And I also met with Bessie Funderburg, who was the other board member I was aware of. I wasn't aware that James Lofton was a member of the board. So I--I was with Bessie Funderburg often, and I--I think probably Thomas and I were with her together at least on one--I'm sure on more than one occasion. But this--this is a long time ago.

Q All right. And do you recall that during those meetings, or any of those meetings, that y'all discussed this effort of the Community Health Foundation?
A I--I don't remember that we did, but we may have.
Q Let me just ask you, as far you knew, who were the board members?
A I thought Thomas and Bessie--Thomas Wright and Bessie Funderburg and I were the board members.
Q So if there was to be a meeting, it would have been just the three of y'all?
A That's correct.
Q And once she--after her death, the board--the only members of the board that would meet would be you and Representative Wright?
A That--that's correct.
Q That's--that's your understanding?
A That was my understanding.
Q Now, at a later point, you--you found out that Mr. James Lofton was also listed as an incorporator?
A That's correct.
Q Do--did--did you know if he was a designated mem of the board?

A I--I did not.
Q Okay. You had no information that he was a member of the board?
A No. In fact, I did not think he was. I think--I thought Thomas, when we talked about it, said that he and Bessie Funderburg and I would be the board.
Q So at any point that you and Representative Wright met and talked about this building, that was, in essence, a board meeting?
A I guess, in essence, it was.
Q I mean, you were the only members of it, right?
A That's--that's correct.
Q All right. Just for the--this Committee's information, who is James Lofton?
A James Lofton is a retired longshoreman. And--(pauses)--
Q Well, what is his--do--do you know his relationship to the building that you were seeking to purchase?
A Right. His wife--I believe the building was in James and Helen's name. Helen Lofton is a--a nurse that I had worked with on the medical ward at New Hanover Regional Medical Center since day one for thirty-four years. And Helen is currently on the board of trustees of the hospital down there. I

mean, she's a--just a substantial, respected woman in the community.
Q All right. But James and Helen Lofton were the owners of--of the building that you were trying to purchase?
A Yeah, I believe so. I can't remember if Wayne--their son Wayne was an owner or not. I know he had his business offices there, at least for a while.
Q Okay. Now, we were talking about James and Helen, and you--you interjected Wayne. Now, who--who is Wayne? Is--
A Wayne is their son.
Q Wayne is their son?
A Yes.
Q All right. And Wayne had an office in the--in the Lofton building?
A That's correct.
Q All right. So with respect to the work of the Community Health Foundation, one of its incorporators was the owner of the building?
A That's correct.
Q But based on the information that--that you had at the time, he was not a member of the board?
A That's correct.

Q Now, you indicated in response to a question from Mr. Hart that--that at some point you opened a bank account for the Community Health Foundation?
A That's correct.
Q Well, would you explain how that happened and when that happened?
A Yes. When I received the notice that the loan was going into default, I talked to Thomas and found out that we weren't likely to have any sources of revenue in the near term. I went down and talked to Mr. Burbank about looking at some other options. I really felt that if we could get a little more time, there might be some investors in the inner-city development community who would be interested. So I--I asked if there was any way of extending the loan.
He said, "Yes, as long as you pay"--or someone pays the interest, which I was willing to do for a ninety-day extension, which I did. And that's when the account was opened so that there would be a account in the name of the Community Health Foundation.
Q All right. And when you had this conversation with Mr. Burbank, was Representative Wright with you?

A I--I don't believe so. I don't believe--we did--I know we were together at the bank on at least one occasion. And I know--in fact, I think when that account was opened, we may have been there together. And I know I was there--the Loftons were there on at least one occasion. But I can't remember if--the day I opened the account whether Thomas was there or not.
Q All right. Well, with respect to the opening of the account, who was the signatory on that account?
A I think--I think Thomas and I both had signatures on the account. I know I did.
Q All right. Now, do you--do you have a present recollection that Representative Wright was with you when you actually physically opened that account?
A I--I--I know we were there at the bank together. Whether it was that--that day or not, I don't--I don't remember. He may well have been.
Q Okay. But you're not--you're not sure?
A I'm not--I'm not sure.
Q Okay. And the information that you received from the SBI officer was that there was never any activity in that account, and it was closed out by

the bank?
A That's correct.
Q Or the bank used up the fees--
A Exactly. Exactly.
Q --consumed the fees that were--
A Over several months, maybe about six months, yeah.
Q You indicated to the SBI officer that you were surprised that there was not a guarantor for the--for the loan from the Coastal Federal Bank.
A I don't know--I mean, I was relieved that there wasn't, because I felt that I was the--I felt that I was the guarantor to some degree, and I was relieved to find that I hadn't signed a personal guarantee.
Q Okay. But--but as far as you knew prior to that time, you didn't know if--if--well, did you ever see any of the--let me just--do you have the notebook there in front of you?
A Yes.
Q All right. Would you look at Exhibit 4?
A I have it.
Q Okay. Have you ever seen that document before?
A I don't recall seeing it. It may well have been in that--those big piles at the lawyer's office that

day, but I don't--I don't recall seeing it before.
Q Okay. Did--did this document--was this document provided to you by the SBI officer when he came to see you?
A I don't believe so. I don't think this is one of the--I don't remember our looking at this.
Q Okay. On the top right of that document in the right-hand column, you are listed there as the treasurer. The SBI officer didn't ask you about how your name ended up being listed there as the treasurer?
A I don't--I mean, I acknowledged being the treasurer. I knew that I was the treasurer. I don't--I don't remember him asking me that, but I--
Q Okay.
A --I did--I was the treasurer, and Thomas was the president, and Bessie Funderburg, until she died, was the secretary, as I recall.
Q Now, as--as the president of the Community Health Foundation, did--did not Representative Wright basically run the affairs of the Community Health Foundation?
A He did.

Q All right. Would it have been necessary in his running of the affairs of the Community Health Foundation to come back to you on a regular basis to get approval for the day-to-day activities that he was involved in with this?
A No.
Q Was that an expectation that you had on your part?
A No.
Q All right. And, in fact, you ended up signing the mortgage--that was an indication of the faith that you had placed in him to handle the day-to-day operations of the this organization--
A Yes.
Q --is that correct?
A Yes.
Q So there was never any expectation on your part that before Representative Wright could receive any funds or expend any funds that he had to have the approval of yourself or any other member of the board?
A No.
Q All right. Who--do you know who paid the expenses associated with the development of the Community Health Foundation?

A I do not.
Q You know that you didn't?
A I did not.
Q All right. And none of those expenses came from the checking account that you--that you set up; is that correct?
A No. No, they did not.
Q All right. Were you aware that there were some expenses associated with this effort?
A I wasn't aware in detail. I knew that when we had set up the other organizations there were several thousand dollars of legal fees and several thousand dollars of accounting fees involved in setting up a foundation.
Q All right. In the--
A But I don't know the details of the expendership [phonetic] on this foundation.
Q In the closing package that you had with the--that you signed for the Coastal Federal Bank, do you recall seeing an appraisal?
A I do not, but I--there probably was one there.
Q Okay. Do you recall if there was a survey done for the property?
A I do not, but I--I know that banks will not loan

money without a survey and without an appraisal, so I suspect those documents, if not there, were available. I didn't see--I don't remember seeing them.

Q All right. So you would expect, though, that those expenses associated with just the putting together of the loan package and securing of the loan would have been handled by--by someone?

A Yes.

Q All right.

PROF. JOYNER: Could I have a moment, Mr. Chair?

THE CHAIR: Certainly.

(DISCUSSION OFF RECORD)

Q (By Prof. Joyner) Dr. Gottovi, in that--in that loan package, do you recall there being an architectural drawing?

A I don't recall.

Q You don't recall that--that item?

A No.

Q Did you and Representative Wright have some discussion prior to the closing or after the closing of the desire to renovate or have some renovations done for the building?

A Yes. They were definitely going to be needed. I don't remember the details, but they definitely were going to be needed for it to be functional as--as office space.

Q And you-all did discuss that?

A I'm sure we did.

Q All right. And--

A I know when--when the developers looked at it that--that that clearly was going to be a major need, that it was going to require some major renovations, yes.

Q All right. And in order for there to be these renovations, there would have to have been some type of architectural plan?

A Right. And I sort of--I believe there was, and I don't remember the details, though, of what kind of changes were proposed. But I--I believe there were plans for major renovations. I know they had to be done.

Q Okay.

PROF. JOYNER: All right. We have no further questions. Thank you, Dr. Gottovi.

THE CHAIR: Thank you very much. Redirect examination, Mr. Hart?

MR. HART: Thank you, Mr. Chairman.

REDIRECT EXAMINATION BY MR. HART:

Q Dr. Gottovi, have you ever been a part of any other nonprofit organization that never met as a board?

A I don't--I don't believe so.

Q And have you ever been a part of any other nonprofit board besides the Community Health Foundation that didn't have bylaws?

A I don't--I don't believe so.

Q When you were answering Mr. Joyner's questions, you said that you guessed whenever you and Bessie and Representative Wright got together that that was a board meeting?

A I--I think it could be construed as one. I don't recall--I know that we were together--actually, Bessie was on the board for the Community Health Center, and we were together at least once a month for those meetings, and--and we often met at Bessie Funderburg's home over political matters. I--I don't recall specific discussions of the Foundation on those occasions, but they may have occurred. They may have occurred. I don't--I don't know.

Q Well, it would be hard to classify those as board meetings if you didn't discuss anything to do

with--

PROF. JOYNER: Objection.

Q --board business.

PROF. JOYNER: It's argumentative.

THE CHAIR: I'll sustain the objection. If you want to rephrase--thank you, Mr. Hart.

Q (By Mr. Hart) Dr. Gottovi, were those board meetings?

A I wouldn't have thought of them as board meetings.

Q Okay. So you're not saying that every time the three of you got together in Wilmington or Raleigh or wherever for dinner or any other matter, that that was necessarily a board meeting?

A Not necessarily, but there may have been some where we did discuss these matters. I don't recall, though.

Q And--

A I don't recall them specifically.

Q I take it, then, that you would agree with your earlier testimony that the Community Health Foundation, Incorporated, board never met officially?

A I don't recall specific meetings where we gathered and Thomas called the meeting to order and we had

formal discussions. I can't recall anything like that.

Q When did--were there ever any minutes for any of the meetings that you might have had?

A Not that I recall. Bessie was the secretary and had been on the Community Health Center board, but a staffperson usually, you know, took the minutes and had them recorded and presented.

Q But there was never anything like that?

A I don't--I don't recall approval of minutes, no.

Q Okay. Now, you say that both you and Representative Wright were signatories on the Community Health Foundation account; is that correct?

A I believe he was. I know that I was, and I think he was, as well.

Q When was it that Bessie Funderburg died?

A I--I'm not sure of that date. I know Karen--Karen was still commuting back and forth to Wilmington. Her ninety-year-old mother was still living there in an apartment near my office, and I know she came back for Bessie's funeral. I don't--I don't remember the date, though. I'm sure that's in the public records, though.

Q Was--was that after the default?

A I believe so, but I'm--I'm not sure. I believe so, yes.

Q Okay.

A It was certainly after we took the loan, because I know when we talked about the Community's Health Foundation board that Bessie was mentioned as the third board member, and I--I know that she was alive at that point. She was not well, but--

Q Okay. Dr. Gottovi, when--you spoke about being assured by Representative Wright on various occasions when you would talk with him that he was still seeking state grants, federal monies, various things of that nature, correct?

A Yes.

Q Did you ever see anything in paperwork where he actually was pursuing something, or was it simply your belief based upon his assurances?

A I did not see any paperwork. It was my confidence in--in him.

Q Okay. Did you ever see any paperwork in terms of any kinds of expenses or any activities that Representative Wright was doing on behalf of the Community Health Foundation, Incorporated?

A I did not.

Q When you were chairman, was it, of the board of t[redacted] Health Center--

A Yes.

Q --did you feel that you could make expenditures of funds without board approval?

A I did not.

Q Was there any reason for you to believe that it was appropriate for Representative Wright to do that as president of the Community Health Foundation, Incorporated?

A It was a different organization, and so I don't know what the limitations were. I certainly didn't in--on the Community Health Center board, we had a very formal--it's a federally-qualified health center, federal funds providing probably two-thirds of the budget and had an annual audit, so there was very close accounting of the funds there.

And I certainly--I would not have in that board situation felt comfortable about any expenditures without the formal process of going through the--the treasurer and having it presented at a board meeting. But that's a very different setting.

Q Well, that's been true with all the boards that you've been on, is it not?

A That's--that's true.

Q Because they had bylaws, they had board meetings, they had minutes. Correct?

A That's correct.

Q And that--none of that took place with the Community Health Foundation?

A It did not.

Q And essentially you trusted Representative Wright to do what needed to be done properly, and that's why you assumed that he could do whatever he wanted to do?

A That's correct.

Q You--you're not really saying that he had the authorization to do that?

A I--I--I can't say either way--

Q Well--

A --whether he did or didn't.

I assumed that he would do things properly.

Q There was certainly no board authorization to do it, correct?

A There was not any formal authorization, no.

Q When you talked about discussions about renovations being needed, those were just vague, general discussions about the fact that a building would need to be renovated, correct?
A No, I think--I think there had been a formal request--I don't know if it was from the architect who helped us with the Community Health Center, but I think there were--there had been a formal look at the building and--and a formal, I think, budget for what was going to be needed. But I--I can't recall that clearly now.
Q Was that prior to the purchase of the building?
A I don't--I can't recall that, either. I'm sorry.
MR. HART: That's all I have, Mr. Chairman.
THE CHAIR: All right. Thank you. Recross?
RECROSS-EXAMINATION BY PROF. JOYNER:
Q Dr. Gottovi, let's see if you can clear this up. You were the chairman of the Community Health Center board; is that correct?
A That's correct, the initial chairman for two years--
Q Right. And the--

A --or maybe two or three.
Q --day-to-day operations of the Community Health Center was handled by whom?
A By the executive director.
Q By the executive director?
A Right.
Q And who--and the executive director was a staffperson?
A That's correct.
Q And that person was hired to handle the day-to-day operations of that organization?
A That is--that's correct.
Q All right. Well, in that capacity, or in that role, would the executive director have to come to the board to get approval to make day-to-day expenditures?
A No.
Q So that person would have been authorized to do whatever was necessary to keep that organization going until they reported back to the--to the board in terms of the--the--the financial reports?
A That's correct. In most organizations I've been involved in, expenditures over, let's say ten thousand dollars or something, you know, a

significant expenditure, would need to be brought to the treasurer--the volunteer treasurer and approved.
But certainly the day-to-day operations--and at the Community Health Center, they're very--I mean, it's a huge budget, and so there--it's thousands and thousands of dollars per day that the executive director is managing there. And they certainly don't--didn't call me and--for approval.
Q All right. But that--that effort was significantly different than was the Community Health Foundation?
A That's correct.
Q Right. With respect to the Community Health Foundation, the organization never really got started, did it?
A I--I would say no.
Q Right. It was really in the embryonic stage?
A Yes.
Q And there--you were trying to get it going?
A Yes.
Q But it never really reached the point that it had regular day-to-day operations in the same manner as the Community Health Center?
A That's--that's correct.

Q All right.
A We never hired a--you know, a full-time staff.
Q Right. And it never had a--an itemized budget that it was operating with?
A No.
Q All right. And any expenses incurred by the Community Health Foundation was absorbed by the person who had the title of president and was handling the day-to-day operations; is that correct?
A I--I would say yes.
MR. HART: Objection.
THE CHAIR: The objection is sustained, and that--
MR. HART: Move to strike.
THE CHAIR: Direct motion to strike granted as to that last sentence and last answer.
Q (By Prof. Joyner) Who would have been responsible for the--the day-to-day operations of the Community Health Foundation?
A Thomas Wright.
Q And were you, as one of the two other board members, responsible for overseeing his activities on a daily basis?

A No.
Q And because the organization was still in the embryonic stage, you never really had formal meetings in the sense that there was a call for the meeting and minutes taken of the discussions that you had?
A We did not.
Q All right. But there were informal conversations between you, Representative Wright, and Betsy [sic] Funderburg about the operations or the things going on with the Community Health Foundation?
A I believe so. I don't recall them specifically, though.
Q Okay. But you do at least--well, or, more specifically, you do recall conversations and dialogue between you and Representative Wright about the work of the Community Health Foundation--
A Yes.
Q --in its embryonic development?
A Yes.
Q All right. Now, you indicated that the board--that the Community Health Foundation did not have bylaws?
A I don't know if they were drawn or not. I--there

were not--there were not bylaws that I saw.
Q There were no bylaws adopted by the board of directors?
A Correct.
Q All right. And your--from your perspective, is it necessary to have bylaws on day one?
A No, and you usually do not have them. I think I said it took us a year to develop the bylaws for the Access III of the Lower Cape Fear. It was a process of, you know, having an initial draft prepared by the attorney. Then we had monthly board meetings with this group of twenty people from five counties that--and the composition of the--this is during--before the adoption--the composition and modifications would occur, and then the final bylaws were approved in Elizabeth City almost a year to the date after our initial steering-committee meeting.
Q But you--
A It took a long time, yes.
Q Based on the other efforts that you--that you had, you recognized that it takes some time to put together bylaws?
A Yes.

Q And you indicated that involved in the putting together of the bylaws would be some consultation with an attorney?
A That's correct.
Q Which is another incurring of expenses?
A Yes.
Q All right. And for a fledging organization, the expenses to handle that may not be present at that time?
A They--they were not.
Q They were not present at that time--
A No.
Q --because you didn't have a budget to handle anything like that?
A That's correct.
Q All right. Now, Mr. Hart asked you if Representative Wright ever brought you any paperwork regarding his--his activities and expenses that he had incurred. Do you recall that question?
A I recall the question.
Q Was--from your perspective, was that necessary?
A No.
Q Was it an--was it an expectation on your part that

Representative Wright would be preparing written reports to you about his daily activities and any expenses which he incurred in the development of this embryonic organization?
A No.
PROF. JOYNER: May I just have a moment?
THE CHAIR: Certainly.
(DISCUSSION OFF RECORD)
PROF. JOYNER: We have no further questions at this time.
THE CHAIR: All right. Thank you. Representative Stam?
REP. STAM: Thank you, Mr. Chairman. Dr. Gottovi, turning your attention to Exhibit 1 in the notebook, which you said you were--didn't sign but were familiar with--
THE WITNESS: Yes, sir.
REP. STAM: --would you turn to Page 2 under "Purpose of Corporation"?
Do you see where it says, "This corporation is organized for the following purposes checked"? The first one there is "Charitable." Did this corporation entitled The Community's Health Foundation, Inc., ever provide any

charitable services to anyone?

THE WITNESS: Not during that year and a half or so that I was involved, that I--that I'm aware of.

REP. STAM: Are you aware of any services after that year and a half--any charitable services that it has provided?

THE WITNESS: I'm not.

REP. STAM: All right. Do you know of any educational--I see there's--"Educational" is also checked. Has this corporation provided any educational services to anyone?

THE WITNESS: I don't believe so.

REP. STAM: I see that "Scientific" is checked. Has this corporation of which you're treasurer and a board member, provided any scientific services to anyone?

THE WITNESS: I don't believe that we did.

REP. STAM: You testified that you paid forty-six hundred dollars ($4,600) after about a year at the request or demand of the bank, and I assume that was to pay on the debt of the Community's Health Foundation, Inc., not your own

debt?

THE WITNESS: Well, it actually wasn't a request or a demand. I volunteered to extend the loan, and it was an interest payment so that they would extend the loan for ninety days so that we could work on other possible sources of revenue from within the community.

REP. STAM: And as far as you know, that was credited to the account of Community Health Foundation, Inc.?

THE WITNESS: It--actually, the checks were done right there at the bank and written to the Community Health Foundation, Inc., and I immediately endorsed them over to the bank so that they were paid--paid directly to the bank--

REP. STAM: Right.

THE WITNESS: --through the Foundation.

REP. STAM: Did you deduct the forty-six hundred dollars ($4,600) you paid to--to the Community Health Foundation, which was then endorsed, against your federal income tax as a charitable deduction?

THE WITNESS: I believe I did.

REP. STAM: So if it turns out--well,

I'll withdraw the last part of the question.

THE WITNESS: Well, I understand the question you were going to ask, and no, that's--I--

THE CHAIR: The question wasn't asked.

THE WITNESS: Okay. Sorry.

REP. STAM: Mr. Chairman, I have--right before the break I obtained a copy of the closing statement, which is Bates-stamped, so I assume the Respondent has it, but it wasn't in our package. I wonder if I could pass it out and see if anybody has any objection to--

THE CHAIR: If you'll give it to Dr. Joyner, Mr. Harris, Mr. Hart, and Mr. Peters, and then we'll see if there's an objection.

REP. STAM: And the witness.

THE CHAIR: Well, let's hold the witness till we--

REP. STAM: Oh, okay.

THE CHAIR: Thanks.

PROF. JOYNER: Mr. Chairman, are there any other documents that--

REP. STAM: Yeah, right here.

PROF. JOYNER: --that we want to distribute that have not been provided to us

previously?

THE CHAIR: Well, we're going to hear you in a minute. But are there any other documents you're going to want to examine him on, Representative Stam?

REP. STAM: Yes, one other also obtained right before the break, which is also signed by Mr. Wright and Mr. Gottovi, if we could hand--

THE CHAIR: If the sergeant-at-arms will please hand that to Dr. Joyner, Mr. Harris, Mr. Hart, and Mr. Peters--

MR. HARRIS: May I inquire where these came from once--

THE CHAIR: I'll allow Representative Stam to answer.

REP. STAM: I obtained it from Staff, who I think obtained it from Mr. Hart. And it looks like it has an SBI stamp, so--and it has a Bates stamp, 01798, which means you probably have it in your file right there.

PROF. JOYNER: Mr. Chairman--

REP. STAM: And the second document is 1785, which was probably delivered to you December 31.

THE CHAIR: Do you need a few minutes to look at those documents?

PROF. JOYNER: I beg your pardon?

THE CHAIR: Do you need a few minutes to look at those documents?

PROF. JOYNER: No. I'd like to know where are the originals for these?

THE CHAIR: Well, I don't know that we have an answer to that. I'm assuming--I mean, I'm making an assumption looking at what I'm looking at with the Bates stamp, that the document lies with the district attorney's office right now.

PROF. JOYNER: Well, you know, that's--that's--that's really an assumption, because Bates--Bates stamp doesn't mean that it came from the district attorney's office, since there are at least three other people with Bates stamps that they could put on this.

THE CHAIR: Well, I understand that, so I'm going to ask this question: I want you to look at the documents, and are you--do you have any concerns as to their genuineness or authenticity?

PROF. JOYNER: Yes.

THE CHAIR: All right.

PROF. JOYNER: I do. I mean, and then why are we just getting to them now? Why weren't these in the packet of information that--that we've been provided with previously?

THE CHAIR: Well, the first answer, I think, to the question is they haven't been introduced or attempted to be introduced by Committee counsel, so--at this point they're just being shown to the witness to cross-examine, and you can show anything to a witness to cross-examine. They're not being sought to be introduced, or at least I don't know that they are, and I--and certainly haven't been by Committee counsel.

Second, as to the authenticity issue, what I need to know from you is if you want a minute, 'cause then I'm going to want to know what the problems are with it.

PROF. JOYNER: Well, Mr. Chairman, as I understand the rules of this Committee, if there were any documents which bore on this subject, hearing matters here today, that we would have received them with enough time to look them over and to make any inquiry about its authenticity or

any other question that we might have about the document.

So I'm--I'm--I'm concerned about why we're just being shown these documents now, rather than last week when we got the other documents, and then why these documents were obviously held in some secret location not available to the rest of us and now are to be delivered. So, yeah, I have some--some real concerns about this.

THE CHAIR: I understand. I'm going to go back to the first point, that the Committee rules are very clear documents that were in Mr. Hart and Mr. Peters' possession that they intend to introduce were absolutely to be turned over and were.

This document is not coming from Mr. Hart and Mr. Peters for introduction, and it is not being sought, as I understand it, for introduction. It's being sought to show the witness to ask examination questions that I have--I understand your concern, and--and I am not at this point anywhere near admitting the document as substantive evidence on any basis. But a witness may be shown anything for purposes of cross-examination, and I'm

certainly going to allow that to happen.

But my question, before I do that, if the document is authentic and genuine--if you have serious questions about authenticity and genuineness, that's what I want to know. And if you need a few minutes, I'll be glad to recess for you to look through the document and see if you've got specific questions about that.

PROF. JOYNER: Mr. Chairman--

MR. HARRIS: I have a serious question.

THE CHAIR: No, I--I--one of you--who's arguing here?

PROF. JOYNER: I'm--I'm--I'm arguing.

THE CHAIR: All right. Thank you.

PROF. JOYNER: Whether Dr. Gottovi is given these documents to review is not my issue. I don't care. What I do care about is the integrity of this process and why are we now being surprised by members of this Committee going outside of the appointed counsel to find and present documents for review in this session?

So that's my concern. It's not whether Dr. Gottovi looks at this and makes whatever comments he wants to make about it. But if the

Committee has now become outside counsel, I need to know that there's a shift in the arrangement, because we have been relying upon Mr. Hart and Mr. Peters as the party that will produce, present documented--documentary evidence in--on behalf. Now, the Committee members have now gone outside to become another source of--of prosecution in this matter? That causes some concern.

THE CHAIR: Let me ask this question so that I can see where we are, then I'm going to--I understand the legal argument. What I want to know first is do you have--as looking at the document, are the documents in your mind not authentic and not genuine? And just help me to understand why. That's my first question. We'll get to the others. But help me to understand, if there's a problem with their authenticity and genuineness, what is it?

MR. HARRIS: We had the person on the stand, Mr. Chair, Mr. Burbank, who identified the--the bank documents. And the document he identified was the approval of a loan dated March 5th, 2002. He said that when he signed that, that was the day he approved it. I'd like to point

out this one document, which purports to be an application--a business credit application, is, in fact, dated after that, April 5th, 2002. So on its face it would appear suspect.

It's an application after it's already been approved. Why would anybody be applying for a loan when they've already got the loan? Because Mr. Burbank, who was on the stand, who's already testified and left and been allowed to leave, 'cause we had no idea about this--Mr. Burbank testified that he approved it on March the 5th, 2002. That's the undisputed testimony by somebody who knows.

And I assume Mr. Stam does not know, I assume the staff doesn't know, and--and I assume nobody really knows where this document originated. We don't have the original, and it appears on its face to be suspect.

REP. STAM: If I--Mr. Chairman, if I could--

THE CHAIR: Representative Stam?

REP. STAM: First of all, as I said, the source where I got it was this afternoon from staff, who got it from Special Counsel, and it

appears to be from the SBI. It appears to have the Bates stamp. So therefore it was given to you December 31.

Secondly, in their questioning, they've asked about "wouldn't the HUD-1 statement show" so-and-so. This is the HUD-1 statement. Why wouldn't we want to have it? It appears to be signed by Mr. Wright. The other credit application appears to be signed by Mr. Wright and Mr. Gottovi--Dr. Gottovi. What is the problem?

MR. HARRIS: If you can give me about five minutes with a copy machine, I can put your signature on here, and you'll see what the problem is.

THE CHAIR: Let's--let's--all right. We're going to--I think this is a good time for me to consider the arguments. We're going to take a recess until twenty after three. Thank you.

(TWELVE-MINUTE RECESS)

THE CHAIR: All right. Now, we're going to--I've asked Representative Stam not to proceed with questions on the documents, and that gets us

out of that controversy. I--I will allow him to ask whatever questions he wants to ask as--as a Committee member generally. So, Representative Stam?

REP. STAM: Dr. Gottovi, just one other question: Do you recall that at the closing the seller was credited with twenty-five thousand dollars ($25,000) of deposit or--deposit retained by seller, twenty-five thousand?

THE WITNESS: I do not recall that, Representative Stam.

REP. STAM: That was just not discussed at all, whether--

THE WITNESS: No.

REP. STAM: Okay. And if the corporation had twenty-five thousand that had already been paid, the corporation of which you were treasurer, you didn't know anything about it?

PROF. JOYNER: Objection.

THE CHAIR: I'm going to overrule the objection. If you know.

THE WITNESS: I--ask the question again. I'm sorry.

REP. STAM: If the corporation had paid

twenty-five thousand earnest-money deposit on this property before the closing, you as treasurer did not know anything about it?

THE WITNESS: No, I did not.

REP. STAM: Okay. Thank you.

THE CHAIR: All right. Any further questions, Representative Stam?

REP. STAM: No, thank you.

THE CHAIR: All right. Representative--I'm just going to go this way--Representative Warren?

REP. WARREN: No questions.

THE CHAIR: All right. Thank you so much. Representative McGee?

REP. McGEE: Yes, I have a question.

THE CHAIR: Yes, sir.

REP. McGEE: Thank you. I'm still confused about the personal check that you wrote to pay the interest.

THE WITNESS: Yes.

REP. McGEE: You wrote the check made out to the Foundation, then turned the check over and endorsed the check over to the bank with you as treasurer of the Foundation? Is that--

THE WITNESS: That's--that's correct. The money went essentially directly to the bank. I did it as--through the Foundation, as Representative--Representative Stam assumes, so that at least I could take a charitable donation for the money I was giving to the Foundation.

THE CHAIR: Yes, sir?

REP. McGEE: My question is, then, did you deposit the check that you wrote into the Foundation account and from the Foundation account write another check from the Foundation to the bank, which was deposited?

THE WITNESS: I'm--I'm really not sure on that. I can remember standing at the counter at the bank with the checkbook, and I don't recall--I think the SBI agent had all of those records of things in and out of the Foundation checkbook, and I don't believe--I think it just went immediately to the bank itself.

REP. McGEE: If I may follow up--

THE CHAIR: Certainly.

REP. McGEE: I think I earlier heard you say that the one hundred dollars that you deposited into the account eventually disappeared because of

fees and charges?

THE WITNESS: That's correct.

REP. McGEE: Then, to follow up, was th the only--or were those the only transactions that ever took place in that checking account?

THE WITNESS: Yes.

REP. McGEE: Thank you.

THE CHAIR: All right. Representative Lucas?

REP. LUCAS: No questions.

THE CHAIR: Thank you. Representative Wiley?

REP. WILEY: Thank you, Mr. Chairman. I know you've been up there a while. I'll--

THE CHAIR: It's all right. I'm okay.

REP. WILEY: --try and keep this short. A couple of questions. After the closing, did you ever go back to the building? Did you--were you in the building that was purchased at all?

THE WITNESS: I went--I really didn't--I didn't go--I'd been there before, long before any of this interest on behalf of the Community Health Center, long before, I think, we even had that--the Health Center was built. I had been to Wayne

Lofton's office on one occasion. Wayne was Bob Jordan's minority affairs person, and I had gotten to know him in that context and--and, actually, I often had lunch with him over political discussions over the years.

So I had been to the building before any of this transpired, and then I went there at least one time during that ninety-day period where we extended the loan. I went there with Lydia Newman, now Lydia Newman Faulkner, who was the newly-hired executive director for Access III of the Lower Cape Fear, to see if that space might be appropriate for the offices for this new entity, hoping we--we were--I knew the new entity was going to have to be housed somewhere, and we wanted it in downtown Wilmington where the clients were, at least the New Hanover folks. So I did go there with her.

At that time I think Wayne Lofton still had some of his offices there, and the local sickle-cell program was occupying another part of the first floor.

But the building was in need of major renovations, and--and Ms. Newman did not feel it would be appropriate for offices for her new st

that she was putting together. So they ended up renting space in the Murchison Building downtown, which is an old office building downtown in Wilmington.

REP. WILEY: If I may--

THE CHAIR: Certainly.

REP. WILEY: Did you happen to notice, were there any utilities turned on--

THE WITNESS: Oh, yes, yes.

REP. WILEY: --that you would have been responsible for?

THE WITNESS: Yes. I--yeah, because I know the sickle-cell program was--was using that space during the time that we had this loan outstanding, and I think part of Wayne Lofton's business was--was still there. So I believe there were utilities going--being paid for. And I'm not sure where--where that was coming from.

REP. WILEY: So you're not sure who was responsible for the payment of those utility bills?

THE WITNESS: I think during that year that we owned the building and--and that we were--I certainly wasn't writing checks for them. And Representative Wright may have been. I don't

know.

REP. WILEY: One more question?

THE CHAIR: Certainly.

REP. WILEY: At the time of closing, the building itself was the only tangible collateral at--at--for closing?

THE WITNESS: That's correct.

REP. WILEY: Do you happen to remember, did they require the Foundation to purchase any insurance on that building at the time of closing?

THE WITNESS: I don't recall. I'm sure--I'm sure that insurance was required, but I don't--I don't recall documents related to that, and I don't know how it was--it was paid.

REP. WILEY: Last question--

THE CHAIR: Certainly.

REP. WILEY: Were you aware, then--I guess, as a whole question here--were you aware of any bills that were needing to be paid on an ongoing basis from the Foundation?

THE WITNESS: I was not, but I--I'm sure there were utility bills, I'm sure there were insurance bills, but I--they were--they were not bills that were presented to me, and I certainly

didn't write any checks for them during that year.

THE CHAIR: All right. Representative McGee, I think you had one other question. I apologize. I cut you short. I'm sorry.

REP. McGEE: No, you didn't. I just thought of a question I wanted to ask.

I don't know if it's loud enough to hear--on the notice of foreclosure, Dr. Gottovi--

THE CHAIR: Can you give him an exhibit number?

REP. McGEE: It's Exhibit Number 5.

THE WITNESS: Number 5. Just a second. I have that.

REP. McGEE: Okay. You're shown as one of the people to receive the notice of foreclosure as treasurer of the corporation?

THE WITNESS: That's--that's correct.

REP. McGEE: And you stated earlier, I believe, that you followed politics on levels of state and federal, and, of course, the district that Representative Wright serves also has a senator in the State House--I mean, in the General Assembly--

THE WITNESS: Yes.

REP. McGEE: --as well as a federal relationship with the representative in the Senate and also in the House.

Since you were one of the people that has your name on this document, did you pursue perhaps receiving some funds from other sources, such as contacting another senator or the U.S. House of Representatives--a representative for your area, yourself?

THE WITNESS: I did not. I did not.

THE CHAIR: Thank you. The Chair has just several questions, and then I'm going to, after I'm done, return for redirect and recross, which I expect to be extremely brief so we can move on.

Dr. Gottovi, you indicated that this organization really--I think in your recross, never really got started, so there never really was an executive director hired or anything like that. Am I correct?

THE WITNESS: You're correct.

THE CHAIR: All right. Now, as a member of the Board, when you held any--well, strike that.

When you had your informal meetings with

Representative Wright and--I apologize--can you give me--I think it was--

REP. STAM: Bessie Funderburg.

THE CHAIR: Bessie Funderburg? Is that correct?

THE WITNESS: Yes, Bessie Funderburg.

THE CHAIR: When you held those informal meetings, I'm assuming, 'cause I've never seen them--but I'm assuming there weren't any minutes taken in those meetings?

THE WITNESS: There were not that I was aware of, anyway.

THE CHAIR: Well, when the three of you were there, I assume you would have seen if minutes were being taken?

THE WITNESS: Yes. No, I did not see any minutes being taken, no were--were they ever presented for approval.

THE CHAIR: And I'm also going to assume that you never signed a written consent for specific actions to be taken by the association or corporation, were you--did you?

THE WITNESS: I don't recall signing anything.

THE CHAIR: All right. As the treasurer of this organization, would you have expected your responsibility to be someone who received the bills and then to issue checks for payment of those bills?

THE WITNESS: I would have.

THE CHAIR: Other than the two transactions we talked about which were initiated by you, did you ever receive a bill that you paid as treasurer of the organization?

THE WITNESS: I don't recall that I did.

THE CHAIR: All right. That's the only questions the Chair has. Mr. Hart, redirect?

MR. HART: No, sir. Thank you.

THE CHAIR: Dr. Joyner, recross?

FURTHER RECROSS-EXAMINATION BY PROF. JOYNER:

Q Dr. Gottovi, is it your understanding that during the time that the Community Health Foundation was in operation that Representative Wright functioned in the capacity as executive director?

A Not in a formal way, but he--he was really running the day-to-day operations of the Foundation, yes.

Q So even though there was no formal document to the--to--to authorize it, he really ran the day-to-

day operations? Whatever was done on behalf of the Community Health Foundation, he did it?

A That's correct. Could--could I go back to the Chairman's question about--I was actually relieved not to have those responsibilities of signing and receiving--I had a lot on my plate at that point in life, and I was relieved not to have to do that. So I was relieved to have Thomas Wright sort of doing whatever was needed to be done.

Q Now, the--you were asked about whether the Community Health Foundation ever engaged in any charitable services, educational services, or scientific services. Was it your recollection that the Foundation never got to the point that it could do any of those?

A I think that is--that is my recollection, but in thinking back, I guess housing the local sickle-cell organization during that year would be a--'cause I don't think it was charged anything. I think that was probably--would account to some charitable in-kind service, but--but no other formal efforts that I can recall, scientific or educational. We did house the--I think--the sickle-cell group was housed there, and I guess it

would be an in-kind charitable donation, letting them stay there.

Q And I guess my question is, any limitations on what they were able to do was due to the fact that they--it never really got up and running?

A That's--that's correct.

Q Okay.

PROF. JOYNER: No further questions.

THE CHAIR: All right. Thank you. You may step down, Dr. Gottovi. Thank you. Next witness, Mr. Hart?

MR. HART: May Dr. Gottovi be excused?

THE CHAIR: Let me just ask Dr. Joyner. Any reason to keep Dr. Gottovi here?

PROF. JOYNER: No. He can--

THE CHAIR: And, Mr. Hart, any reason?

MR. HART: No.

THE CHAIR: All right. Dr. Gottovi, you're excused and excused from your subpoena. Thank you.

THE CHAIR: Next witness, Mr. Hart?

MR. HART: Next witness is Agent Johnnie Umphlet.

THE CHAIR: Agent Umphlet? Agent, you'll

be sworn in by the court reporter.

* * * * *

Whereupon,

JOHNNIE UMPHLET,

having been first duly sworn,

was examined and testified

as follows:

THE CHAIR: You may proceed, Mr. Hart. Thank you.

MR. HART: Thank you, Mr. Chair.

DIRECT EXAMINATION BY MR. HART:

Q Would you state your name, please?

A Johnnie Umphlet. And for the spelling, it's J-O-H-N-N-I-E U-M-P-H-L-E-T.

Q How are you employed, sir?

A I'm an assistant special agent in charge with the State Bureau of Investigation.

Q And are you assigned to a particular unit within the State Bureau of Investigation?

A I am assigned to a special unit. It is special investigations within the Professional Standards Division of the State Bureau of Investigation.

Q And are you located here in Raleigh?

A The office that I work out of is located here in Raleigh. I actually reside in Greenville.

Q Okay. How long have you been with the State Bureau of Investigation, sir?

A I believe this upcoming August or September will be ten years.

Q And did you have any law-enforcement experience before that time?

A Yes, sir, I did.

Q And where was that?

A Actually, with several different agencies. I started back in 1989 with Greenville Police Department and worked there for approximately two years, left there to go work with probation and parole. I worked there for about two and a half years, then left there and went to East Carolina University Police Department and worked with East Carolina University Police Department until I went with the SBI.

Q Did there come a time that you became involved in the investigation of allegations regarding Representative Thomas Wright?

A Yes, I did.

Q And you--

A Yes, there was.

Q When was--when was that? When did you first become involved in that?

A Sometime during the month of May 2007.

Q All right. Were you the only agent involved in this investigation, sir?

A No, sir, I was not.

Q Were you assigned specific duties involving the investigation?

A Yes, sir, I was.

Q And what is--what is that? What duties did you have?

A I was assigned as the case agent for this investigation, which is the lead investigator for the investigation.

Q All right. And what are the duties of the case agent?

A The duties of the case agent would be to conduct the investigation and to ensure that the investigation is conducted to obtain any assistance from other agents that are in the field or also within my unit to assist in the investigation.

Q All right. During the course of the investigation,

and specifically in September of 2007, did you request that--did you call Representative Thomas Wright and ask him to speak with you about the allegations?

A Yes, sir, I did.

Q And could you tell us what you remember about that conversation?

A I had--without looking at my notes, I believe I had one or two telephone conversations with Mr. Wright, asking for an interview with him in reference to these allegations, at which time he advised that he would meet with me to discuss anything that I needed to discuss with him.

Q All right. Did he say anything else at that time that you recall?

A Without looking specifically at my notes, nothing in particular stands out.

Q All right, sir. After talking with him on the phone, at some point did you meet with him?

A Yes, sir, I did, on two different occasions.

Q All right. Directing your attention to the first occasion, do you remember, would that have been on September 28th of 2007?

A That date sounds familiar as the date that I did

meet with him. Yes, sir.
Q All right. And can you tell us what you remember about meeting with him on that date?
A I recall that Representative Wright voluntarily met with myself and another agent that was within--that works within our unit, that agent being Assistant Special Agent in Charge Kay Perry [phonetic]. I also recall that the interview took place in Wilmington in the--in a conference room of the New Hanover Community Health Center.
Q All right. And did either one of--did anyone record the meeting?
A Yes, sir, they did.
Q And who--who recorded the meeting?
A Representative Wright recorded the meeting.
Q In what way, audio, or video, or both?
A My understanding, it was just a video recorder that he had brought to make the recording.
Q All right. Did you ever receive a copy of that video recording?
A No, sir.
Q During the--that particular interview, did you at any time ask Representative Wright if the Community Health Foundation, Incorporated, had had any

bylaws?
A I recall us speaking about bylaws, but without looking specifically at my notes, I can't recall the exact conversation that we had concerning the bylaws.
Q Do you recall whether he told you whether or not they'd ever had any meetings of the board of directors of the Foundation?
PROF. JOYNER: Mr. Chairman, I'm going to object to the leading. I don't object to the question, but I'll object to the constant leading. And, I mean, I would move out [phonetic] of the transition phase and let the witness testify.
THE CHAIR: And I agree. I'll--I'll certainly allow this question, but--and we will need to--the Agent will need to answer the questions in a narration form. But go ahead and--and answer that question, please, Agent.
A If you could, please, repeat that question.
Q (By Mr. Hart) Do you recall whether or not Representative Wright indicated whether there had ever been any meetings of the board of directors of the Community Health Foundation, Incorporated?
PROF. JOYNER: I'm going to object to the

leading again.
MR. HART: Mr. Chairman, may I--may I respond to that?
THE CHAIR: Yes.
MR. HART: That is not a leading question. It is a directive question. It is not a leading question. It does not give the answer that I'm suggesting that he respond.
THE CHAIR: I--the objection's overruled.
PROF. JOYNER: Mr. Chairman, if I may--
THE CHAIR: Yes, Dr. Joyner.
PROF. JOYNER: The last time that I looked, any question that in its formation asks for a "yes" or "no" answer is a leading question. It need not suggest the answer, but it if asks for a "yes" or a "no" answer, then it is a leading question.
THE CHAIR: Well--
PROF. JOYNER: And this one did, because it started out with the prefix "did."
THE CHAIR: We're not in a courtroom, Gentlemen, and I agree we're going to try to stay with the rules as much as we can, but we're also going to try to move this along. For now, that

objection's overruled, but, again, I--I know we're going to try to have the agent narrate.
What I am going to do for a minute--and I apologize--I'm going to ask--and this is a request we had earlier from the court reporter. I need to ask--and we're going to take a five-minute recess. I'm going to keep it very short, but we've got a tape transition that we've got to do in the transcription, so I've got to take a five-minute recess. We'll be in recess until five--until ten of. I'm sorry. Thank you.

(EIGHT-MINUTE RECESS)

THE CHAIR: All right. I'm trying to balance a number of things out. What I'm going to do--we've got--I'm just going to try--I'm not going to try to ask anybody for predictions, but just so I can get some logistics done here, Mr. Hart, other than the Agent, who--what other witnesses do you have?
MR. HART: Kim Strach from the Board of Elections.
THE CHAIR: All right. And, obviously,

think that will take a fairly substantial period of time. Okay. Then, Dr. Joyner, without telling me--and I'm not holding you to any commitment, but is it your anticipation at this point that there will be evidence presented for Representative Wright? You don't need to tell me right now who, what, where; I just want to know for timing purposes.

PROF. JOYNER: That is a real possibility.

THE CHAIR: All right. With that, we have gone a long day, and we have several members who have some commitments in their districts. That is one of the problems when you're a legislator trying to also have a career. So rather than try to force the issue, we're obviously going to be here for significantly additional evidence for you, Mr. Hart, potentially evidence for Representative Wright, we've got, clearly, arguments, so--I always used to hate it when I was in a courtroom and judges pushed you till the end and everyone went home exhausted. So last--yesterday was a long day. This morning was an exceptionally long time. I'm going to give everybody a little bit of time.

We're going to recess to reconvene tomorrow at ten o'clock A.M. here, and hopefully begin sharp at that point.

Mr. Peters, you're signaling me something?

MR. PETERS: Are we in this room?

THE CHAIR: Same room. I'm not going to re-read the instruction yet again, but I will ask the Committee members to please be mindful of the instruction I've read several times, and to all members of the public and press, as well.

Thank you, everybody. We will see you at ten o'clock tomorrow. Thank you.

(WHEREUPON, THE PROCEEDINGS WERE ADJOURNED AT 3:54 P.M.)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

C E R T I F I C A T E

I, Katherine M. Becker, a Notary Public in and for the State of North Carolina, duly commissioned and authorized to administer oaths and to take and certify hearings, do hereby certify that these proceedings were held before me at the time and place aforesaid, that all parties were present as hereinbefore stated, and that the record as set forth in the preceding Pages 2 through 182 represents a true and accurate transcription of the proceedings, to the best of my ability and understanding.

IN WITNESS WHEREOF, I have hereto set my hand, this the 4th day of March, 2008.

Notary Public
Notary Public No. 20023570191
My Commission Expires 12-29-2012

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Ms. Amanda Smith, Research Assistant

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THE GENERAL ASSEMBLY OF THE STATE OF NORTH CAROLINA

MEETING OF THE HOUSE SELECT COMMITTEE
TO INVESTIGATE ALLEGED MISCONDUCT AND OTHER MATTERS
INCLUDED IN INDICTMENTS REGARDING
REPRESENTATIVE THOMAS E. WRIGHT

TRANSCRIPT OF THE PROCEEDINGS

(Volume III)

March 5, 2008

THE SELECT COMMITTEE:

Rep. Rick Glazier, Chair
Rep. Paul Stam, Vice-chair
Rep. Marvin Lucas
Rep. William McGee
Rep. Edith Warren
Rep. Laura Wiley

COPY

In Raleigh, NC
10:11 A.M.

Reported by:
Holly McGhin

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In Raleigh, NC
10:11 A.M.

Reported by:
Holly McGhin

THE CHAIR: I will now call this meeting to order on Wednesday, March the 5th.

Agent Umphlet, I believe you're on the witness stand, and we are on direct examination--beginning direct examination. My recollection on my notes is that we'd gotten through Agent Umphlet's background and we're just starting into questions with regard to how he got to know and the examination he had with Representative Wright.

Is that correct, Mr. Hart?

MR. HART: That's correct, Mr. Chairman.

THE CHAIR: All right. We can pick it up there, please.

Good morning. And, Agent, I remind you that you are under oath. And that glass of water is new--new for you.

Whereupon,

JOHNNIE UMPHLET,
having been previously duly sworn,
was examined and testified
as follows:

DIRECT EXAMINATION CONTINUED BY MR. HART:

Q Morning, Agent Umphlet.

A Good morning.

Q When we recessed yesterday afternoon, I had just begun to ask you about your conversation with Representative Thomas Wright regarding the Community Health Foundation, Incorporated. And I want to ask you at this point did you in fact have a conversation with him about that foundation?

A Yes, I did.

Q Did you have occasion to talk with him about whether the organization, the Community's Health Foundation, Incorporated, had approved any bylaws?

A Yes, I did.

Q Tell us about that, please.

A Actually I had two conversations with Representative Wright concerning the bylaws of the foundation, the first being on September 28th, 2007. During that interview, Representative Wright advised me that there were no bylaws for the Community's Health Foundation.

Q All right. And let me--let me ask you to hold off on the--the--the second conversation. I'll get to that when we get to that interview, if--if you would.

During the first interview, did you ask

him whether or not the--the board of the Community Health Foundation had ever held any meetings?

A Yes, I did. I had asked him about meetings and any minutes from meetings, and he advised that there were no official board meetings for the foundation and that there were no minutes taken from any meetings.

Q All right, sir. In that first interview, did you have any conversation with him about the e-mail and conversation that he had had with Torlen Wade from the Department of Health and Human Services?

A Yes, I did.

Q What do you remember him telling you about his conversation with Torlen Wade?

A He had had--he had said he had had--could not recall any specific conversations that he had with Torlen Wade in reference to the letter that had been written by Torlen Wade.

Q All right. At the time that you spoke with him about it, did he--did you have a copy of the e-mail that Torlen Wade had received from Representative Wright's office?

A Yes, I did.

Q I'd ask you, if you would, if you'd look in the

notebook in front of you, at Exhibit 2. Do you recognize the one-page document in Exhibit 2, sir?
A Yes, I do.
Q And what is that?
A That is a copy of the e-mail from Vanda Wilson-Womack. And in parentheses "Rep. Wright," end parenthesis, _to Torlen Wade,_ which was dated Wednesday, 13 March 2002.
Q All right. And did you show that e-mail to Representative Wright?
A Yes, I did.
Q And did he remember that e-mail?
A Not the specific e-mail. No, sir, he did not.
Q Did he indicate whether or not he had sent the e-mail?
A He advised that the e-mail apparently came from his office and that, if it had come from his office, he would have either seen it or approved the e-mail. But he did not recall specifics about the e-mail.
Q All right, sir. Ask you if you would look at Exhibit Number 3. Do you recognize that one-page document, sir?
A Yes, sir, I do.
Q And you had earlier spoken of the--the Torlen Wade

letter. Is that the Torlen Wade letter?
A Yes, sir, it is.
Q Did you show him that particular document on that first interview?
A Yes, sir, I did.
Q And did he recognize that letter?
A Yes, sir, he did.
Q Can you tell us what he told you about that letter?
A In reference to the letter, he advised that he had received the letter but he had not handed the letter out to anyone, and that he did not use it at Coastal Federal Bank in reference to obtaining a loan from Coastal Federal for the Torlen Wade property--I'm--I'm--correction: for the Loftin property. He said that there was no need to use the letter, because of--the bank had the building. And he also had mentioned that in use--that he did not mean for anyone, meaning Torlen Wade, to get injured or hurt by this letter.
Q Okay. Did he say to you why he had gotten the letter if he didn't intend to use it?
A I had asked him about why he had received the letter. And he said it was--the letter was needed so DHHS, or the Department of Health and Human

Resour--Health Services--excuse me--would know that his intention was that he needed money for the foundation.
Q Did Representative Wright say anything to you about whether or not the Community Health Foundation had any money at the time of the purchase of the Loftin property?
PROF. JOYNER: Mr. Chairman, I'm--I'm--I'm going to object to--not to the question but the constant leading. And Mr. Hart says it's directional, but it's still leading. So I'm going to raise an objection to the constant leading. I--I understand the nec--necessity to lead at points but not at every point.
THE CHAIR: Well--and I understand. But I don't think the question's leading. I think the question was did he state whether or not, which to me takes it out of the leading category, as only us lawyers can seem to make those differences. But I don't think it's technically leading. So it's overruled. Thank you.
A I'm sorry. Could you repeat your question?
Q (By Mr. Hart) Yes, sir. Did there come a time in that first interview where Representative Wright

indicated to you in any way whether or not the foundation had any money in the account or any money at all at--at the time of the purchase of the Loftin property?
A Based on a comment that he made concerning--I showed him a HUD-1 statement, asking him had the foundation made an earnest payment towards the purchase of the Loftin property by the foundation. He advised that no, he didn't, `cause they didn't have the money for that. It's my recollection that that was the only inci--incident--or instance in which he mentioned no money by the foundation.
Q Okay. Did there come a time where you had a second interview with Representative Wright?
A Yes, sir, I did. I had a second interview with Representative Wright on Friday, October 5th, 2007, which also occurred or took place at the Community's--well, the New Hanover Community Health Center, in the conference room at that center.
Q Did--do you remember whether or not that interview was videotaped by Representative Wright?
A Yes. Representative Wright had requested that could he enter--video record the interview, at which he was advised that he could video record t

interview.
Q Okay. Did he record the entire interview?
A No, sir, he did not.
Q The--during part of the interview, did Representative Wright show you some documents?
A Yes, sir, he did.
Q Do you recall what documents, if any, he showed you?
A He showed me three documents that were IRS documents or Internal Revenue Service documents, all three documents being in relation to a employer tax identification number. One document was a W9 form. One document didn't--it had a number on it, I'm thinking JF128--but I'm not sure exactly on that number--which was a fax that he had received from the Internal Revenue Service out of Tennessee indicating that he had been assigned a federal tax identification number. And the other form was an application for a federal tax identification number by the Community's Health Foundation.
Q All right, sir. During that interview or--did he also say anything about any bylaws?
A Towards the beginning of that interview, Representative Wright advised that he would like to

make a correction to a prior statement that he had made in the September 28th, 2007, interview. During his time of pointing out some corrections, he advised that he had gone back and looked and did find the bylaws for the Community Health Foundation but advised that he had put them in a safe place in case anything happened to him.
Q All right. Did he give you a copy of those bylaws or any of the forms that you mentioned?
A In relation to the bylaws, he advised that he did not have a copy of the bylaws with him at that interview. In relation to the IRS forms, I did request a copy of the forms but was advised that I could not make a photocopy of them. So I did not get a copy.
Q All right, sir. At some point during that second interview, Agent Umphlet, did there come a time when you began to show Representative Wright several documents that you had in your possession?
A Yes, I did.
Q Going to ask you, if you would, if you'll look at Exhibit Number 6, sir. Do you recognize that one-page document, sir?
A Yes, sir, I do.

Q And did you show Representative Wright that particular document?
A Yes, I did show Representative Wright that document. And Representative Wright advised he did recall writing that letter and that that was his signature on the letter. And the letter was to Mr. Lewis McKinney of Anheuser-Busch Companies, Incorporated, out of St. Louis, Missouri.
Q Did he say what the purpose of that letter was that he sent to that company?
A Purpose of the letter was to obtain contributions from Anheuser-Busch for the foundation.
Q All right, sir. Going to show you--ask you to look at Exhibit Number 7. Do you recognize that one-page document, sir?
A Yes, I do.
Q And did you--
PROF. JOYNER: Mr. Chairman?
THE CHAIR: I'm sorry?
PROF. JOYNER: For--for the record, I want to object to the use of Exhibits 6, 7, 8, 9, 10, 11, 12--I'm sorry; withdraw 11--but 12, 13, on the grounds that this is hearsay, has not been authenticated and--or otherwise admitted into

evidence in these proceedings.
THE CHAIR: All right. Mr. Hart, do you want to respond?
MR. HART: At this point--actually I believe that except for 11, they have not been admitted. And I'm not asking him to read from them; I'm simply asking if he showed them to him and what if anything he said about them. So I believe that all those objections are irrelevant and should be overruled.
THE CHAIR: Well, I--I agree at this point, and--and I will overrule them. And you're--and they're not being sought to admit. They're being shown to the witness to ask him whether he showed them to Representative Wright. Again I don't think there's any--anything wrong with that particular line of question. But some of the objections we'll get to if in fact there's an attempt to admit.
PROF. JOYNER: So you're--
THE CHAIR: So for--for the purposes of this question, the objection is overruled.
PROF. JOYNER: All right. Can I respond, Mr. Chair?

THE CHAIR: Certainly.

PROF. JOYNER: And I certainly agree that these documents have not been introduced, and the question is about what he did with these letters. But for all practical purposes, these letters have been introduced, because every member of this Committee has a copy of them. And every member of this Committee is right now reviewing each of those documents. So although officially they are not introduced, they are for all practical purposes introduced and have been introduced and used as introduced documents in these proceedings. So I make my objection--

THE CHAIR: I understand.

PROF. JOYNER: --on--in that regard.

THE CHAIR: I certainly understand the objection that you've made. But for purposes of the question and where we are today, the objection is overruled.

You may answer the question.

A Could you please repeat the question?

Q (By Mr. Hart) Did--did you show Representative Wright the document that is before you that is labeled Exhibit Number 7?

A Yes, I did.

Q And what if anything did he say as to whether or not he recognized that document and what it was?

A Representative Wright advised he did recommen-- recognize the document and that the signature on the back was his signature.

Q Did he say anything about the--the copy of the check itself, whether or not he had received that check from Anheuser-Busch?

A That he had received that check from Anheuser-Busch on behalf--or through the Community's Health Foundation.

Q And did he say what he did with that check?

A In the end, he said what he did with all three checks at the same time, but--and that was deposit the check into his personal bank account.

Q Ask you to look at Exhibit Number 8, please, sir. Do you recognize that one-page document?

A Yes, sir, I do.

Q And did you show Representative Wright that particular document?

A Yes, sir, I did.

Q Did he--what did he say about that particular document?

A That that was a document that he had--or a letter that he had prepared to AstraZeneca Pharmaceutic and that that was his signature on the letter tha he had sent to AstraZeneca.

Q Did he say to you why he had sent that letter to AstraZeneca Pharmaceuticals?

A For charitable donations for the Community's Health Foundation.

Q All right, sir. Ask you to look at Exhibit Number 10, if you would, please. Do you recognize that document, sir?

A Yes, sir, I do. It is a check from AstraZeneca in the amount of twenty-four hundred dollars ($2,400) made payable to the order of the Community's-- Community's Health Foundation, Inc.

Q And did you show that document to Representative Wright during that second interview?

A Yes, sir, I did.

Q Did Representative Wright say whether or not he recognized that particular document?

A He did recognize that document and did recognize his signature on the back of that check.

Q Did he say whether or not he had received that check and what he had done with it?

A That he had received that check and that that check had been deposited into his personal bank account.

Q By whom?

A By himself.

Q Ask you if you would look at Exhibit Number 11, sir. Do you recognize that one-page document?

A Yes, sir, I do.

Q And what do you recognize that as being?

A An invoice on the letterhead of the Community's Health Foundation, Incorporated, an invoice to John Policastro with AT&T from the Community's Health Foundation for a payment of fifteen hundred dollars ($1,500).

Q Did you show that particular document to Representative Wright?

A Yes, sir, I did.

Q And what did he say about that particular document?

A Representative Wright was not sure about this document. He advised that it just did not seem right as coming from the Community's Health Foundation. He had questioned the--the letterhead and the fact that it was an invoice. And he just did not recall a invoice to AT&T.

Q All right, sir. Did he say to you whether or not

he had sought a charitable contribution from AT&T?
A Yes, sir. He advised that he had requested an official request for charitable donations through AT&T, yes, sir.
Q And did he say how much he had requested?
A No, sir.
Q Ask you to look at Exhibit Number 13, sir. Do you recognize that one-page document?
A Yes, sir. It is a check from AT&T for fifteen hundred dollars ($1,500) paid to the order of Community's Health Foundation.
Q And did you show that document to Representative Wright during that second interview?
A Yes, sir, I did.
Q And do you recall what he said about that particular check?
A That he had received that check, and that was his signature on the back of the check.
Q Did he say what he did with that check?
A That he deposited that check into his personal bank account.
Q Now, you said just a few moments ago that he made a general statement about having received all those checks and depositing those checks in his account.

Did he say why he did that, sir?
A Yes, sir. He advised that he had deposited those checks into his personal account as a payment for his services in trying to get the foundation started, that he had done a lot of work and had put in a lot of hours trying to get the foundation started and had put in a lot of sweat equity into the--trying to get the foundation started, and that was a payment to himself for the hours and the work that he had put in.
Q Did you ask him for anything to show what kind of work that was or any documentation of--of work?
A He was asked if--what type of work it was. And he advised that it was for phone calls and travel and getting the business started--or--correction--foundation started. He was asked if he had a log to show what type of work he had--had completed, which he advised he did not, but he could show that the work had been completed by him. So he would--could prove that he--the payment was--for him--to himself by the foundation was justified.
MR. HART: Mr. Chairman, at this time, I would move to introduce Exhibits 6, 7, 8, 10, 11, and 13.

THE CHAIR: All right. Now I'll hear Dr. Joyner's ex--objections.
PROF. JOYNER: I would object to that. None of these documents have been--
THE CHAIR: I'm sorry?
PROF. JOYNER: None of these documents have been authenticated. I recognize that this isn't a court of law, and you're not playing strictly by the rules of--of evidence. But the rules of evidence would prohibit their introduction into--into--into evidence, particularly since the people who allegedly received or prepared these documents have not authenticated them in--in any way.
THE CHAIR: Mr. Hart?
MR. HART: Yes, sir. The statements of Representative Wright authenticate the documents. He clearly identified each of the two letters as being letters sent by him for purposes of a charitable cor--cor--contribution from AstraZeneca Pharmaceuticals and Anheuser-Busch, Incorporated, for charitable contributions to the Community Health Foundation.
The invoice he did not recognize, but

that invoice was authenticated by John Policastro of AT&T. And--and the testimony of John Policastro matches with Representative Wright that someone from the Community Health Foundation had in fact called and requested a charitable contribution in the amount of fifteen hundred dollars ($1,500) and that that person was advised to send an invoice, and that person had done so. John Policastro identified that invoice as being the invoice that was received by AT&T.
And then the checks, which Representative Wright has specifically identified as being received by him from those corporations and that he deposited those checks in his own account and that those were his signatures, further au--authenticate the letters and the invoice and authenticate the deposit of those checks from those corporations.
THE CHAIR: All right. The objection as to Exhibits 6, 7, 8, 10, and 13 is overruled. Exception is noted. They are admitted.
I want to take a moment and look back at Policastro's--Mr. Policastro's testimony as to 11. So give me a second to look at 11, please.
MR. HART: Actually, Mr. Chairman, that

document was already introduced and admitted previously by the Committee after the testimony of John Policastro--

THE CHAIR: All right. Let me go back to my notes.

MR. HART: --without objection by the--

THE CHAIR: Sort of was my recollection, but I want to go back and--and just double-check. Thank you.

All right. Here is the--the transcript that I've got from John Policastro's testimony. On Page 218, "Mr. Chairman"--"MR. HART: Mr. Chairman, at this time I'd move to introduce Exhibit Number 11.

"THE CHAIR: Any objection to Exhibit Number 11, Dr. Joyner?

"PROFESSOR JOYNER: No.

"CHAIR: All right. Without objection, Exhibit Number 11 is admitted."

So Exhibit 11 is already in.

MR. HART: That's all.

THE CHAIR: Yeah, I'm--I'm sorry?

MR. HART: That's all the questions I have of this witness.

THE CHAIR: All right. Thank you.

Cross-examination, Dr. Joyner?

CROSS-EXAMINATION BY PROF. JOYNER:

Q All right. Mr. Umphlet, you indicated that you had two, I guess, rather substantial interviews with Representative Wright during 2007; is that correct?

A Yes, sir. That is correct.

Q One was on September 28th, I believe, and the other was on October 5th, 2007?

A That is correct, yes, sir.

Q All right. Now, for each of those interviews, you prepared a--a report; is that correct?

A Yes, sir, I did.

Q Did--did you tape the conversations that you had with Representative Wright?

A No, sir, I did not tape those.

Q So the--well, how--how did you prepare your notes from the--from the interview?

A It's the policy of the SBI not to tape-record or videotape interviews. We handwrite notes. And after we handwrite those notes, we can either type those notes up ourself on the computer, or we can dictate into a tape recorder and send the--the tape off to be transcribed by one of the transcriptionists with the SBI.

Q And with respect to the--the report of September 28th, how was that transcribed? Was that done by you, or did you dictate it into a recorder and send it to a transcriptionist?

A Dictated it into a recorder and sent it to a transcriptionist.

Q And when would this--this dictation have occurred?

A It's the policy within the SBI that the dictation has to be completed within fifteen working days. However, at one point during the investigation--and at which point--I don't recall what date that was--we were advised that all dictation in this case needed to be completed within five working days. If I recall, though, at the time of this interview, it was a still a fifteen-working-day period in which the interview had to be transcribed.

Q So the transcription could have occurred anywhere up to two weeks later?

A It could have, but it did not.

Q Okay. And--and do you know specifically when? That was my--my initial question was when was this transcribed?

A I don't have that date in--with me.

Q Well, when--

A So I cannot--

Q When--when was it dictated into the--your recording machine?

A It would have been dictated into the recording machine, I would say, probably within the--within the week following the interview.

Q And the dictation--the dictation that you provided was basic--was based on the notes that you took?

A That is correct, yes, sir.

Q And the notes that you took typically was not word for word everything that Representative Wright said?

A No, sir, it was not.

Q Right.

A It was not verbatim.

Q So when you went back to use your notes, you basically kind of relied upon your notes and your best recollection at that point of the exact comments that Representative Wright was--is attributed to have made?

A I prepared the report based on my notes and my recollection of the interview, yes, sir.

Q Now, with respect to the interview of October 5th,

when did you do the dictation for that report?
A I believe, due to the length of that interview, it took me a couple of days just to dictate that report. It would have probably been done within one week of doing that--conducting that interview with Representative Wright.
Q So you--you--you don't represent that the words in the report represents exactly what Representative Wright said?
A No, sir, I don't. I would--I would advise that it was a paraphrase and a synopsis of the interview that took place.
Q All right. And it was based on your--your best recollection of what you recall him saying?
A Based on my notes that I took and my recollection, yes, sir.
Q Okay. Now, want to start with--with the discussion about--do--do you have a copy of your report there?
A No, sir, I do not.
Q Do you have a copy of your report at all?
A Not in this room, no, sir, I do not.
Q Well, did--did you review those reports before you came in here today?
A Yes, sir, I did.

Q All right. And how--how--when was the last time you reviewed those reports?
A I--this morning.
Q This morning?
A If--if--this morning, I would probably say as early as five A.M. or five-fifteen A.M. and as late as eight-thirty A.M.

PROF. JOYNER: Mr. Chairman, I have a copy of Mr. Umphlet's October 5th report.

THE CHAIR: All right.

PROF. JOYNER: And I would like to pass this up for him to reference.

THE CHAIR: Sure. If you're going to have the witness look at it, though, I'm going to ask that a copy be given to Mr. Hart and Mr. Peters.

PROF. JOYNER: O--only have one copy.

THE CHAIR: I'll ask sergeant at arms to make a copy. And the Chair needs to have one, as well. I'm not going to pass it out to the Committee at this point, unless you seek to want--you know, to use it in that vein.

PROF. JOYNER: Well, I--I'm--I'm--

THE CHAIR: I mean, I'll be glad to--

PROF. JOYNER: My--my questioning does not go to the entire report.

THE CHAIR: That's fine.

PROF. JOYNER: It goes to specific instances in the report.

THE CHAIR: Yeah, that's--

PROF. JOYNER: So to that extent--

THE CHAIR: That's why I'm not going to pass it out unless you want me to pass it out.

PROF. JOYNER: Right.

THE CHAIR: I'll leave it up to you on that regard. But I do--they need to see a copy. So--

PROF. JOYNER: That's--that's fine. I assume that they have a copy, but, you know--

THE CHAIR: I--I think that assumption may or may--

PROF. JOYNER: They may not.

THE CHAIR: --may not be correct.

If you would, if this--we'll be in recess for five minutes. If the sergeant at arms will make two copies, one--three copies, one for Mr. Hart, one for Mr. Peters, one for the Chair in case I need to see it. Oh, and the witness. Four

copies.

(TEN-MINUTE RECESS)

THE CHAIR: All right. I think, Mr. Hart, Mr. Peters, you have a copy of the document. Witness has a copy of the document. We're ready to go. Cross is back with Dr. Joyner.

Q (By Prof. Joyner) All right. Mr. Umphlet, you--you talked about the conversation that you had with Representative Wright regarding these three checks?
A Yes, sir.
Q Do you find in that report the section in which you recorded that information?

THE CHAIR: Let's--let's go ahead and just make sure for the record that we're identifying, since the document's not marked. Do you want to just for the record indicate what document and the page that you're referring to so that the record's clear?

PROF. JOYNER: This is report dated October 5th, 2007 and is the report prepared by Mr. Umphlet regarding his October 5th conversation with--with Representative Wright.

A I have found that page, yes, sir.
Q (By Prof. Joyner) Okay. And what page is that--do you find that starting on?
A Page 4.
Q Page 4?
A Yes, sir.
Q You indicated that in the end, Representative Wright said that he deposited the checks into his bank account. Do you recall that testimony?
A Yes, sir, I do.
Q All right. Do you recall the entire conversation that you had with Representative Wright regarding the deposit of those checks into his account?
A Do you mean the--the statement that I prepared?
Q Right.
A Yes, sir.
Q All right. No, I'm--I'm talking--do you have a recollection of the--the--the--the other comments that Representative Wright made regarding the deposit of those checks?
A I--I don't follow your question.
Q Okay. Well--well, let me just be more specific. In--in looking at your--your report--
A Yes, sir.

Q --you--well, you said you had the checks; is that correct?
A The--at the time, I had the checks, yes, sir.
Q Okay. Let--
A I don't have them with me today, except--
Q All right. Well, let's--let's--
A --this exhibits.
Q Let's go--let's go back to that, you know. Let's--let's look at--at Exhibit 7. And what is the date of that check?
A 3-05-2004.
Q So that's March 5th, 2004?
A Yes, sir.
Q And then looking at Exhibit 10. What is the date of that check?
A 12-15-2003.
Q That's December 15th, 2003?
A Yes, sir.
Q And then look at Exhibit 13. What is the date of that check?
A 04-01-04, or April 1st, 2004.
Q Okay. What--on what date were these checks deposited into Mr. Wright's account?
A I do not have that information with me as we sit here today.

Q In your--in your report, you said that the checks were deposited sometime later?
A Give me a minute, sir, so I can find that out.
MR. HART: Mr. Chairman, I have a suggestion. Rather than have Agent Umphlet search through twenty pages of report to find something that Mr. Joyner wants him to look at, it might be easier if he just tells him the page or the vicinity of where that might be.
THE CHAIR: I--I was getting to that myself. I agree completely, Mr. Hart.
And if you can just give us a paragraph and a page--
Q (By Prof. Joyner) All right. Let's look at--
THE CHAIR: --Dr. Joyner.
Q (By Prof. Joyner) --Page 5 of your report, Mr. Umphlet--
A Okay.
Q --and the fifth full paragraph--or fourth and fifth full paragraph.
A Okay. I--I found the paragraph.
Q You found it?
A Yes, sir.

Q And what did Representative Wright say regarding the deposit, the date of the deposit of those checks?
A It said--and reading from the report, "Wright reported that when he received the checks from AT&T, AstraZeneca, and Anheuser-Busch, they were deposited at a later date. Wright advised the checks sat around on his desk for a long time before he actually deposited them. Wright advised the Coastal Federal foundation account was probably closed by the time he deposited those checks."
Q And do--do you recall that the checks, the three checks, were actually deposited in November of 2004?
A At this time, I don't have the dates that the checks were actually deposited.
Q But you know that it was quite a few months after the receipt of--of the checks--
A The best of my recollection, yes, sir.
Q Best of your recollection?
A Yes, sir.
Q So in one instance, it would have been almost a year, and with respect to the--to the latter check, the April check, it would have been at least seve

eight months?
A Well, without knowing the exact dates, I'd hate to--to give a year figure or an exact figure. But they were deposited at a later time.
Q Right. But--and--and you did--you did at that--at some point know that the date was a significant time after the receipt of these three checks?
A I know it was a time after. I'd--I mean, I'd hate to say _significant_ at this point, without having that documentation in front of me. But it was after, yes, sir.
Q Is there anything in any of your reports that would identify when these checks were deposited?
A Yes, sir, there is.
Q Okay. And where--where would that be?
A Not in this report.
Q Did you have another report?
A Not concerning my interview with Representative Wright, no, sir.
Q All right. So is there another report that speaks to when these checks were deposited?
A That would be his bank-account records--
Q Okay.
A --that we received.

Q And--and you had copies of that?
A Yes, sir.
Q And do you have that available with you?
A No, sir, I do not.
Q You didn't bring that?
A I did not bring any of the SBI's reports in here today, no, sir.
Q Okay. So these are the only reports that you have? The--the--the re--the report that I'm--I'm re-- making reference to now and the September 28th report are the only reports that you have with you?
A Well, actually I didn't bring any reports with me. The only report that I have is the report that was just handed to me, which is the October 5th, 2007, interview.
Q All right.
A But I don't have any other reports with me today.
Q All right. But other than these two reports, there are other reports that you prepared regarding the deposit of these--of these three checks?
A Yes. Well, I won't say myself. There were other agents that worked on this case. It's very possible that one of the other agents completed that aspect of it.

Q Let me just--just--just move on.
A Yes, sir.
Q With respect to--to--to the checks, you asked Representative Wright why did he deposit the checks into his personal account; is that correct?
A That is correct, yes, sir.
Q And your response was that he said that it was for sweat equity?
A Yes, sir.
Q All right. Now, just show me in your report where you use the term "sweat equity."
A If you'll give me a minute. I'll have to-- (examines paperwritings). That would be--that would be on Page 6.
Q Okay. Where on Page 6 do you find that?
A The first--the first paragraph that starts with "From AT&T." And it's--it's about the fifth to sixth sentence down. There's a--a line that-- sentence that's been underlined. It's in the--it's in the sentence below that line.
Q On Page 6?
A Yes, sir.
Q All right. Give--give me that direction again.
A Okay. On Page 6, it's the first paragraph. It's

not the first full paragraph. It's the paragraph that starts with "From AT&T, AstraZeneca, and Anheuser-Busch." If you'll look down about four lines, you'll see "would have been his decision on what to do with the money." That line is underlined--or that sentence is underlined. Excuse me. If you'll look at the sentence below that, that is where the _sweat equity._
Q And the--the entire statement is that Wright then continued by saying _I put more into it than this_?
A Yes, sir.
Q That's what it says, right?
A Yes, sir.
Q All right. And going back to the previous page. Representative Wright offered explanations as to-- and I believe you asked him if he had reports; is that correct?
A This interview was done by myself and Assistant Special Agent in Charge K. Perry. And during the interview, K. Perry asked if Wright had a log showing his work.
Q Okay. Oh, so you didn't ask that?
A No, sir.
Q Okay. And he indicated that he was--he deposited

those checks into his account to reimburse him for his work with the foundation; is that correct?

A Yes, sir.

Q And then when it says here you asked what type of work Wright had done, he said that he'll save that; is that correct?

A Yes, sir.

Q And then advised--then Wright advised that it was for the countless hours of work he had done trying to make the foundation work? Is that what you record in your--in your report?

A Yes, sir.

Q All right. And then Representative Wright also indicated that he was not aware that--that a checking account in the foundation's name had been open at that point?

A He re--if you--hold on a second. I'll advise exactly what he said.

Q Okay.

A (Examines paperwritings.) He was not clearly aware of the foundation's checking account, but--

Q At that time?

A At that time, yes, sir.

Q Right. And--but at some point, he did have a

conversation with Dr. Gottovi regarding that account?

A That is correct, yes, sir.

Q Did he not also say that he had documentation showing why he had reimbursed the money from those three checks? Go down to the last paragraph, sir.

A Yes, sir. Well, his--his--

THE CHAIR: What--what page are we on? I'm sorry.

THE WITNESS: Page 5.

PROF. JOYNER: Same page.

THE CHAIR: Okay.

A He didn't say _documentation,_ but he said he would be able to prove it, referring to the work that he had done.

Q (By Prof. Joyner) All right. Let--let me just--you know, just read from your report here. "Representative Wright reported that he had documentation showing why he was reimbursed the money in reference to the checks from AT&T, AstraZeneca, and Anheuser-Busch."

A Yes, the first sentence of that paragraph. That is correct.

Q And then he went on to become more specific about

that and said, "Wright reported it was for travel, phone calls, meetings, and trying to make the foundation work." Is that what you report in your--in--what you recorded in your report?

A Yes, sir, it is.

Q Okay. And this is the conversation that you had with Representative Wright?

A Yes, sir.

Q And it was at that point that I guess--is it Ms. Perry?--

A Mr. Perry.

Q --Mr. Perry--

A Agent Perry.

Q --asked about a--a log, and Representative Wright said he didn't have a log but he could prove the expenses that he was referring to?

A That is correct.

Q That is correct. Okay.

Now, do you recall where you received Items 6--

THE CHAIR: Mis--mis--Dr. Joyner, I want to interrupt for one second. Because this is fact-finding for the Committee, I just want to get some indication that--we--we had a bunch of questions

regarding couple paragraphs on Pages 5 and 6. Just so I know, is it going to be your intent at any point to give copies of that to the other members of the Committee, or will it not be?

PROF. JOYNER: We're--we're not at this point seeking to introduce this.

THE CHAIR: Well, I--I--I know. I mean, that's--that's kind of--I recognize right now. I'm just kind of trying to figure out so that they have context for the questions, which came in a pattern that may not have made it the most easy for them to understand. And I'm--I just want to know what I need to do here in terms of making sure that those questions and the points you were trying to make are very clear to the Committee. So help me, if you will, on what you may want to do with that.

PROF. JOYNER: Okay. Can I advi--can I advise you at a later--

THE CHAIR: At break? Yeah, that'd be--I--I just was raising the question. Thank you.

Q (By Prof. Joyner) Now, where did you receive copies of Items 6 through 13 in the--in the workbook?

A Say six through which number, sir?

Q Thirteen.
A Items--Item Number 6--and I'll just go through them in order, if that's fine.
Q Okay. That's fine.
A Item Number 6, from the North Carolina Board of Elections. Item Number 7, North Carolina Board of Elections. Item Number 8, from the North Carolina Board of Elections. Item Number 9, I cannot recall if--if I received that from the Board of Elections or if I received that from AstraZeneca. Item Number 10, from the North Carolina Board of Elections. Item Number 11, I believe that I received that from John Policastro. And I believe, without looking at my report, I received Item Number 12--or Exhibit Number 12 from John Policastro, as well. And then the last exhibit, Exhibit Number 13, from the North Carolina Board of Elections.
Q Now, in addition to receipt of those documents, did you--did you receive Item Number 14?
A I don't have an Item--Exhibit Number 14, sir.
Q You don't have that in your book?
A No, sir, I do not.
THE CHAIR: Do you want me--do you want

me to hand him an--Item 14?
PROF. JOYNER: Yes.
THE CHAIR: All right. Okay. And just so that you know, none of the members, I think, have it, since that was a part of the withdrawn count. But I can get it rehanded out if you need me to.
PROF. JOYNER: Well--oh, that--that--that's fine. That's fine.
THE CHAIR: Just leave it at--just--
PROF. JOYNER: Well, I--I mean, if you--if you need them to have a copy of it, that's--that's fine. If I could just go on and examine him--
THE CHAIR: Well, that's what I was going to say. If--and then you let me know if you want me to hand it back out, and I'll do that.
PROF. JOYNER: Okay.
THE CHAIR: Okay. But the agent does have 14 now.
Q (By Prof. Joyner) All right. Now, did you get a copy of that document?
A Just now?
Q No. Did you have--during your investigation--

A Yes, sir.
Q --did you receive a copy of that--that document?
A Yes, sir, I did.
Q And on the back side of that, it has a fax cover page. Do you see that?
A Yes, sir, I do.
Q All right. Now, you testified about a conversation with Representative Wright about a tax ID number?
A Yes, sir, I did.
Q Is--is--is this the document that you showed to Representative Wright regarding that conversation?
A No, sir, it is not.
Q All right. So you had some other document that you provided to him about the tax identification number?
A No, sir, I did not. If I can explain, I did not have that document.
Q He provided it to you?
A He provided it to me, yes, sir.
Q Okay. He provided it to you.
Did you check with the Internal Revenue Service regarding the authenticity of this tax ID number?
A Me specifically, I did not make that contact with

the IRS. Through Mr. Dan Rose--another agent did that.
Q Okay. And did you determine that that was in fact the tax identification number that was assigned to the Community Health Foundation?
A I do not recall as I sit here for the--we had many rounds with the IRS and trying to determine this information. And I recall that once we received this information, that it was taken on face value that the employer identification number was authentic.
Q Okay. So--so you did not--your recollection is that you didn't check any further with Internal Revenue regarding the authenticity of this tax identification number?
A I did not.
Q You did not?
A Another agent did. And I don't have that report with me, as well, so I don't know exact--I can't recall exactly what that report says.
Q To the best of your recollection, you never received any information that this was not an authentic number--tax identification number assigned to the Community Health Foundation?

A It is correct that I did not receive any information that this was not a valid number.
Q You indicated in your direct testimony that Representative Wright at both interview had--interviews had videotaped the interview--
A Yes, sir.
Q --with a--was it a handheld camera, or--or stationary?
A It was a--like a typical handheld--I don't know whether it was a digital or it had a tape in it; I believe it had a tape in it--handheld audio recorder--I mean--I'm sorry--video recorder that he had set up on a tripod at the end of the table to record the interview.
Q All right. And--and--and that--the taping of the interview did not inhibit you in any way in asking Representative Wright questions that you need to ask him, right?
A No, sir.
Q It didn't intim--it didn't threaten you in any way, did it?
A No, sir. I was--I was after the truth. And--and if he wanted to record that, that--we did not have a problem with that.

Q Okay. And so he tape recorded both sessions; is that correct?
A Videotaped both sessions.
Q Videotaped both--both--both sections?
A Yes, sir. If he al--if he also had an audiotape, I don't know about that. I just know about a videotape.
Q Okay. Now, in response to another question from--from Mr. Hart, you indicated that at some point, that the videotape was turned off?
A Yes, sir, I did.
Q Okay. Why was the videotape turned off?
A Because we took a break.
Q You took a break?
A Yes, sir.
Q And I--I believe at that point, you--you had received a telephone call or something? You had some--some--some business to--to--to take care of?
A I--I--I can't recall exactly what business I had to take care of. I may have made a phone call. If I did--if I did, I did. I don't--I just don't recall if it was a phone call. It's very well likely that it was.
Q All right.

A But we did take a break for ten minutes.
Q Okay. And--and when you came back from the break the first thing that Representative Wright did was to provide you with these documents; is that correct?
A Yes, sir.
Q All right. And during the time that he was handing you the documents, the videotape wasn't on?
A That is correct.
Q All right. So he was actually handing you the--the documents. And I think that you have--you make reference to them in your report as you identify each of the documents and what the--the--the document purported to--to--to reveal; is that correct?
THE CHAIR: What--what page are we on?
THE WITNESS: Page 8.
PROF. JOYNER: Page 8.
THE CHAIR: Thank you.
Q (By Prof. Joyner) Is--is that correct?
A I'm sorry. Could you--
Q Right. And I--
A --repeat the question?
Q In your report--

A Yes, sir.
Q --you have--you've documented the fact that you received these reports and what the reports or documents purported to convey to you?
A That is correct, yes, sir.
Q And with respect to that, there were--there was no conversation going on at that time between you and Representative Wright?
A It was more of me writing the information down about those documents and asking him could I make a copy of each document. But it was quite a lot of writing, so there was not much conversation, to my recollection.
Q Okay. And as soon as you had completed your recording of the data from those documents, the videotape was turned back on?
A That is correct, yes, sir.
Q And it was at that point that you resumed the dialogue between the two of you?
A That would be correct, yes, sir.
Q Okay. So--and--and--and I guess what I'm trying to show, that there was no substantive conversation held during the time that this videotape was off if there was some design not to record that

conversation; is that correct?
A I don't know what his intent, desire was. But there was not a lot of conversation going on.
Q All right.
A I--I can't get into what he was thinking, but I--I do know that there was not a lot of conversation going on.
Q But you do know that during that time, you were basically receiving the documents that he had provided, and you were listing and explaining what those documents purported to--to show?
A That is correct, yes, sir.
Q Now, the--the documents that you received at that time was the fax with the ID number on it; is that correct?
A Yes, sir, that is correct.
Q This is what you testified to--
A Yes, sir.
Q --when Mr. Wright--and then this JR158 form?
A I believe the JR158 form was the fax page--
Q Okay.
A --from Memphis, Tennessee, identifying a employee identification number, one and the same that you just mentioned, yes, sir.

Q All right. And then a IRS Form SS4?
A That is correct, yes, sir.
Q And then you explained what that--what that was. And then the IRS W-9 form?
A That is correct, yes, sir.
Q All right. Now, is there--did you ever receive any information from anyone that that information provided in--in those documents--that that informa--was not authentic?
A No, sir.
Q All right. I want to take you back to your testimony regarding comments that Representative Wright--

THE CHAIR: Mis--Dr. Joyner, I'm going to try and--just thinking of the court reporter and a good time for a few-minute break. But I--I'll--is this a good time, or do you--

PROF. JOYNER: That's fine. That's fine.

THE CHAIR: All right. And while we're on break, I want counsel to be thinking of this on both sides. We've got--I'm--I've got the document. I've not looked at anything other than paging through to see how many pages there are of--and trying to follow the questions that Dr. Joyner

asked.

Dr. Joyner and--and Representative Wright have the document. Our counsel has the document. I'd like to know and I'm going to ask for discussion on why the Members of the Committee shouldn't have this document. And so we'll talk about that at some point. But seems to me fairly important.

So with that being said, let's take a ten-minute break and let everybody take a recess for a moment. Thank you.

FOURTEEN-MINUTE RECESS

THE CHAIR: All right. The--we are back in order. We are still on cross-examination. Dr. Joyner.

Q (By Prof. Joyner) Mr. Umphlet, want to go back to the--the discussion that you had with Representative Wright regarding bylaws for the Community Health Foundation. In--initially did you have some confusion about the work of the Community Health Center and the Community Health Foundation?
A There was--sorry. Excuse me. I apologize.

In the--in the beginning, there was some confusion as to--as to the difference between the Community Health Foundation and the New Hanover Community Health Center, because the two being right down there in Wilmington. And so what we did prior to each interview is I asked him would it be okay to refer to the New Hanover Community Health Center as "the Center" and the Community's Health Foundation as "the Foundation." As to what the two did, I knew what the Community--the New Hanover Community Health Center did, but did not, for a while, know what the exact purpose of the Community's Health Foundation was.
Q And you knew that Representative Wright was connected with both of those?
A That is correct, yes, sir.
Q And--and at the time, that he was serving as the chair of the Community Health Center and president of the Community Health Foundation?
A Yes, sir. Make sure I was correct on that. Yes, sir.
Q Now, with respect to the Foundation, you asked Representative Wright about bylaws in your first interview?

A On September 28th.
Q September 28th?
A Yes, sir.
Q And he told you at that time--I think initially he told that there were bylaws?
THE CHAIR: If--
PROF. JOYNER: Go on.
THE CHAIR: Go--go ahead and answer that.
A The way I recall him stating that was there were bylaws, and then turned around and said there were no bylaws, in the first meeting that we had, that initially there were bylaws but then corrected it to there were no bylaws. And then in our second interview is when he came back and said he would like to make a correction, that there were bylaws.
Q (By Prof. Joyner) And at--at the--at that same--I'm--I'm--I'm taking you back now to the sep twenty--September 28th interview. He also indicated that with respect to the foundation, that there were no official board meetings; is that correct?
A That is correct.
Q He--he did not--did he indi--didn't he indicate to you that--that members of the board had met

unofficially?
A I recall that he had interaction with those members. But the exact wording of that I--I do not recall. I'm not saying either way. I just don't recall that fact.
Q But you--you do have a present recollection that there was some conversation with him about conversations and dialogues that he--dialogue that he had with members of the foundation board?
A To some extent. But to which extent I do not know.
Q Okay. But you were clear that--that--that there were no official board meetings and minutes?
A That is correct, yes, sir.
Q Okay. And--and that's what you have in your report; is that correct?
A Yes, sir. That is correct.
Q All right. Now, with respect to the--this letter from Torlen Wade, you have that--Exhibit 3 in your--in your notebook?
A If you'd give me a minute, sir. It's in front of me now.
Q Tell me when--if you recall, when you first saw that letter.
A I'd seen the letter in various types and--or let--

I'd seen the--the letter in--in different states, meaning that I'd--I'd seen the letter without it letterhead. I've seen the letter without a signature. And I've seen the letter as it appears as Exhibit Number 3 today. Now, an--an exact time frame as to when I first saw a signed letter or a--or the letter itself, I do not have a recollection of that date.
Q All right. Can--can--do you have a present recollection as to where you got the letter from?
A Well, I--I received the letters from--I've received several different letters from several different locations. One letter I received from Bill Dowdy with the--who's an investigator with the District Attorney's Office here in Wake County. And if I'm not mistaken, it was a forwarded e-mail--it was atta--an attachment to a forwarded e-mail to me. I recall that it had been sent to him from Kim Strach and that it had been sent to Kim Strach from Attorney Doug Kingsberry. That is one way I received a letter--this--a copy of this letter.
Q All right. Now, would this have been a signed, or unsigned?
A That would have been a signed letter.

Q Okay. Would--is--is--is--is--by _signed letter,_ do you mean a copy of this Exhibit 3?
A I mean a copy of the letter on letterhead with a signature on the bottom of the letter.
Q Okay. Just like Exhibit 3?
A Yes, sir.
Q Okay.
A That was--that was one of--one of several ways that I received the letter.
Q Okay. Now, what--do you recall the other ways that you received the letter?
REP. STAM: Mr. Chairman, objection. My objection is this: Since he's testified that Respondent has authenticated the signed letter, what possible difference does it make when he first saw it?
THE CHAIR: All right. Dr. Joyner, do you want to respond?
PROF. JOYNER: The question wasn't when did he first see it. The question was where did he get it.
REP. STAM: I renew my objection. Why would it possibly matter where he got it from?
THE CHAIR: Dr. Joyner.

PROF. JOYNER: Because it's going to fit into my closing statement.

THE CHAIR: Going--okay. With that, I'm going to--for the time being, I'm going to overrule. Obviously, we want to kind of move a little bit faster on it, if we can. But it seems to me that's legitimate. And the objection is overruled.

A Okay. If it would help, I can explain how I received all--all the letters--

Q (By Prof. Joyner) Yes, that would help.

A --if that would help, in--in paragraph form. That would be--instead of asking the questions.

One copy of the letter I received from a computer at the Department of Health and Human Services from a prior--well, from the secretary who is currently at the Health and Human Services. She had gone on the computer, found a copy of it, and printed it off for me. That was an electronic copy which did not have a signature on it and was not on letterhead.

I received another copy from general counsel at DHHS that she had received from that same secretary when the--when she had requested a

copy of that letter or a e--electronic version of that letter without a signature be forwarded to her.

It is my recollection that I also received a copy from--or correction: I did not receive that copy. Another agent, I believe, came in the possession of another copy of that letter. So I wouldn't be able to testify as to exactly who he received that from.

Q And you had some conversation with Representative Wright about this letter; is that correct?

A That is correct, sir.

Q This is during your September 28th interview?

A I believe, if I'm not mistaken, that conversation came up in both interviews, beginning on the one on the 28th of September of '07 and then again on October 5th of '07. But yes, I--I--I do recollect that conversation.

Q And that conversation was a part of a conversation regarding the purchase of the--the Loftin building; is that correct?

A That is correct, yes, sir.

Q All right. And in that conversation--or during that discussion, you asked, I believe,

Representative Wright about the source of funds that he anticipated receiving to pay off the mortgage with the Coastal Federal Bank; is that correct?

A Yes, sir, that is correct.

Q And do you recall him saying that--that it was his intent to get the money through the General Assembly special projects to pay for the Loftin building?

A Yes, sir. I--I specifically remember him saying that.

Q Okay. And--and he also indicated at that point that that effort fell through due to budget shortfalls that the General Assembly encountered during that time; is that correct?

A That is correct. He did make that statement, as well.

Q And that as a result of that, he was unable to obtain the funding? Is that your recollection?

A Yes, that is my recollection. Yes, sir.

Q Did you initially call Representative Wright about meeting with you for this--these interviews?

A Yes, sir. I believe the way that went is I--I don't think the first time I called him I was able

to get ahold of him. I believe it--we played--may have played phone tag for a while. But I--I initial--I eventually received a telephone call from Representative Wright based on my request to him for an interview.

Q And it appears that that telephone call--it appears that telephone call was on September 20th. Is--does that--is that--that sound familiar?

A Yes, sir, it does.

Q And at that time, Representative Wright agreed to meet with you?

A Yes, sir, he did.

Q All right. And y'all specifically arranged to meet in the--I believe the conference room at the Community Health Center?

A I don't believe that we had made an agreement to meet during that phone call. Believe Representative Wright advised he needed to check his schedule or something about his schedule and that he would call me the following--I believe the following Tuesday for--to set up an appointment, at which--at which time he did call and set up an appointment with me for the Community's Health Foundation--I'm sorry--the New Hanover Community

Health Center conference room on the first floor.
Q But you did voluntary meeting?
A Yes, sir, it was.
Q All right. How long did the September 28th meeting last?
A I would say the September 28th meeting lasted approximately three hours, give or take a few minutes. We had--had additional questions, but he had a prior engagement and advised that he did not--could not stay any longer. So the meeting ended approximately one P.M., if I'm not mistaken, somewhere around that time. But about three hours.
Q And the October 5th meeting, how long did that last?
A If I'm not mistaken, that meeting lasted--or that interview lasted at least six hours or somewhere in the ballpark of six hours.
Q And dur--during that time, did Representative Wright answer all of the questions that--that you had raised with him?
A Yes, sir. He answered every question that I had raised of him, yes, sir.
Q All right. Did you, in beginning either or both of

those interviews, ever inform Representative Wright of his rights, his Miranda rights?
A No, sir, as it was not required.
Q Okay. So you didn't inform--you never said anything to him about any rights that he had?
A I believe, as indicated on this--if you give me just a second, sir. I--I apologize. (Examines paperwritings.) No, sir, he was not advised of any Miranda rights, as that was not required, since he was not in custody.
Q And--but he voluntarily came. And did--did he have an--his attorney with him?
A No, sir. He advised that he did not have an attorney and, as such, would like to video record the--the interview.
Q All right. Did he have anyone with him when he talk--talked with you?
A No, sir, he did not.
Q All right. Now, it was--I--I believe both interviews--
THE CHAIR: Dr. Joyner, let me interrupt for one quick question. Just so that--again, because we're dealing with Committee members who aren't all lawyers. Are--you're not making any

claim that there should have been Miranda rights here, are you?
PROF. JOYNER: No. I'm just asking. That's all.
THE CHAIR: Okay. Just so that you know, Members of the Committee, when they were talking about Miranda rights, Miranda rights only have to be given when two things happen: when a suspect is in custody, that is not free to leave, and being interrogated. There's no claim that there was a Miranda rights requirement or violation here.
All right. Thank you.
Q (By Prof. Joyner) And in both of these interviews, you and--I--I think it was--
A It was--
Q --Agent Perry?
A Agent K. Perry. And for the record, for the stenographer, that's the letter "K" and not--no other spelling behind that. Just the letter "K."
Q So not the jewelry Kay?
A That would be correct.
Q Okay. So in both of these interviews, you--you and--and Agent Perry were present to conduct the--the interview?

A That is correct, yes, sir.
Q And in fact, both of you did participate in questioning Representative Wright, but you basically led the discussion--led the interviews?
A That is correct, yes, sir.
PROF. JOYNER: Okay. If I could have a moment?
THE CHAIR: Absolutely.
(DISCUSSION OFF RECORD)
Q (By Prof. Joyner) All right. Mr. Umphlet, you--when you--when you came to--into the interviews with Representative Wright, did you have a--a set list of questions that you were using to guide your interview with him?
A Yes, sir, I did.
Q All right. And what was the source of--of those questions?
A The District Attorney's Office. T
Q The--
A The Wake County District Attorney's Office.
Q Okay. Wake County District Attorney's Office?
A Yes, sir.
Q And--and my hesi--is because you were in New Hanover County?

A Yes, sir.
Q Yeah, when you--when you did--okay.
A I--I apologize. The Wake County District Attorney's Office.
Q All right. And so prior to the interview that you had with--or the interviews that you had with Representative Wright, you did have some meetings with the Wake County District Attorney to formulate a specific regimen of questions that you were going to--that you were going to cover with Representative Wright?
A I don't think that we had a meeting to formulate a set of questions. The que--there may have been some phone conversations, but the--the questions were prepared by the District Attorney's Office.
Q Okay. And they were--they were delivered to you or given to you in some manner?
A That is correct.
Q All right. And--and at the same time, you brought in with you specific documents that you wanted Representative Wright to--to respond to and identify; is that correct?
A That is correct, yes, sir.
Q All right. And I--I believe that you had something

like two boxes of documents with you?
A I did. I had quite--quite a bit of documentation, yes, sir.
Q All right. And were you able to get through all of the documents that--that you had in--in your box?
A The--the documentation that--that was the bulk of that were campaign disclosure reports for 2002 through 2006. And I brought that documentation out and showed Representative Wright those forms. It was the first--and I advised him that they had--explained that there was approximately one hundred and eighty-five thousand dollars ($185,000) in unreported campaign monies.

During that time, I went through step by step each reporting cycle to--but not the complete, entire. That would have probably taken another twelve hours. But we went through, and I showed him his disclosure report that he had submitted to the Board of Elections and asked him was that the report that he had submitted, and was that his signature.

Now, there was a lot of other documentation behind those disclosure reports that he did not look at and that--advised that he would

like to have an opportunity with the Board of Elections to go through those documents for any discrepancies that there may be in the reporting.

But yes, those were documentation--documents that were there, as well. And--and they were--I would probably dare say there were probably six three-inch notebook binders.
Q With respect to those--those reports that you just referred to there, did Representative Wright not--didn't he also say that it was--it was his intention to amend those reports if there were discrepancies found?
A I don't think--my recollection is--is--was that it was not his intent to amend. My recollection was he would like the opportunities to sit down with the Board of--of Elections and to amend--
Q Right.
A --and to amend those reports and any monies, to sit down with them and discuss that. He may have said "intent." I just--I don't recall the word "intent." I recall he would like to sit down for the opportunity to look over that and to amend.
Q All right. But once you--you talked with him about that, he indicated that he wanted to sit down with

them and then make whatever amendments that--that needed to be made?
A That is correct.
Q Okay. Now, did you also have some conversation with Wayne Loftin?
A Yes, I did.
Q All right. And during that conversation, did Mr. Lof--Loftin or someone else advise you that Representative Wright--

MR. HART: Objection. Hearsay.

THE CHAIR: Well, let me--let--I'll rule, but let me--let me get the full question. I'm--I've kind of got to hear the context of the question to know if it's being offered--how it's being offered.

Go ahead and ask the question. But don't answer till there's a ruling, please, Agent.
Q (By Prof. Joyner) Did--was there some conversation with Mr. Loftin or someone about a fifty-thousand-dollar ($50,000) slush fund that Representative Wright was supposed to have?

MR. HART: Objection. Hearsay.

THE CHAIR: What's it being offered to prove the truth of?

PROF. JOYNER: I'm just asking if that was information that he had received that helped to form the interviews that--that he conducted.

THE CHAIR: All right. This is when not being a trial judge comes--let--let me think through this. The question is whether in fact he was given that information from Mr. Loftin? Is that the question?

PROF. JOYNER: Yes. Yes.

MR. HART: I also object on relevancy grounds, as well as hearsay.

THE CHAIR: All right. The objection's overruled as to hearsay. I think the question that's being asked in this context is not asking to prove the truth of the matter asserted. He's simply being asked if he was told that, not to prove that it was or was not true.

As to relevancy, Dr. Joyner, how is the question relevant?

PROF. JOYNER: We're dealing in--in part here with an offer or involvement of Mr. Lof-- Loftin in the purchase of this building that formed the basis of this hundred-and-fifty-thousand-dollar ($150,000) issue that's--that's before us. And so

it's--it's relevant in--in the sense--in that sense. Because--we had--we've had testimony identifying Wayne Loftin as the son of the owners of the building, that he was an intimate with Mr. Burbank from the Coastal Federal Bank and was involved in some way in making initial contacts about the granting of the loan to the Community Health Foundation. So--

THE CHAIR: I'm--all right. I'm going to sustain the relevancy objection for right now, but I'm going to reserve the right to think about-- you're not going to be released from your subpoena, anyway, Agent, today. So I'm going to reserve the right to--to come back to that as we finish questioning. So it's over--it's sustained for right now. Reserve the right to reconsider it.

Please go on.

PROF. JOYNER: That--that was going to be my last question, Mr. Chair.

THE CHAIR: All right. Redirect.

Thank you. Thank you, Dr. Loftin (sic).

REDIRECT EXAMINATION BY MR. HART:

Q Agent Umphlet, I'm going to ask you, if you would, if you'd look at Page 5 of that particular report

that you've been being asked about.

A Okay.

Q You've been asked several questions about portion of what's in your report. In order to put that into context, your responses, I want to ask you, if you would, if you'd read certain paragraphs from Page 5 and Page 6. If you would, the third full paragraph on Page 5, beginning, "Representative Wright." Will you read that paragraph, please?

A On Page 5, the third full paragraph.

Q Beginning, "Representative Wright."

A "Representative Wright reported the purpose of the checks from AT&T, AstraZeneca, and Anheuser-Busch was to begin to assist the foundation in the foundation's process and for the work of the foundation. Wright reported he deposited all three of those checks into his personal bank account at the Bank of America. Wright advised he deposited those checks into his account to reimburse him for his work with the foundation. When ASAC Umphlet asked what type of work Wright had done, Wright advised, `Lots of work.' ASAC Umphlet asked what type of work Wright had done. Wright advised, `I'll save that. I don't want to say that at my--

at my point. I don't want to incriminate myself. It looks to me that y'all are trying to build a case against me.' Wright then advised it was for the countless hours of work he had done trying to make the foundation work."

Q And if you would, read the next paragraph, to put that in context, as well, sir.

A "ASAC Umphlet asked Representative Wright why the checks were not deposited into the foundation's checking account. Wright advised he was not clearly aware of the foundation's checking account but did recall Gottovi talking about the checking account. Wright reported that when he received the checks from AT&T, AstraZeneca, and Anheuser-Busch, they were deposited at a later date. Wright advised the checks sat around on his desk for a long time before he actually deposited them. Wright advised the Coastal Federal Foundation account was probably closed by the time he deposited those checks.'

Q And the next paragraph, as well, that goes over on Page 6, please, sir.

A "Representative Wright reported that he had documentation showing why he was reimbursed the

money in reference to the checks from AT&T, AstraZeneca, and Anheuser-Busch. Wright reported it was for travel, phone calls, meetings, and trying to make the foundation work. ASAC Perry asked if Wright had a log showing his work. Wright said he did not have a log, but he would be able to prove it, referring to the work he had done. Wright advised the checks from AT&T, AstraZeneca, and Anheuser-Busch were not restricted as to how they were to be used. Wright advised, `No one goes into a business and does not expect to--to be reimbursed.' Wright advised it would have been his decision on what to do with the money. Wright stated that with what he put into the foundation in sweat equity--Wright then continued by stating, `I put more into it--into it than this.' Wright was referring to the amount of the checks from Anheuser-Busch, AstraZeneca, and AT&T. Wright advised he did not recall when he actually received those three checks, but he did remember putting them aside for a while. Wright advised there was nothing illegal about paying himself."

Q Now, you indicated in cross-examination that at some point, Representative Wright had shown you the

fax from the Tennessee center, the Memphis, Tennessee, center; is that correct?

A That is correct, yes, sir.

Q And on Page 6, how--in the middle of that last paragraph, there's a statement that--where he responded whether or not he would show you the--the fax.

A Is that the sentence that begins with "Wright said he would not show"? I'm--there's--there's--

Q Yes, sir. Tell us--tell us what he said there.

A "Wright said he would not show the fax to ASAC Umphlet, because the fax was his smoking gun."

Q Now, Mr. Joyner asked you about the video recorder not being turned on and the fact that there was not a lot of conversation going on during that time period. But I'd ask you if you would look at Page 8 at the--what appears to be the--the third paragraph, saying, "Upon returning." Tell us what--what--what--what that says, sir.

A "Upon returning from the break, Representative Wright advised that he had several documents that ASAC Umphlet could review. Wright advised that he would not turn on his video during this portion of the interview, and that would--and that it would be

off record."

Q Did he say what he meant by "off record," sir?

A Not to my recollection, no, sir.

Q And again, he did not provide you with copies of those documents he showed you at that time, correct?

A No, sir, he did not.

Q All right. Mr. Joyner asked you about the campaign--the documents that--that you showed Representative Wright, and specifically that you talked about some campaign disclosure forms?

A That is correct.

Q Ask you, if you would, if you'd look at, in your notebook, Exhibit 16A.

And be--before I ask you about that particular document, you--you said in response to some of Mr. Joyner's questions that you asked Representative Wright if he filed the campaign disclosure forms and if his signature was on those forms. How did Representative Wright respond when you asked those questions?

A That he had filled out the forms and signed--signed the forms to submit to the Board of Elections.

Q All right. Now, was Exhibit 16A one of the

campaign disclosure forms that--that you showed him and that he said he had filed and signed?

A If you don't mind, I'd like a chance to look at these notes right here before I--

Q Yes, sir. I believe if you'll on Page 9 of your report.

A If you don't mind, I just need more time to--to review this. (Examines paperwritings.) Okay. After reviewing--reviewing this information, my report advised that I went over disclosure reports from 2000 to 2006. The first paragraph in here where I show something being done was for the 2001 mid year. I don't have reference, that I see at this point, in here to the 2000.

Q If--if you would, sir, look at the paragraph just above that.

THE CHAIR: We're talking the fourth paragraph on that page; is that correct?

MR. HART: That's correct. Where it says, "As part of this interview, ASAC Umphlet."

A Okay.

Q (By Mr. Hart) Does that refresh your recollection where the--the 2000 first-quarter, second-quarter, third-quarter, and fourth-quarter reports?

A That is correct.
Q All right. And is that Exhibit 16A, sir?
A The first-quarter report for 2000 is, yes, sir.
Q All right. If--if you'd look through that, is that all four quarters, 16A?
A Let's see. I'm sorry. Yes. Could you repeat your question again?
Q Yes, sir.
A I'm sorry.
Q Is--Exhibit 16A, is--is that the--all four periods for the year 2000?
A Yes, it is.
Q And is that what you referred to in your report as the campaign disclosure forms that you showed him?
A Yes, sir, it is.
Q And do you indicate, sir, that--that he said that he had filed each of those and had signed each of those?
A For--for the year of 2000?
Q Yes, sir.
A Yes. Yes. Yes. I did indicate that, yes, sir.
Q All right. And if you look at 16B, sir?
A Okay.
Q And is 16B the mid-year and year-end disclosure

reports that you showed him for 2001?
A Yes, sir.
Q And did he indicate that he had signed those and sent those to the Board of Elections?
A Yes, sir, he did.
Q Ask you to look at 16C. Are those the first-, second-, and third-quarter reports and fourth-quarter reports for the year 2002 that you showed him?
A Yes, they are.
Q And did he indicate to you that he had signed those and had sent those to the Board of Elections?
A Yes, sir, he did.
Q Ask you to look at 16D, and ask--ask you if those are the year 2003 mid-year and year-end disclosure reports that you showed him.
A Yes, sir. Can I--can I make a comment about one of the 2001 mid-year reports?
Q Yes, sir.
A At that point, Representative Wright was not sure at what point some of the disclosure reports had to quit being signed by legislators.
Q Signed, or notarized?
A Notarized. Excuse me. Notarized.

I just wanted to make that--that distinction right there.
Q All right. So 16D, are those the mid-year and year-end disclosure reports that you showed Representative Wright?
A Yes. They appear to be, yes, sir.
Q And did he tell you that he had signed and--signed those and sent those to the Board of Elections?
A Yes, he did.
Q Ask you, if you would, if you'd look at 16E, and whether those are the 2004 first-quarter, second-quarter, third-quarter, and fourth-quarter disclosure reports that you showed him.
A Yes, they are.
Q Now, I believe that Representative Wright indicated to you that he had sent each of those to the Board of Elections; is that correct?
A That is correct.
Q Did he indicate to you that he had signed a couple of those but not signed a couple others?
A That is correct.
Q Do you remember what he said about why two of those were not signed?
A Maybe that he was in a hurry and had forgotten to

sign them.
Q Okay. Ask you to look at the document marked 16F. Ask you, sir, if that is the 2005 mid-year and year-end disclosure reports that you showed Representative Wright.
A Yes. They appear to be, yes.
Q All right, sir. And did Representative Wright tell you that he had personally signed each of those and sent them to the Board of Elections?
A Yes, he did.
Q Ask you to look at 16G, Exhibit 16G. And ask you if those are the 2006 first-quarter, second-quarter, third-quarter, and fourth-quarter reports that you showed Representative Wright.
A Yes, sir, they appear to be.
Q And did Representative Wright indicate to you that he had signed each of those reports and sent those to the Board of Elections?
A Yes, sir, he did.
Q In cross-examination, Representative Joyner asked you if you had some conversation with Representative Wright in which--
PROF. JOYNER: Don't think before the election--

MR. HART: I'm sorry. Excuse me.

Q (By Mr. Hart) Mr. Joyner asked you if you had had some conversation with Representative Wright about the fact that he wanted to know why he couldn't just amend his reports, that he'd like to have an opportunity to amend his reports?

A Yes, sir.

Q Did he indicate to you that he was surprised by your inquiry about that and your allegations about a hundred and eighty-five thousand dollars ($185,000) in unreported contributions?

A Advised it was new information to him.

Q That it was new information to him?

A Yes, sir.

Q And this was in September--this was in October of 2007?

A Yes, sir.

MR. HART: That's all the questions I have, sir.

THE CHAIR: Recross.

RECROSS-EXAMINATION BY PROF. JOYNER:

Q Agent Umphlet, let's--let's see if we can't clarify something. With respect to the reports 16A through 16H or whatever, that series of report--

THE CHAIR: G? 'Cause I don't know that there is an H. Is that right?

PROF. JOYNER: G.

Q (By Prof. Joyner) My recollection from your direct--or from your ex--your--your answer on cross-exam--examination was that Representative Wright had indicated that he wanted to meet with the Board of Elections to review those reports and have an opportunity to make amendments if there were discrepancies. Is that--is that what his--his statement was to you?

A Wright advised he would like the time to review and evaluate the material and to be able to respond and be able to see what was going on. That was one of the comments that he made. If you give me just a second to--to review this, I'll--(examines paperwritings). He advised that he would have to go back and take an internal look and go back and amend the reports, but there was nothing intentional as to the nondisclosure of those donations.

Q Okay. But on cross-examination, you specifically indicated that Representative Wright had said that he had wanted to review that information with the

Board or have an opportunity to review that information with the Board of Elections and--and to amend it; is that--

A That is correct, yes, sir.

Q That

said?

A Yes, sir.

Q This is--and these were the same documents that you were referring to at that point?

A That is correct.

Q Okay. Now I just want to take you back. Mis--Mr. Hart had you to read several things from Pages 5 and 6. And one of the things that he read--that he had you read was that Representative Wright did not want to show you a copy of the fax--tax identification number. Do--do--do you recall that?

A Yes, sir, I do recall that.

Q Okay. And I'm going to just direct your attention to Page 6 in your report.

A Yes, sir.

Q And the last paragraph there.

A Yes, sir.

Q And ask if you would read that.

A The whole paragraph?

Q Yes, the whole paragraph.

A "ASAC Umphlet showed Representative Wright the letter to Lewis McKinney of Anheuser-Busch, which was dated February 6th, 2004, and the letter to Brian Shank of AstraZeneca Pharmaceuticals, which was dated November 14, 2003. ASAC Umphlet pointed out to Wright that the letters identified a federal tax identification or ID number, of"--am I allowed to read the number in this--open court?

Q Yes.

A Okay. "56 dash 2252434. ASAC Umphlet asked Wright about the tax ID number. Wright reported that he had applied for the tax ID number with the Internal Revenue Service. Wright advised that his legislative staff in Raleigh helped him in getting the tax ID number. Wright did not want to say who those staff members were but advised that some were no longer employees. Wright advised he had a copy of the application, even a response from the IRS that they had faxed to Wright with the tax ID number on it. ASAC Umphlet asked Wright would he, in parenthesis, Wright, end parenthesis, show ASAC Umphlet the fax from the IRS with the tax identification number on it. Wright said he would

not show the fax to ASAC Umphlet, because the fax was his smoking gun. Wright reported that his member of Congress, Mike McIntyre, helped Wright in obtaining the tax ID number. Wright advised that McIntyre would not know about the tax ID number but that his staff would know. Wright reported that he received the fax from both his fax at the residence and his fax at his Raleigh office. Wright advised he has it and can prove it. ASAC Umphlet asked Wright if the issue concerning the tax ID number could be ended by Wright showing ASAC Umphlet and ASAC Perry the fax, would he show them the fax? Wright advised he knew that he could not fictitiously create the tax ID number,"--or, correction--"could not fictitiously create that tax ID number. ASAC Perry advised Wright that he, ASAC Perry, and ASAC Umphlet were trying to get to the truth. Wright advised he was trying to protect himself. Wright advised he had already been told he was being charged and that he was told that back in February. Wright then advised he would reflect on giving that document to ASAC Umphlet and that he had several copies."

Q All right. Now, want to just direct your attention

now to Page 9 of that report. In the second full paragraph there, does it not indicate that Representative Wright advised you that he would show you those documents?

A On Page 9?

Q Yes. On Page 8. I'm sorry.

A Okay. "Upon returning from the break, Representative Wright advised that he had several documents that ASAC Umphlet could review," which were those documents.

Q Which were the same documents that you--that he just--he just talked about and said that he would not provide to you?

A That is correct.

Q All right. And then in the rest of that page, you go on to receive and review those documents and to describe exactly what those documents showed; is that correct?

REP. STAM: Mr. Chairman, if I could interrupt a sec, here?

THE CHAIR: Sure.

REP. STAM: We have now so thoroughly asked about that document. Could the Committee members have a copy of it?

THE CHAIR: I am pretty strongly inclined to do that, but I want to take the break at lunch to think about how I want to handle that. But--

REP. STAM: Thanks.

THE CHAIR: Somebody's probably going to have to persuade me otherwise. But we'll go from here to break. And let me think about it.

Dr. Joyner, please continue.

Q (By Prof. Joyner) And in the next three paragraphs, you go on to identify and describe those three documents; is that correct?

A That is correct.

Q And one of those documents is the flip side of Exhibit 14?

A That is correct.

Q And that--is that the same tax ID number that you made reference to on Page 6 with the letter from McKinney--or the letter to McKinney?

A Yes, it is.

Q It's the same thing?

A Yes, it is.

Q So on--when initially asked about these documents, Representative Wright declined or refused to provide them to you. But as soon as the break was

over, he did provide you with those--with those documents, ad you reviewed them and were given sufficient time to identify each of those documents?

A That is correct.

PROF. JOYNER: I have no further questions.

THE CHAIR: All right. I'm going to hold the Committee's questions until after break. We're going to take our break a little bit early so I can think about this document.

Now, if we can--and this is--again, I want folks to not be exhausted. We're going to have our break, but we're actually going to break until two o'clock, so it's an hour and twenty minutes. We--I'm sorry. Mr. Hart, are you--we'll be in recess until two o'clock. Thank you.

(EIGHTY-SIX-MINUTE RECESS)

THE CHAIR: We are back in order for this afternoon's session. Couple of logistics matters to resolve first. We're going to stop at four o'clock today. Conflicts both by some counsel

and--and Committee members. And again, I think rather than trying a forced march to get through, we're going to take the time we need to do this. We will, however, start tomorrow at nine o'clock. And I do want to try to--would like to try to finish up, if at all possible, tomorrow. Again without--but I do want to start at nine.

Secondly, I have reviewed the document that was referred to at length, over lunch. I'm--I'm not going to allow it into evidence as a separate document. I don't think either counsel has objection to that, the particular ruling. we have--I think both counsel have gone to great lengths to introduce specific paragraphs that they thought were relevant into the record. And the agent will--I'm sorry--of course, not be released from the subpoena today, so that if we have other paragraphs that we need to get in, we can--we can do that tomorrow, since we will clearly be meeting tomorrow.

I think that the best proceedings are generally with relying on the counsel for both sides, who are representing their clients extraordinarily well. And always thought as

counsel it was inappropriate for chairs or judges to try to litigate the case as well as chair it. So I'm not going to engage in that practice that I always despised.

There may be questions that--a couple of paragraphs that other--that counsel may want to put in. And as I said, we'll have that opportunity. But for now, the document will not be entered into the record.

I should also note that the document contains a number of provis--of paragraphs unrelated to any charges that are here today.

Okay. With that being said, I think that we're through counsel questioning, if I remember. Am I right?

Okay. Representative Stam.

REP. STAM: Thank you, Mr. Chairman. No further questions.

THE CHAIR: Okay. Representative Lucas.

REP. LUCAS: No questions.

THE CHAIR: Thank you. Representative McGee.

REP. MCGEE: No questions.

THE CHAIR: Thank you. Representative

Warren.

REP. WARREN: No questions.

THE CHAIR: All right. Representative Wiley.

REP. WILEY: No questions.

THE CHAIR: All right. And I will--I may, but I do not have questions today. I'll hold my questions in subject to recalling the agent in the morning.

Agent, thank you. I think that ends--since there were no questions, there shouldn't be any redirect or recross. Agent, thank you very much. I do want to say--and I want to thank the Agent and can relate as chair, who is now testifying on about an hour's worth of sleep over the last day, because we both share something, and that is that we both have Labs who are absolutely frightened of thunderstorms, and they sit in our beds, and--and in each of our cases, we dog-sit during thunderstorms. He dog-sat last night. So I can relate completely and hope you catch some sleep this evening--

THE WITNESS: Thank you.

THE CHAIR: --and your dog does, too.

Thank you.

All right. With that, Mr. Hart, next witness.

MR. PETERS: The next witness would be Kim Strach.

THE CHAIR: Ms. Strach, if you'll come forward.

Whereupon,

KIMBERLY W. STRACH,

having been first duly sworn,

was examined and testified

as follows:

THE CHAIR: Thank you, Ms. Strach. Mr. Hart, the witness is with you.

DIRECT EXAMINATION BY MR. PETERS:

Q Could you state your name, please?

A Kim Westbrook Strach.

Q And how are you employed, Ms. Strach?

A I am the deputy director of the North Carolina State Board of Elections.

Q How long have you been in that position?

A Let's see. Since March 2000.

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Q Were you with the State Board of Elections before March of 2000?
A Excuse me. That's--that's when I came to the State Board of Elections. I have been the deputy director since October of '01.
Q And what position did you hold at the State Board before becoming deputy director?
A I was an elections investigator.
Q And what did your duties as election investigator involve?
A Primarily I investigated complaints that alleged violations of the campaign-finance regulations.
Q And what do your duties as deputy director involve.
A Still that--that is certainly part of my duties now. But the other, I am in charge of making sure that all political committees in North Carolina provide disclosure and are in compliance with the campaign-finance statutes.
Q You referred, I believe, to investigating violations of the the campaign-finance laws?
A Yes.
Q Could you describe a little bit more what that involves?
A Well, it involves--often we--the State Board of

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Elections will receive complaints from register--if a registered voter files a complaint alleging a violation against any political committee, then it is the--the job of the Campaign Finance Division of the State Board of Elections to investigate that complaint. And it may be that a complaint is--may be--the complaint may be involving a county official or a municipal office. Still all of those offices--those complaints are--are handled by our office.
Q Okay. Drawing your attention to December of 2006. Do you know if the State Board received a complaint regarding Representative Wright in around that time?
A Early December 2006, we did receive a complaint.
Q Do you recall who that complaint was from?
A It was from Joe Sinsheimer.
Q And what--can you describe the gist of that complaint, what the complaint alleged?
A The allegations were that Representative Wright had filed false or misleading reports regarding various contributions from employees or contributors from the Sims Hugo Neu Corporation. And it also alleged some improper filing with respect to some sort of

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paylay--payday lending companies, as well.
Q Do you know what the Sims Hugo Neu Corporation i Do you know anything about that organization?
A The Sims Hugh Neu Corporation was--was proposing to put a landfill in the Town of Navassa, which is close to Wilmington.
Q Okay. Did your office take any action with regard to that complaint?
A We did. We investigated that complaint and later held a hearing on those allegations.
Q Okay. When you say "we investigated," can you describe in detail what you did to investigate that complaint?
A Sure. The first thing we did was we sent notice to Representative Wright and gave him the opportunity to respond to the allegations in the complaint. In order for us to investigate the--the allegations that were alleged here, we needed to look at the bank records, because the allegations were that Representative Wright had disclosed receiving contributions from the Sims Hugo Neu employees, but he had disclosed it at a time after the primary and not when he had actually received those contributions. So in order for us to make a

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determination on--on those allegations, we would need to look at the bank records to see when those checks were deposited.
Q So that I'm clear, the allegation in the complaint, then, was that reports were disclosed later than they should have been?
A Correct.
Q Okay. Now, you said you gave Representative Wright notice of the complaint?
A Yes.
Q Did you receive any response from Representative Wright?
A The--the note--the--the letter was sent to him shortly after we received the complaint, and it--it was close to Christmas. So I--I--I believe that we gave him until sometime mid January to respond to that. On the day that it was due, I got a voicemail from Representative Wright--I believe--I--I believe I received the voicemail asking--saying that he--his--he had been out of town over Christmas, that he had had a death in his family, and he needed an extension of time to respond. I called him back that day, left him a message th he could--he could certainly have an additional

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weeks to respond.

On that deadline, which would have been, I believe, January 31st, Representative Wright came to my office to meet with me. And he stated that he did not have a response, but he wanted--he wanted us to know that we was not ignoring us, that he wanted to come in and find out what he needed to do to resolve the complaint.

I spoke with him for a few minutes. I remember that day he was not feeling well. And we--we talked about what he would need to do. He told me he wanted to comply and that he needed the--I told him we would need some records from him. He said he understood that, but the problem was his treasurer had just had surgery, and she had the records and wouldn't be able to--to provide them right then. So he would call me that afternoon with her name, and we would set up a time to get together.

Q When you said you would need some records from him, what records were those that you were going to need?

A His campaign-account records.

Q For any particular period of time?

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A Well, at that time, we were trying to--to find the--2006 was the--the time period in the complaint was for 2006. So records from that length of time for those--for those reports. That would have been--probably covered from January till--to the--to the election.

Q All right. And I believe you said he said he would call that afternoon with the name--

A He said when he got back to his office, that he would call with the contact information for her. He didn't have it with him, but he would--he would call.

Q Did he in fact call?

A He didn't. So--

Q I'm sorry. Did you say--

A He did not. He did not call.

So after a couple of weeks, I wrote a letter to Representative Wright. And with the letter, I included an authorization for him to authorize us to get those records so that we could review them and try to resolve the complaint. I did not--I--I think--and I gave a deadline of February the 20th. At that time, I believe we had--that that letter was picked up, `cause I'm

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not--I--I'm not absolutely sure, but I think it may have been sent certified mail. But we did not get a response from that. And so the next day, a staff member hand-delivered the letter and an authorization to his office, and Representative Wright signed that.

Q Was that to his office here in Raleigh?

A It was.

Q Okay. What happened next?

A He signed that, the authorization, which--the authorization, what we do--this is not unusual for--sometimes we--we send out authorizations if we have to--to do investigations like this. We certainly give the committees the chance to authorize us to get those records.

We have to put on there the bank-account number that we have, that they're required to give us. We had listed that bank account on the authorization. And when we came back to our office, called the bank. They informed us that that bank account had been closed a few years ago. So at that point, after discussing this with my executive director, we decided to subpoena those records.

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Q All right. To--to back up just a little bit, you said that Representative Wright was required to provide you with a bank-account number?

A Every political committee that is registered with our office or even a county board of elections office is required when they--when they organize their committee, they are required to give us the bank-account numbers of all accounts they're going to use for their campaign. And if they change bank accounts, then they are also required to notify us of that change and provide any new account information.

Q And so was it that bank-account number that you had on record for Representative's Wright campaign committee? Is that the bank-account number that you called the bank about?

A Yes.

Q And I believe you said you were told that it--that bank account had been closed?

A Yes.

Q Do you recall when it had been closed?

A It was closed in 2003.

Q All right. And this was in--when you made that call was--

A This was in early 2007.
Q All right. So what did you do next?
A We subpoenaed the records. And at that time, we started getting--getting records. We subpoenaed actually the bank. And Bank of America did have accounts for Representative Wright, and so they provided those records to us.
Q When you say you subpoenaed the records, what exactly did you ask Bank America for--
A For--
Q --in the subpoena?
A In--what we decided to do, because we didn't know what--what we were actually--where his accounts were or--or--we asked them to provide us with the bank records of any account that he was listed on the account for.
Q All right. And what happened next in the investigation?
A After we start--we started receiving bank records. Our staff started reviewing those records. And what we--what we were trying to do was to find where these--these contributions had been deposited so that we could--we could then determine if those allegations were--there was merit to those allega--

allegations. We didn't--there were--there were two bank accounts--actually there were three bank accounts at Bank of America. But it was obvious when we started receiving the records that that was not the only bank that had to be used, because there was a gap in--in--in the time period. So we also--by that time, I think Representative Wright was represented by counsel. And counsel called us and said Representative Wright wanted to cooperate with us, and he would authorize us to get any bank account that he had. And so he told us where his bank accounts were, and he signed authorizations for additional bank accounts.
Q Without necessarily giving account numbers, what--exactly what bank accounts did you learn existed at Bank of America or had existed at Bank of America?
A There were--we received records for three bank accounts from Bank of America. One was the campaign account that had closed in 2003. There was a--an account that just had Representative Wright's--his personal account had "Thomas E. Wright" on the--on--on that account. And there was also a joint account with his wife.
Q And when his counsel called and identified other

accounts, do you recall where those accounts were?
A He--for a period of time, I believe--and I do ha[ve] a list of when they were. In '04--from April 23[rd], 2004, to June of '05, his campaign account was at First Citizens Bank. And then in February, he opened an account at Coastal Federal Bank.
Q All right. So in total, how many bank accounts did you discover that were used as campaign accounts?
A There--there were campaign contributions deposited in five different accounts. The--the joint account with his wife, there was only one campaign contribution deposited in that account. But the other accounts had a significant number of contributions that were deposited into them.
Q All right. Could you tell if there was any period of time in the time you were looking at with the accounts when there was not a campaign count--account in existence?
A There was. From--the--the First Citizens Bank closed in June of '05. And from June of '05 until February of '07, the only account that he had was his personal account. And that is where contributions were deposited during that time solely.

Q Perhaps just so the record is clear, the bank accounts that were campaign accounts, not the personal accounts, could you state for each one what dates they were in existence and which bank--
A I could.
Q --they were at?
A The campaign accounts, the--the Bank of America account was opened April 3rd, 2000. And it closed November 4th, 2003. The First Citizens Bank was April 23rd, 2004, and it closed June 9th, 2005. The Coastal Federal Bank was opened February 24th, 2007. And to my knowledge, that bank account may still be open.
Q All right. And was the personal bank account--not the joint one but the one that was just in Representative's Wright--Representative Wright's name, was that account open and active during the entire period of time you looked at?
A It was. That account was opened July 14th, 1999, and was open through our investigation.
Q All right. So what did you do next in your investigation?
A Once we had obtained all of the records, then w[e] we--what we were trying to do is--as--as our fi[rst]

goal was--was to--to look at the allegations in the complaint. Upon reviewing those records, it became immediately clear that there were a significant number of contributions that were not disclosed that had been deposited in those accounts. So that became another area that we started investigating. Not only the--the--the 2006, but because there were certainly contributions that were not showing up on any report, that was a turn that we--that the investigation took at that time.

Q And you say there were contributions that were not disclosed. What do you mean by them not being disclosed?

A Every political committee that is--raises more than three thousand dollars ($3,000) or--is required to report every contribution they receive. And that--those contributions are supposed to be disclosed on disclosure reports that are filed, during even-numbered years, quarterly, and, during odd-numbered years, semiannually. And so any--any amount of money that goes--that is written to a candidate or to any political committee that--for that purpose must be disclosed. And there were checks that were in not only the campaign account but the account

that was a personal account that were made payable to the Thomas Wright campaign.

Q And did you compare those checks to the disclosure reports then?

A Yes, we did. Yes, we did.

Q All right. Let me ask you to--speaking of the disclosure reports, let me ask you to turn to Exhibit 16A in the notebook. And I'll--I'll give you a minute to look at those. Let me know when you've--there're a number of pages there. So please let me know when you've finished looking through those pages.

A I'm--I'm finished.

Q Okay. Can you identify the documents that are in 16A?

A I can. These are the four quarterly disclosure reports for the year 2000.

Q The--and they would be filed by--these reports were filed by whom?

A They were filed by Thomas Wright.

Q All right. At the top, does it say--of the first one, "Thomas Wright Campaign Committee"?

A It's the Thomas Wright Campaign Committee. And they're--are the first quarter, the second quarter,

the third and fourth quarter.

Q So would these be all of the reports that would have been filed for the year 2000?

A That would be all the required reports for 2000.

Q All right. Let me ask you to look at Exhibit 16B. And again take a minute to look at it. It's not quite as thick.

A Okay.

Q Can you identify that?

A Yes. Those would be the two required reports for 2001, the mid-year semiannual report, and the year-end.

Q All right. And these again are the Thomas Wright Committee?

A This is the Thomas Wright Committee.

Q All right.

A And--and filed by Thomas Wright.

Q All right. Let me ask you to look at Exhibit 16C.

A Okay.

Q Okay. Can you identify what 16C is?

A 16C were the reports required for 2002. And in 2002, we had an additional report called the interim report. So there was the first, second, interim, third, and fourth quarter.

Q And again are these reports of the Thomas Wright Campaign?

A They are.

Q All right. And Exhibit 16D?

THE CHAIR: I'm sorry. Before you go on to 16D, I just want to make sure in my notes. Is 16C filed by Thomas Wright?

THE WITNESS: Yes.

THE CHAIR: All right. Thank you.

THE WITNESS: Okay.

Q (By Mr. Peters) Can you identify 16D?

A The--the--the reports--these are the two reports for 2003, the mid-year semiannual and the year-end semiannual.

Q And again are these reports filed by the Thomas Wright Campaign Committee?

A They are.

Q Could you look at 16E?

A (Examines paperwritings.)

Q And can you identify 16E?

A Yes. This--these are the reports for 2004, the first, second, third, and fourth quarter.

Q And again, were these filed by the Thomas Wright Committee?

A They were.
Q All right. Turning your attention to 16F. If you could, look at that.
A Yes.
Q Can you identify those documents?
A They would be the mid-year semiannual and the year-end semiannual for 2005.
Q And again, were these filed by the Thomas Wright Campaign?
A They were.
Q All right. And then Exhibit 16G.
A It's the 2006 disclosure reports, the first, second, third, and fourth quarter.
Q All right. And again, were these filed by the Thomas Wright Campaign?
A They were.
Q The documents marked 16A through 16G, are those all of the disclosure reports that were required to be filed from 2000 and through 2006 by political committee?
A Yes.
Q All right. And are these all documents that are maintained at the State Board of Elections?
A They are.

Q Are these documents made available to the public for review?
A They are. Between 2000 and 2001, they were--you actually have to visit the State Board of Elections. We had a public viewing area. We had many files that you could come in. Around 2002 we started scanning these documents. There were people that filed electronically. All of the reports are--are now available, and have been for several years, online, so that any--any member of the public that has a computer doesn't have to come down to the State Board of Elections; they can actually view those online.
Q Are--are all of these documents in fact available at the State Board's Web site?
A All--not only the reports but any--any documentation that a political committee files with us in on--is on--should be on the Web site. Any--any letters, any correspondence from the--the campaign, those--those documents are also available.
Q Why does the State Board make all of those available on the Web site?
A Well, because probably the greatest reason for

campaign-finances regulations is to provide disclosure to the public. And so if the public is not able to have access to these reports, then we're kind of defeating our purpose.
Q All right. And do I understand correctly that for any period represented by one of these disclosure reports, that the committee should be reporting all contributions received by the committee for that time period?
A All contributions received.
Q All right. Before we go back to the investigation, let me turn your attention. There are three CDs, I believe, in front of you that are marked Exhibits 17A, 17B, and 17C.
A Yes.
Q Do you recognize those?
A I do.
Q Can you identify what they are?
A These are copies of all bank records that we obtained from First Citizen's Bank, Coastal Federal Bank, and Bank of America.
Q Did you prepare those CDs?
A My staff did under my direction.
Q All right. And do those CDs contain all of the

account information that you looked at in this investigation, bank-account information?
A It does.
Q Okay. All right. Going back to the investigation itself. I believe you said you and your staff began comparing what you were finding in the bank-account records and the checks with the disclosure reports?
A Correct.
Q Can--can you describe a bit of that process?
A Well, it--it's usually a little bit--the process is usually a little simpler than this time, because what we usually do, when we have the accounts, we're able to take the accounts--the account that has been on--on file with us, compare it to see what's been reported, what hasn't been reported.

In this situation, we were dealing with multiple accounts and accounts that we were not aware were--were out there. So what we had to do--the campaign accounts, we entered all of the contributions into a database so that we could then compare those to the reports that Representative Wright had filed. The problem came more with we had the personal account from which contribution

had also been deposited into, and this account also contained personal funds, obviously, funds that--that were personal deposits made by Representative Wright. So we--we then had to try to determine which contributions had been deposited to this commingled account to determine exactly what had been disclosed and what hadn't been disclosed.

The other issue that we were faced with is that his--in order to match contributions up--usually it's a pretty easy thing to look at a report, see the date that it's disclosed, look at the account to see if that's the--matches the date--the check in the--in the account. And--and usually we know that, you know, a check is probably may be received before--is--is going to be received before it's deposited. And--and you're supposed to re--report receipt of contribution, not deposit. So we know that your date's not going to be just right. It--it may be that you have received it earlier than it's deposited. But never you're going to deposit something before you've received it.

And what we were having problems with was matching up contributions that the deposit date

would--we would have a check that would show receipt after the deposit date. It may be in that amount. So we were having some difficulty matching up these contributions to make sure they were in fact the contributions that he disclosed.

So that--that was a ti--an area that kind of took us a little bit of time because we wanted to make sure if--even if Representative Wright had disclosed it incorrectly, we certainly wanted to make sure that if he disclosed it, we'd given him credit for disclosure. So that--that was a process that we had to go through.

Q And when you say "showed receipt," that you found in some instances that the deposit date was before what you had showed receipt?

A Right. On--on--on every report, you have to show the--the date of receipt, when you--when you receive the contribution. And what we would find in the bank account, that he would have a--a date of receipt that would be after the check was deposited. So it was difficult to know if that was the contribution he was referring to; had he received another one. But we tried to--to match those as best as we--best we could.

Q So when you say "showed receipt" or "showed date of receipt," that was shown on the disclosure report?

A Correct.

Q Okay. What in particular did you have to do with regard to the personal accounts in terms of deciding what was personal income and what was campaign income?

A That--that was certainly difficult. And what we--so what we decided--what we--to do to--to be, you know, as fair as we could, is any check that was written made payable to the Thomas Wright campaign was considered a contribution. If it was not made payable to the Thomas Wright campaign, we considered that a personal receipt and not subject to disclosure.

Q Were there other challenges that you came across in trying to audit this--these accounts?

A It--there--there were, because the--the other problem is--the contributions is one side of it, but that's just one side. The other--the other part of it is trying to determine what was required to be disclosed as far as expenditures. And the difficulty in that is when you have a commingled account that contains both personal and campaign

funds, which expenditures are subject to disclosure?

Certainly if there is an expenditure made out of any account that was for a campaign purpose, that's going to need to be disclosed. But also if campaign funds were utilized to make any other expenditures, those expenditures are also subject to disclosure. So we were tasked then with trying to determine which expenditures--certainly everything in a campaign account, no matter what it's spent for, is subject to disclosure, because all those are campaign contributions that have come in to make those expenditures.

But the--the difficulty here was with the personal account. We were trying to determine which--which of these expenditures was he needing to disclose, even if it wasn't a campaign expenditure, even if it was a personal expenditure that might have been paid with campaign funds.

Q Okay. How many people did you have working on this investigation?

A Well, initially, because when the complaint came in, we--and we had multiple bank accounts. We--and--and actually at this time, we'd just gotten

several new staff members. So we had probably four or five people that were working on making sure this data was put in so that we could do comparisons in order to get ready, because we--we received these--most of these records we didn't receive until March. And so we had a hearing in May. So there was a--certainly not an awful lot of time to review and get this information ready.

Q And when you say you received them in March, that's March of 2007?

A That's correct.

Q When you say, We had a hearing in May--

A There was a hearing. There was--it was determined fairly early on that when we saw the magnitude of contributions that had not been disclosed, expenditures that had not been disclosed, and the complaint that had been filed, it--it was--it--the contributions in question from the Sims Hugo Neu in particular had been deposited in--in April of 2006, and they were not disclosed until the third quarter. So we knew that there had been a deposit.

There had been several people that had been interviewed so that we could try to determine when--when Representative Wright received these

contributions. And so we felt that there were certainly issues that we could not handle administratively and that--and the Board decided to hold a hearing.

Q Right. So that was the State Board of Elections that held the hearing in--

A Correct.

Q --in May? All right.

Does the State Board of Elections always hold hearings to deal with complaints where someone alleges that--a failure to disclose campaign contributions?

A No, no, no. There are--we--we receive a lot of complaints, and some complaints--there are some that allege failure to disclose. Sometimes when we do an investigation, and even if that person has failed to disclose one or two contributions, if it is--if we determine that it was, you know, a mistake, inadvertent, usually these things can be handled administratively by amending reports. It--it's a different situation when we believe that it was intentional, when--when someone is trying to keep disclosure from the public.

Certainly everybody makes mistakes, and

we certainly understand that. And our job is to--to make sure people get into compliance. It reaches the State Board level when it is--a determination is kind of made on the staff level that these may not be mistakes, that there may be intentional reasons for--for the nondisclosure.

Q And who would make that decision on the staff level?

A Well, in--initially that would be my decision. I would certainly definitely have to consult with our executive director, who would have to agree, and then the Board would be contacted to make a determination if they wanted to hold a hearing based on the findings of the staff.

Q And when you have to make that determination--you may have described this, I think, already to some degree--what criteria do you--do you use to determine whether it should go to the State Board or whether it can be handled administratively?

A Well, there--there are a multitude of different kinds of complaints that come in. But generally a nondisclosure issue would be when we have reason to believe that--that there is a pattern of--of nondisclosure that is simply not by mistake.

That--that's part of the criteria. If we believe that there is willful conduct, that is another reason that we would decide to hold a hearing instead of trying to--to handle that administratively.

Certainly we have people all the time that--that--if you look at our Web site, you'll see people that file amended reports all the time for things that they forgot on a report. And those are appropriate ways to handle when you--when you make a mistake. And so certainly we understand that.

But when--when it looks like it's risen to a level where it's not a mistake, that is when a complaint's going to reach the State Board.

Q Okay. And so did you in fact make a determination in this case that it should be submitted to the State Board?

A Yes.

Q Did you--at the conclusion of the investigation and in preparation for the State Board hearing, did you come to any conclusion about whether or not the Thomas Wright campaign had failed to disclose campaign contributions?

A We did. One of the things that we prepared for

Board was the Board wanted to look at the issue of nondisclosure. So we did prepare information on those contributions.

Q All right. Let me ask you to look at Exhibit 15.

A Excuse me just a second.

Q Yeah, pour yourself some water, and then look at Exhibit 15.

A Okay.

Q All right. Can you identify that document?

A This is a spreadsheet of nondisclosed contributions. These are not expenditures, just contributions.

Q And do you know how this spreadsheet was prepared?

A I do. This spreadsheet was actually prepared after the State Board's hearing. There was--there was a similar spreadsheet that was prepared for the hearing. This was after the hearing, when we--when the--the--the complaint--or when the Board heard this, they referred this to the Wake County District Attorney. And in order--and ordered that we comply with--cooperating with the District Attorney's office in providing them with any information they needed.

They requested that we provide a

spreadsheet of all nondisclosed contributions. So in order to do that, we went back to our spreadsheet from our hearing, and we wanted to verify that those contributions were in fact--should be sent over. So this list were the contributions that were reviewed after the hearing and determined to be nondisclosed.

Q And did you prepare the spreadsheet?

A Staff did under my direction.

Q All right. So does this spreadsheet represent the information that was taken from the bank accounts that are on the CDs you have in front of you?

A It does.

Q And comparing those to the disclosure reports?

A Yes.

Q And would it be fair to say, in essence, the purpose of this spreadsheet was to note all contributions found--or--all contributions found in the bank accounts that are not reflected on disclosure reports?

A Correct.

Q All right. Does this spreadsheet contain any disclosures--I mean--excuse me--any contributions that were disclosed in the wrong reporting period?

A There are certainly--a lot of the contributions that were disclosed were disclosed in a--in a different re--reporting period than they would have been required to. May--these are--these are nondisclosed. So, excuse me, they haven't been disclosed. I'm sorry.

Q That--that--yeah, that's what I want to make sure I understand. On this spreadsheet--is it correct that this spreadsheet is limited only to contributions that were never disclosed?

A Exactly. There--there are no contributions on here that were disclosed on any report-

Q Okay.

A --filed with our office.

Q Okay. And does it show on the spreadsheet what the total of those contributions is?

A It does.

Q And what is that total?

A It is one hundred and eighty-five thousand dollars ($185,000).

Q All right. Excuse me.

MR. PETERS: Mr. Chairman, at this time, we would move to introduce Exhibits 15 and 16A through 16G.

A I would like to say that there--

THE CHAIR: No, no, no, no.

A Sorry.

THE CHAIR: No. Any objection, Dr. Joyner?

PROF. JOYNER: I believe 16A through 16G have already been introduced.

THE CHAIR: They were identified, but I don't--

MR. PETERS: I think we've referred to--identified them, but I don't--

THE CHAIR: But for evidence--

MR. PETERS: --think we've introduced.

THE CHAIR: Admitted yet. They were--they didn't ask to admit yet.

PROF. JOYNER: Well, I--I have no objection to 16A through 16G. I would object to--for the record, to six--to 15.

THE CHAIR: All right. And the basis for the objection?

Well, let me do this. On 16A through 16G, they are admitted without objection.

And the basis of the objection of 15?

PROF. JOYNER: Not been able to

authenticate these entries--the individual entries that--that are here.

THE CHAIR: All right. Mr. Peters?

MR. PETERS: Mr. Chairman, I think Ms. Strach has testified that this is a business record that was prepared under her supervision, and also that it provides a summary of bank accounts that were provided to her office, some under subpoena, some with authorization from Representative Wright, and that this summarizes those bank accounts which Representative Wright--we--we have provided him with those--that account information so that it could be checked.

THE CHAIR: The objection is overruled. Exception is noted. And to the extent that there may be any error, obviously, the underlying data is now available through comparison between 17A and 16A through 16G. And--but--but with that--am I correct on that?

PROF. JOYNER: Yes.

MR. PETERS: 17A through C.

THE CHAIR: 17A through C. I'm sorry. So the objection is overruled.

MR. PETERS: Thank you.

THE CHAIR: And 15 is admitted.

MR. PETERS: Thank you.

PROF. JOYNER: Now--

THE CHAIR: Just so we're clear, 15's admitted. 16A through 16G is admitted. We've not received a motion to admit 17A, B, C.

MR. PETERS: Correct.

THE CHAIR: Okay. Thank you.

For the Committee members, 17 are the CDs, CDs.

MR. PETERS: That--that's why they're not in the notebook.

Q (Mr. Peters) Ms. Strach, looking again at Exhibit 15. Is--is there a reporting period in there for which you do not have undisclosed contributions listed?

A No.

Q So perhaps a better way I could have phrased that is is there a reporting--based on your investigation, was there a reporting period between 2000 and 2006 where Representative Wright's campaign disclosed all contributions that were required to be disclosed?

A There was not--there was not a reporting period

that he--that he reported all contributions that he was required to report.

Q All right. The Committee now has these before them, but I'd--I'd like for you to take a look at at least a couple.

A I would--I would like to say that there are three contributions that should not be on this spreadsheet.

Q I was going to go through that, but we'll--

A Sorry.

Q We'll go ahead--we'll go ahead with that. We'll go ahead with that.

Have you had any occasion since preparing this spreadsheet to review it?

A Yes.

Q Okay. And--and what have you determined in that review?

A Well, in preparation for this proceeding and--and the criminal proceeding, I--I did go back and review every entry on this spreadsheet. And there were three entries that were determined to have been disclosed. And--

Q Can you identify them?

A I can. There was a contribution--and I'm not sure

which page it's on. But it was from Thomas H.--Thomas Wright, and--and it was in the amount of two hundred dollars ($200). This is a Thomas H. Wright, III. It is not Thomas E. Wright. When it was initially data entered, the person data-entering that assumed that it was Representative Wright, and it was put in as Thomas Wright and was actually Thomas H. Wright. When we went back and looked at the check, we saw that it was a different contributor, and he had, in fact, disclosed that contribution.

Q And--and that was a contribution for two hundred dollars ($200)?

A It was a contribution for two hundred dollars ($200).

Q All right.

A And I--it's on the second page. Its deposit date was 5-3-2000. You'll see it's in there as Thomas Wright.

Q Is that around the middle of the page?

A It is.

Q And--third quarter of 2000?

A Yes.

Q All right. And--

A Second quarter--
Q I think you said there were two others?
A Actually the second quarter of 2000.
Q Oh, I see. I'm looking the wrong way.
And I believe you said there were two others?
A There--there are--there was a contribution from Carl Marshburn in the amount of one thousand dollars ($1,000). That was also disclosed. It was disclosed in a different reporting period, but it--it was disclosed. And I'm not sure which--where that is. But I--I can locate it.
Q That last name was Marshburn?
A Marshburn, Carl.
THE CLERK: It's on the last page, Page 10--Page 9, towards the top of the page.
THE CHAIR: Page 9, about ten items down.
MR. PETERS: Yes.
THE CHAIR: Page 9.
A Page 9, yes. It's 9-15-2006, 2006 third-quarter-plus report. It--it was actually disclosed on the fourth quarter.
Q (By Mr. Peters) And--
A And then there was one more that was a three-

thousand-dollar ($3,000) Thomas Wright campaign. It was an account transfer, which--account transfers are subject to disclosure as contributions. That had also been disclosed.
Q All right. Now, there are a number of entries on here, I believe, for the Thomas Wright campaign; is that correct?
A Correct.
Q And why would those entries be on here?
A Well, this was--this was actually another challenge that we--we had. When trying to determine--we--we had these undisclosed transactions, and we were trying to characterize them best as we could of what--how they should be categorized, contributions, expenditures. There were--there were checks that were written from a campaign account to Thomas Wright personally. And some of those checks were cashed or--they were cashed, and--and we--certainly we don't know what--what he did with those. Those would be considered expenditures.
There were certain checks, the checks that you see on--on this spreadsheet, where a--a check was written to Thomas Wright. He--he

directly with that check deposited into his--the commingled account, an account that had not only--it had campaign contributions in it, as well. And so what was happening is we had campaign contributions that were subject to disclosure. We had expenditures. There were some campaign expenditures that were being made from this account.
And so in order to provide disclosure and not double that exclo--disclosure by calling it an expenditure and then looking at all these expenditures, it was more of account transfer, because this account kind of became a campaign account. It was his sole campaign account at one time. So by it being an account transfer, it--it--every committee that has more than one account, by definition, transfer of funds must be disclosed so you can see when--when committees are moving money from one account to the other. So these--these contributions, as they're listed here, these transfers were never disclosed, should have been disclosed. And therefore, they're--they're listed as contributions.
Q And when you say "by definition"--

A By statute.
Q --"transfers must be disclosed," is that a statutory definition?
A It is. It's in the statutory definition of contribution.
Q And do you, off the top of your head, know what the citation for that statute is?
A I happen to know. It's--it would be North Carolina General Statute 163 dash 278 point 6, number--open paren., 6, close paren.
Q Thank you. When the State Board held its hearing in May, did you testify in that hearing?
A I did.
Q Did you testify at that time regarding undisclosed campaign contributions?
A I did.
Q I believe you said that was before you had prepared the spreadsheet that is Exhibit 15?
A Correct.
Q So what was your understanding at that ti--at the time of the Board's hearing in May, before you had prepared this spreadsheet, what was your understanding of how much money of campaign contributions had not been disclosed?

A At the hearing?
Q Yes.
A At the hearing, I testified that there were over two hundred thousand dollars ($200,000) in contributions that had not been disclosed. And the Board made--I think probably made findings on that. And--and the contributions that were included in that initial amount--we went back, as I said, trying to determine what needed to be turned over to the Wake County District Attorney's office. Some of the entries that were on there, when we looked at the checks, they were in the commingled account, and they had not been made out specifically to the Thomas Wright campaign. They just had _Thomas Wright._ So we--we didn't want to include those. We--we considered those personal.
There were some that we saw that--that had been disclosed. There were some data-entry errors. I think we had a couple of duplicates. So those--that amount that the Board was amended after--after the--the hearing.
Q All right. When you testified to--to that--the amount being over two hundred thousand dollars ($200,000), was Representative Wright present at

the hearing?
A He--he was present.
Q Was he represented by counsel at the hearing?
A He was represented by counsel.
Q Has any ti--at any time since that hearing, has Representative Wright contacted you to inquire about the campaign contributions that you said had not been disclosed?
A No.
Q Has his counsel contacted you?
A No.
Q Ms. Strach, let me ask you to look, please, at Exhibit--Tab Number 7. Do you recognize that document?
A I do.
Q What is it?
A It's a check from Anheuser-Busch in the amount of five thousand dollars ($5,000) made payable to the Community's Health Foundation.
Q Do you recall when you first saw that--
A I do.
Q --document? When was that?
A Upon receipt of the bank records, it's usually customary for me--I always go through--I look

through to see if any red flags jump out at me, business contributions, things of that nature. I actually received these records and was looking through them and saw this check in--in the commingled bank account.
Q And the--by _the commingled bank account,_ do you mean Representative Wright's personal account?
A It's his--right, the personal account.
Q Why did it jump out at you?
A Well, because, first of all, it was from a corporation. And, second of all, it was not made payable to the Thomas Wright campaign or to Thomas Wright. It was made payable to an organization I wasn't familiar with.
Q And why would the fact that it was a corporation make it jump out at you?
A Well, because this account contained campaign contributions. That's something we need to be aware of--is--because political committees may not accept any corporate contributions in any amount.
Q Are you able to tell from looking at that check or looking at--at Exhibit 7 when that check was deposited?
A Yes. This check was deposited August 11th, 2004.

Q How can you tell that?
A The capture date at the top is going to show when it was deposited. Also, on the back of the check, if you can read it, there's an 8-11-04. That's going to be the date of deposit, the Bank of America deposit--it was deposited.
Q Okay. And when is the date on the check?
A The date is March 5th, 2004.
Q All right. Let me ask you to look at Exhibit 10.
A Okay.
Q Do you recognize that document?
A I do. It's a check from AstraZeneca Pharmaceuticals in the amount of two--twenty-four hundred dollars ($2,400).
Q And when did you first see that check?
A At the same time I saw the--the--the Anheuser-Busch check, shortly after--or actually in that same deposit, this check.
Q Does that mean it was deposited the same day?
A It does. It--the deposit slip would reflect that.
Q And how--is there a way you can tell by looking at this document?
A Yes, the capture date. And also on the back of check, the--you can see visibly "8-11-04."

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Q All right. And if you'll look at Exhibit 13.
A Yes. This is a check from AT&T made out to the-- made payable to the Community's Health Foundation. It was also discovered--`cause it has--it was deposited July 26, 2004. So this is probably the first check that I--that I--that I identified.
Q And again, are you able to tell by the same means when this check was deposited?
A Yes, through the capture date and on the back of the check.
Q Okay. When you saw these checks made out to the Community's Health Foundation, did you take any action in response to that?
A Yes. I certainly wanted to first find out what was the Community's Health Foundation. We had--had difficulty with fi--with getting the bank account. So I wanted to see what this was. So I--since it was a foundation and it had a Wilmington address, I looked on the Secretary of State's Web site and saw that it was--that Thomas Wright had been the incorporator and was one of the--the--the president, I believe.
Q What specifically did you look at at the Secretary of State's Web site?

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A The articles of incorporation.
Q You found those on the--
A Found those--
Q --Web site?
A Found those online.
Q Let me ask you to look at Exhibit 1.
A Yes.
Q Can you identify that document?
A This would be the Articles of Incorporation that I saw online.
Q And did you print them off?
A I did.
Q And--and save them in your file?
A Yes.
Q Okay. Did you take any further action to follow up on the Community's Health Foundation?
A Yes. Because these were checks that had been deposited in this account made payable, that was an account we certainly wanted to look at and see if there were possibly campaign contributions may have been deposited in that account. So I contacted Representative Wright's counsel, Mr. Brook, Chris Brook, and told him that I would like to look at those records; would Representative Wright

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authorize me to do so? And he said he would. And so he authorized us to get the bank records for the Community's Health Foundation.
Q Okay. Did you take any other action there to follow--to understand better the Community's Health Foundation or to investigate it?
A Well--well certainly--I mean, we certainly wanted to get the--the bank records and see what--if there had been any activity in that. So upon receiving those, that's what we were trying to--to do is see where any contributions had been deposited in that account.
Q Okay. I believe you testified earlier that Representative Wright came into your office after you had sent notice of the--of the complaint, the Joe Sinsheimer complaint?
A He did.
Q And met with you?
A He did.
Q Was that the only conversation you had with him while you were investigating this matter, or did you have other conversations with him?
A That was the only conversation.
Q Did you have other conversations with his counsel?

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A I did.
Q Between that time and the hearing?
A I did.
Q Do you recall how many conversations you had?
A I had several. Most of them were related to obtaining documents, author--getting authorizations. There were a couple conversations where Mr. Brook would call to--to find out status on when the hearing was and subpoena proc-- subpoenas and--and that nature. Those--those really were the--the--the gist of any conversations I had with Mr. Brook.
Q Okay. I believe you testified earlier that when you met with Representative Wright in January of 2007, that he indicated he would have to get information about his treasurer to you because she had the accounts. Am I correct in that?
A He said she had--she had the records that we would need to look at, that--`cause I--I told him--as I said earlier, he--he--he said he wanted to--to resolve the complaint; what would he need to do to resolve the complaint? And I told him we would need to look at his bank records from that time period. And he told me that his--he--his treasurer

maintained those records, and we would have to get them when she was available.

Q And when you told him you needed to look at the records for that time period, did you make clear that the time period you were talking about was 2006?

A I did, because we actually specifically talked about the complaint. I asked--I asked Representative Wright at that time. I--I said, "Do you remember when you received these contributions? It's been alleged that you received them, and you disclosed them much later." And he--he at that time told me that--actually he told me that he thought he remembered on the way--driving to my office that he--where he had received those. So yes, we talked about them being the--right before the 2006 primary and--so yes, he knew--he knew at the time.

THE CHAIR: Let's stop for one minute. And I'm--I said I wasn't going to take a break, but let's just--I think we're going very fast. And being a Yankee, I can relate to that. But we need to slow--slow down just a bit. Let's all catch our breath for a minute and take about a five--no-more-

than-five-minute recess just to--to break. So we'll--we'll be back in five minutes. Thanks.

SEVEN-MINUTE RECESS

THE CHAIR: All right. Thank you very much. Back with you, Mr. Peters.

MR. PETERS: Thank you, Mr. Chairman.

Q (By Mr. Peters) Ms. Strach, I believe before the break, I was asking you about your meeting with Representative Wright in January of 2007? And--and I--and I believe you said that in that discussion, it was clear that the bank records you were talking about needing to look at were from 2006?

A Yes.

Q And the response that you got from Mr.--from Representative Wright, if I'm correct, was that he would need to get to you the information of the treasurer, because she would have all those bank records; is that correct?

A Yes.

Q When you actually received the bank records, was there a campaign account active in 2006?

A No. The only account that he had during 2006 was

his personal account.

Q And how long had it been since there had been a campaign account active?

A I think it--since June of '05.

Q Okay. Do you know--had you ever had any contact with Representative Wright concerning the disclosure reports prior to January of 2007?

A In 2002 was the only other time I've had conversations with Representative Wright about disclosure. In 2002 we--we had some issues with Representative Wright not filing any reports in 2002. And it--the--after the election, one of the--the conditions of getting a certificate of election from our office is that you were in compliance with filing all the required reports. So Representative Wright at that time couldn't receive a certificate of election. So we had made--tried to make contact with him. We--we did--did make contact with him. And I recall Representative Wright--he came into the office with the required reports, and we sat down in our executive director's office and discussed--discussed his filings so that he could then receive a certificate of election.

Q And so did he in fact file disclosure reports for 2002?

A He did file. He did. He--he filed all the--the delinquent reports at that time.

Q And are those the reports that are Exhibit 16C?

A Yes. And--and those reports reflect the date they were received, November 21st.

Q All right. When you did your audit last year of the bank accounts and of the disclosure reports, did you find that these disclosure reports were accurate?

A They were not.

Q Okay. Do you know--well, first off, with the first quarter--let's see here. For the first-quarter report, can you tell from looking at that--

A Did you say 16C?

Q --yes--

A Okay.

Q --16C--what the total contributions would be that were disclosed?

A Right. He disclosed receipt of five hundred dollars ($500) in contributions.

Q Okay. Do you know the amount--based on the spreadsheet that is Exhibit 15, do you know the

amount of contributions that was not disclosed for that quarter?

A Well, I--our--the bank records reflected that during the first quarter of 2002, he deposited eleven thousand four hundred and fifty dollars ($11,450) in contributions.

Q And he reported five hundred dollars of that?

A Yes.

Q All right. With the second quarter of 2002--again that's Exhibit 16C--do you know how much was reported for that quarter?

A He re--he reported eighteen thousand one hundred and twenty-five dollars ($18,125).

Q And what did your review of the bank records show should have been reported for that quarter?

A Twenty-two thousand six hundred and sixty-six dollars and twenty-five cent ($22,666.25).

Q All right. Was there an interim report in 2002?

A There was.

Q All right. And what amount was disclosed on that report?

A He disclosed five hundred dollars ($500).

Q And what did the bank records show should have been disclosed?

A Five hundred and fifty, so just fifty dollars.

Q Okay. What about the third quarter of 2002?

A The third quarter, he--he disclosed receiving no contributions.

Q And did he in fact receive any contributions?

A He did, two thousand two hundred dollars ($2,200).

Q Were there other quarters or other reporting periods where Representative Wright disclosed receiving no contributions?

A He did in the second quarter of 2004. He disclosed receiving no contributions.

Q And what did the bank records show were actually received in the second quarter of 2004?

A Twenty-eight thousand five hundred dollars ($28,500).

Q And none of that was disclosed?

A None was disclosed.

Q All right. Were there any other quarters where nothing was disclosed?

A I believe those were the only two quarters. There--actually there were three quarters. The 2003 mid-year semiannual report, he disclosed no con--no receipts, and he had received one thousand six hundred and twenty-five dollars and fifty-three

cent ($1,625.53).

Q Okay. To your knowledge, has Representative Wright ever filed an amended disclosure report?

A From 2000--and I--I'm just speaking for 2000. I--I'm not sure of prior to that. But 2000 to 2006--he's not filed any disclosure for the year 2007. But 2000 to 2006, there was one amendment, I believe in two thousand--I'm not--actually I'm not sure which year it was. There was one amendment, and it--it actually was not--it was--he had originally just filed the cover sheet to the report, and when he amended it, he actually filed the--the details of the report.

Q And did you say no campaign reports have been filed for 2007?

A No--no campaign reports have been filed for 2007.

Q Should campaign reports have been filed in 2007?

A Yes. There should have been a midyear report and a year-end report.

Q Okay. Now, I believe you testified earlier as to the criteria you generally apply in determining whether a complaint should be forwarded on to the State Board of Elections for hearing after an investigation. Specifically with this complaint

and the investigation that you had overseen, why did you decide that this should go to the State Board of Elections for a hearing?

A Well, as I said, there were--there were multiple reasons stemming from the allegations in the complaint. There were some receipt of some business contributions. But really the--the main reason is that certainly in--in my time at the State Board, I've never audited a committee that had this amount of nondisclosure. We audited committees that have less than three thousand up to million-dollar committees, and I've never seen this amount of disclosure that was is not provided.

Q And what--what conclusion did you draw from that?

A Certainly I thought something that the Board needed--

PROF. JOYNER: Objection. Objection to her conclusion.

THE CHAIR: Basis? I'm sorry. The basis of the objection?

PROF. JOYNER: Conclusion.

THE CHAIR: That it's her conclusion? All right.

Mr. Peters?

MR. PETERS: That--I--the--I've asked her why she decided it needed to be referred to the State Board of Elections, and I think that's relevant to that question.

THE CHAIR: Yeah, let's--why don't we rephrase the question? And then--`cause I'm not sure that was the question.

MR. PETERS: Okay.

Q (By Mr. Peters) What about the amount of contributions that you found to be undisclosed made you believe this should be referred to the State Board of Elections for hearing?

A Well, it was certainly--I certainly could not in my mind believe that it would be a mistake to file a report. And--and Representative Wright signs his reports. Some of those contributions, I mean, were in his own personal account where he made--personally made the deposits. So I certainly--the--the amount being well--at that time, you know, close to two hundred thousand dollars ($200,000), we thought, at least one hundred and eighty-five thousand dollars ($185,000) that had not been disclosed. And I certainly did not think--I thought that was not an error, not--not a mistake,

and the Board should--should definitely review that.

Q When you were reviewing--conducting your investigation and reviewing what you found in that investigation, since the original complaint had alleged--made allegations re--concerning contributions connected to Hugo Sims Corporation, did you make any determinations regarding contributions connected to Hugo Sims?

A Yes. Actually those contributions had--had been deposited. They had been disclosed in the third quarter. I think they'd been disclosed. The report had been filed seven or ten days before the general election. These contributions had been given prior to the primary. Likely we--I interviewed several people to try to determine when these contributions were received. The--the dates on the checks were Mar--between March and April, and the deposit was made on April 24th, 2006.

Q Do you recall who you interviewed?

A I interviewed the--the lobbyist for--couple of lobbyists for Sims Hugo Neu. One of the lobbyists remembered getting some contributions together and attending a fundraiser for Representative Wright at

the Democratic Party headquarters. And that's where he--he remembers delivering those checks. And that would have been in--in--in April.

Q In your review and your findings, did you note any other pattern, such as an identifiable group of contributors whose contributions were not disclosed?

A Yes. One of the other things that Mr. Sinsheimer's complaint talked about was bundling by the--by nurse anesthetists. And as--there was nothing illegal about nurse anesthetists' bundling contributions. That--that is permissible, though I--I did speak with a couple of the nurse anesthetists, and they advised me that they had made contributions, and--and I saw that they had.

But they--they gave me a list. And I also saw that they--they had made--he had disclosed between--around fifty-nine hundred dollars ($5,900) of contributions from the nurse anesthetists. They had actually had a fundraiser, and eighteen--they gave contributions in excess of eighteen thousand dollars ($18,000) at that fundraiser. And he--he failed to disclose thirteen thousand dollars ($13,000) of that.

MR. PETERS: If I could have one minute, Mr. Chairman?

THE CHAIR: Yes, sir.

MR. PETERS: Mr. Chairman, we don't have any further questions at this time. We would move to introduce Exhibit 1.

THE CHAIR: Any objection, Dr. Joyner, to Exhibit 1?

PROF. JOYNER: No objection to Exhibit 1.

THE CHAIR: All right. With no objection, Exhibit 1 is--is admitted.

All right. Cross-examination.

CROSS-EXAMINATION BY PROF. JOYNER:

Q Okay. Ms. Strach?

A Strach.

Q Strach. Let me just kind of ask some definitional questions first.

A Sure.

Q All right. When we're talking about now--during the period of 2000 to 2006, were there any amendments to the campaign reporting laws?

A Several.

Q Several. And in 2000, what contributions had to reported?

A All contributions had to be reported. All contributions, as long as I've been here, have always been reported. There was a threshold for reporting the identity of the contributor; but you still had to report receipt of that contribution, even if you didn't disclose the name.
Q And what was the threshold for reporting the identity of the person that provided that?
A It was one hundred dollars ($100) within the election cycle. So if an individual had given one hundred dollars ($100) anytime in the two-year election cycle of the term of the office, then if they didn't go over the hundred, then their name didn't have to appear on the report.
Q All right. And at some point, was that requirement amended?
A It was.
Q And when was that?
A I think it--it became effective January 1, 2007, that they lowered the I--the threshold for the reporting the identity to fifty dollars.
Q Now, with respect to those contributions of a hundred dollars ($100) or less, how would they have shown up on the report?

A In 2002 we actually have a form. It's called the aggregated individual contributions. And all it asked for is the date of the contribution and the amount of the contribution. It doesn't require the disclosure of the name of the--of the contributor.
Q So you'd have to list each individual date--
A Yes.
Q --and the total amount--amount of the contributions, or a designation for each contribution as it was made?
A A designation for each contribution as it was made. The--you would report it the same way as you would report any other contribution. The only information that would not be present would be the name of the contributor.
Q All right. So I'm meant to understand that if, in 2001, I received five contributions for seventy-five dollars each, that I have to list five times an unnamed contribution for seventy-five dollars?
A Technically yes. In 2002 was when the forms actually changed for this aggregated amount. Prior to that, the--the obligation was there; there was just one line on--on the old forms that required that. And you could give the total amount of

aggregated--or I guess they called them--at that time, they were called unitemized.
Q And at that point, you merely had to list the total amount of those contributions rather than itemizing each individual contribution?
A The forms only required you at that time. The forms were updated January of 2002 to require the itemization of each one of those.
Q And--and subsequent to this 2002 change in the--in the form, the reporting requirement on the form, did you not experience a lot of amendments for those forms for people who didn't understand that that was the method that they were to report those contributions?
A Certainly there were some people, when we first changed forms, that had filed amendments for various reasons. That probab--that could certainly have been one of the reasons why people filed amendments.
Q Okay. But you haven't gone back to--to--to--to check that?
A I--I--I haven't analyzed that.
Q Now, when you--when you talk about receipt of a contribution, what do you mean?

A When the committee receives the contribution--when they receive it, it's--that's the date of disclosure. Because sometimes--and--and I guess a good example is in larger campaigns, sometimes there will be people on behalf of the committee that receive a contribution. When--when that contribution has been received on behalf of the committee, that is the date that should be disclosed on a report.
Q Now, you--you had mentioned at some point this notion of bundling.
A Yes.
Q And bundling is where a number of people come together with different contributions, and they put it in--put those contributions in one stack, and then they give that contribution to the person that they're supporting or that committee. Would the receipt date be the date--
MR. PETERS: Excuse me. Objection. I believe that was a statement, not a question--
THE CHAIR: Well--
MR. PETERS: --as to the bundling.
THE CHAIR: I think he was trying to get to the question. But I--I understand that. I'll

let Dr. Joyner finish--I think we were getting to the question part.

Go ahead.

PROF. JOYNER: Well, it obviously wasn't a statement, since I don't know what this is all about. So all I'm doing is asking questions.

Q (By Prof. Joyner) But I--is--is--is that a fair description of what bundling is?

A Well, bundling--I think it is a fair--it's when individual--actually individual people write their own checks, and someone collects those checks to deliver them to the--to the political committee or candidate.

Q All right. And then what is the receipt date of those individual checks which much be reported on the form?

A It's--it's--the receipt date is when the per--someone on behalf of the committee receives those contributions.

Q So it is not the date that those individual checks are given to the collector but when the collector of those checks actually transfers that--those checks to the committee?

A Well, it depends on who the collector is. If the

collector is a campaign staff person, then that's the receipt date. If the collector happens to be someone that's not associated with the campaign but is just going to deliver them, then it would be when someone from the campaign received them.

Q Well--which is an interesting point. How--how--how would you know who the operable person or the appropriate person is to determine the triggering of the receipt date?

A I don't know. But it's certainly the treasurer of every committee--it's their responsibility to make sure they know when receipt of the contribution has been made.

Q So you, then, rely upon the reporter, the person who is providing you with the information, to identify the appropriate receipt date?

A Right, because they're required by law and by signing that report that that was the date that it was received on behalf of the committee.

Q And you would not be in a position to go back and determine, unless someone who was in the collection process came to you to report that they were a member of the committee and received it on a date other than what is on the report; is that correct?

A Correct.

Q Okay. Tell me about the--the amendment to report campaign reports. How--how does that occur?

A Anytime a political committee makes their own determination that a report is--has--has discrepancies, has omissions, has things that are not correct, then they at any time may amend a report to reflect what was missing or what shouldn't have been included.

So amendments usually generally happen really two ways. One is basically when someone determines themselves, when they're auditing their own committee and they decide, "You know what? I left out a contribution." Or the amendment process can happen if we have audited a committee, and we send you an audit letter saying, "It looks like you--you forgot to provide this information. Could you amend your report?"

Q So--and typically once a person or committee determines that--that an amendment is--is in order, then they can come in and amend the original report?

A Sure.

Q Even--well, is there a time frame?

A The sta--the--the--the statutes do not provide a time frame. Certainly if--if someone is aware that they have--need to amend a report, they would need to do it, because they're signing these reports as true and accurate, and if you realize the report is not true and accurate, you certainly need to amend it to change that.

Q With respect to the amendment process, is it necessary to get the approval from your office to amend that, or is that amended as a matter of course?

A It's certainly not--you--you can amend anytime you feel you need to amend a report. You do not need our permission or an invitation from us to--to amend a report.

Q All right. Is there a specific statutory reference which allows for the amendment of campaign reports?

A I--I don't think there is a--a statutory reference for amending reports. It's certainly--it's just based on--upon the fact that you're required to file true and accurate reports. And so we certainly allow amending if someone determines that they have made a mistake.

Q All right. So this is a--a policy decision made

the Board of Elections?
A Yes.
Q Okay. It's not a part of the statute; the statute doesn't say that in such-and-such a case, a committee can--can come in to amend a report up until such-and-such date?
A No--no.
Q Right.
A That's not there.
Q So this is a policy decision that's made by the Board of Elections?
A Right.
Q Administratively?
A Correct.
Q Okay. And--and it's not unusual for a committee to come in to amend a report?
A Oh, not unusual at all.
Q In fact, it happens more often than not?
A It--it happens very often.
Q Especially now?
A Yes, I guess that may be true.
Q Now, you had made references to some conversations that you had had with--in your direct testimony, conversations that you had had with Mr.--

Representative Wright's attorney--
A Yes.
Q --regarding his--his reports?
A Yes.
Q And was that Chris Brooks?
A It was.
Q Okay. And do you recall an occasion that Attorney Brooks came to you to ask if he could amend the reports that were the subject of your investigation?
A I
on the phone. He certainly wanted to know if--if Representative Wright could amend his reports. And I absolutely told him he certainly can amend his reports. That may not change the fact that we have a hearing, but he can certainly and should amend his reports.
Q Do--do you recall when--when that conversation was held?
A I don't specifically recall the date, but I know that it would have been, you know, sometime after it had been announced that we were having a hearing.
Q And that was a tel--your--your recollection, it was

a telephone--
A My recollection was a telephone call. I don't remember it being in person. It--it--it's entirely possible that it may have been, but I--I--I recall I--that it was a telephone conversation.
Q So then if--so no one told--well, that request, would it have been made to you or, to another staffer in your office?
A The request to amend reports?
Q Right.
A It could have been made to me. It could have been made to our executive director. I know Mr. Brook talk--talked to him, as well. I'm not sure of the substance of their conversation. I do know that I spoke with him. And I--I--I certainly think he may have certainly said that he--could Representative Wright amend. And I--I certainly told him that yes, he could.
Q And--and you don't have a recollection that--that Attorney Brooks was told that he could not amend?
A Oh, absolutely not. Like I said, he--if--if Rep--if--if Mr. Brooks was asking whether or not the amendment process would stop the hearing, it was not going to. But certainly he would not be told

that he couldn't amend reports.
Q So you don't have a present recollection that anyone ever told Attorney Brooks that he could not amend a report?
A No, and I--and I can't imagine in any circumstance that anyone on our staff would ever tell someone they couldn't amend a report.
Q You indicated that there were five separate accounts that--accounts that you filed under Thomas Wright's name during your investigation; is that correct?
A Yes.
Q And you mentioned a number of different banking institutions--
A Yes.
Q --which held these--these accounts. Was any one of these accounts open for the entire period of 2000 to 2006?
A Yes.
Q Which ones were those?
A It was not a campaign account. His personal account.
Q His personal account. Was this a Thomas--was this a joint account, or a sole account?

A It's a sole account.
Q Okay. And then there were a number of other personal accounts--
A Correct.
Q --that you identified as having commingled funds?
A Well, there was no--excuse me. There was the one personal account which has commingled funds. There was one account that was a joint account that I'd said that had been one campaign contribution deposited into. The other accounts were campaign. They were designated "Thomas Wright campaign."
Q So there were three separate Thomas Wright campaign accounts?
A Correct.
Q All right. And for what period of time were those three accounts open?
A The first campaign account was opened April 3rd, 2000, through November 4th, 2003. And then the second account, which would have been the First Citizens account, was opened April 23rd, 2004, through June 2005. So between 11-5-03 and 4-22-04, there was no other campaign account. And then on February 24th, 2007, there was a Thomas Wright campaign account opened at Coastal Federal Bank.

Q Now, the account opened at Coastal Federal Bank, is--is that--is that still open?
A As far as I know. it is.
Q Okay. And from 2005 to 2007, you say that other than the personal accounts, there was no campaign account open?
A As--as far as I know. And Mr. Brook advised me that he had provided me with all bank accounts.
Q All right. And 2000 to 2003, that was Bank of America?
A Yes, correct.
Q Is it unusual that campaign accounts would be--that several campaign accounts would be open over a period of time?
A It's not unusual if you have different treasurers. Sometimes a treasurer will want to have the campaign account at a bank that they are familiar with or do business with. So it's not unusual when--if a treasurer changes for that to occur.
Q Is it unusual that a campaign account would be changed because of the--the fees that are attached to it, and you can get a better rate at another bank?
A I've heard that, too.

Q --
and that happens quite often, does it not?
A I have certainly heard committees change--have heard from committees that change their accounts for that reason, yes.
Q Right. Because if the--if the account is open, then the bank is taking the money out of it?
A That's right.
Q Want to direct your attention here to Exhibit 15.
A Yes.
Q And dur--during--during the time--during the period of 2000 through 2002, you have listed as contributions not disclosed the names of any number of individuals that contributed a hundred dollars ($100) or less?
A Yes.
Q Is it--is it your rep--your--your testimony that the names for each of these one-hundred-dollar ($100) contributors should have been reported?
A Not necessarily the names. But the receipt of the contribution should have been reported.
Q And during that period of time, those items could have been listed in the aggregate?
A They could have been. But they still would have

been reflected on the summary page of--of a disclosure report.
Q If--if you have a report that lists off--lists the con--contribution from the Thomas Wright campaign--or from Thomas Wright to the campaign, would not that be an appropriate method of depositing those monies into the campaign account in the event that they were wrongly attributed initially?
A I'm not sure I follow what--could you--
Q All right. You--you--you called them transfers--
A Yes.
Q --here. And where the contributor--and I'm assuming that the check is made to the Thomas Wright campaign?
A No. The check would be written to Thomas Wright.
Q Well, let--let--let me--
A It was--that--that's the way it was designated on the sheet, on the--this spreadsheet. But when they--when you see "Thomas Wright campaign," the check was actually written to Thomas Wright. That's how we designated the transfer.
Q And it was written from whom?
A Was written from the campaign account to what er up going into another campaign account or accoun

that was used for campaign and personal purposes.
Q I want--I want to direct you to Page 4 of Exhibit 15.
A Okay.
Q The sixth and seventh line--
A Yes.
Q --on that report.
A Yes.
Q Both of those items identifies the contributor as the Thomas Wright campaign?
A Correct.
Q Now, is it your testimony that the Thomas Wright campaign wrote that check out and that the payee was the Thomas Wright campaign?
A That is my testimony because that's ended up what happened to it. It was--it was paid to Thomas Wright, but it was deposited--directly deposited into Thomas Wright--another account of Thomas Wright, that was utilized for both campaign and personal purposes.
Q And I guess my question has to do with the source of the three thousand dollars ($3,000) in one instance and one thousand fifty dollars ($1,050) in the other instance. And could not the explanation

for those two be that it was to place into the campaign account monies which had been improperly placed in another account? That's--
A No. No, that couldn't be.
Q Why couldn't it be?
A Becau--well, because--I don't think that could be, because these were--
Q Well, now, wait--wait a minute. It can't be, or you don't think it could be? Which one is it?
A Well, let me say why--why I don't think that it is. Because these were checks that were written out of a campaign account to him--to--that were made payable to him and then put into an account that was also used for personal purposes. So I--I guess what you're saying, did he take campaign contributions and put it into an account that was also used for personal purposes. And that--and that's why I don't think it would be a mistake for it to go that way.
Q Well, let me--and I'm--I'm trying to see, then, why this does not show up as a disbursement from the campaign account.
A Well, that--that is a--that's a good question. And I think--

Q Oh, thank you. I appreciate that.
A It's a good question. I--I--if we--as I said, we had--trying to determine what these transactions were. If the check was written to Thomas Wright and he cashed it, he did something else with it; we consider that a disbursement. We had an unusual situation with these checks, because they were not just going into a personal account. If it just went into a personal account, you are exactly right; it would have been a disbursement. It would have been an expenditure. It would only have shown up on that side. But here we had an--it was put into an account that was also--there were other campaign contributions being deposited into that account. There were expenditures being made that were also subject to disclosure. So if--if we designated that as an expenditure and then we've also designated the--the expenditures out of it, then we're going to double show expenditures, which are reportable.
Account transfers--there's no net gain to them.
Q Well--
A So they show up on the bottom of--of your report.

And that's why--that's why they're considered account transfers.
Q Well, let--let--let--you know, 'cause, I mean, I'm--I'm--I'm new to this political-campaign stuff. And I realize that you went through a major change in 2006. Or was it 2007?
A And--major change?
Q In the campaign reporting, campaign ethics laws.
A There were certainly some changes then, but it--
Q But having to do with the--the use of funds from campaign accounts.
A The--you're right. In 2006 it--after October 1, there was the change that a candidate could no longer use funds for personal expenses. It could only be used for campaign purposes.
Q Right. That's exact--yeah, that's exactly what I'm talking about. And up until that time, it was not improper or illegal for a legislator--and many did--to use funds that came in for--entitled campaign funds for personal expenditure?
A I don't disagree with you; you're right. There--prior to October 1, 2006, a candidate could spend their money for any purpose they wanted to.
Q All right.

A But the catch--what--what--what stops a lot of it or stopped a lot of it prior to then is because they have to disclose it. They have to show the public that this is what they did with those campaign ex--contributions. And that's why--I think if you were to look at our database, you wouldn't see a lot of candidates that wrote checks for personal purposes, because of the disclosure requirement.

Q But writing a check from the campaign account into a personal account--into a personal account, why would not that be designated as a transfer from the campaign account to that person's personal account?

A Because there were many--there were several periods of time or--that that personal account was the only campaign account. It was serving as a campaign account. It no longer was a personal account. Yes, it had personal funds--and actually, you know, if it was a campaign account, everything in it would be subject to disclosure. We only included those things that were designated to the Thomas Wright campaign. No other campaign account is allowed to take any--any contribution from any source, and as long as it's not written to the

campaign, they can utilize it. That's why it was a difficult situation for us to audit. But we--this is how we tried to certainly give Representative Wright the benefit of the doubt.

PROF. JOYNER: Mr. Chairman, can--

THE CHAIR: Sure.

PROF. JOYNER: Can--can we break now?

THE CHAIR: Yes. Rep--we're--we're promoting you twice today.

Dr. Joyner asked earlier, and I indicated--he had a conflict this evening, and so do several members, af--that they need to leave by four o'clock. So we're going to end in a minute and head into break, overnight recess until nine. I just--I need to--`cause I want to review some things, I need to ask a couple questions of the witness so I'm sure I got what I need.

Let me just see if I understand. On Exhibit 15 that you're looking at, please.

THE WITNESS: Yes.

THE CHAIR: Where it says "deposit date," that's the date that it was deposited into that particular account, regardless of its receipt date; am I correct?

THE WITNESS: Correct.

THE CHAIR: All right. So the receipt date has nothing to do with that date?

THE WITNESS: We don't know when the receipt date was.

THE CHAIR: Got it. All right.

And I also want to make sure that for any time prior to 2002, didn't need to name the person who made the hundred-dollar-or-under contribution, but you had to list it in--individually or in the aggregate?

THE WITNESS: Correct.

THE CHAIR: And that would show up on the disclosure report?

THE WITNESS: Correct.

THE CHAIR: But for after 2002, you had to list the name, the--at least up to--you had to list the name, as well as the amount--

THE WITNESS: No--

THE CHAIR: --up to the fifty--or the fifty dollar--

THE WITNESS: No. After 2002 the forms allowed you--it--it provided you a form where you didn't have to provide the name, but you had to

provide--

THE CHAIR: Provide the date--

THE WITNESS: --the date and the amount.

THE CHAIR: Okay. And then that changed several years ago, last year, to fifty dollars?

THE WITNESS: Correct.

THE CHAIR: Okay. I--

REP. STAM: Are we sure that that wasn't just for--Mr. Chairman?

THE CHAIR: Representative Stam.

REP. STAM: Wasn't that just if you received cash?

THE WITNESS: No, no. It--it's--it's both. It's--it's--that is now the threshold for reporting a contributor is over fifty dollars.

THE CHAIR: Okay.

THE WITNESS: That changed to the cash--

THE CHAIR: Thanks. No other--I just needed to clear that in my mind. All right.

I think just--anything I need to--anything Counsel needs before we recess till--till nine in the morning?

Mr. Reagan, anything we need to cover?

All right. Again I remind all the

members of the Committee on the note I've given before and the instruction I've given before about overnight recess.

Thank you. We'll see everybody at nine o'clock.

(WHEREUPON, THE PROCEEDINGS WERE ADJOURNED AT 3:57 P.M.)

ALSO IN ATTENDANCE

Rep. Thomas E. Wright
Prof. Irving Joyner, Counsel to Rep. Wright
Mr. Douglas Harris, Counsel to Rep. Wright

Mr. William Hart, Outside Counsel to the Committee
Mr. Alexander Peters, Outside Counsel to the Committee

Ms. Carin Savel, Committee Clerk

Mr. O. Walker Reagan, Staff Attorney
Ms. Kory Goldsmith, Staff Attorney
Mr. Brad Krehely, Staff Attorney
Ms. Heather Fennell, Staff Attorney
Ms. Denise Huntley, Research Assistant
Ms. Amanda Smith, Research Assistant

STATE OF NORTH CAROLINA
COUNTY OF WAKE

CERTIFICATE

I, Holly McGhin, a Notary Public in and for the State of North Carolina, duly commissioned and authorized to administer oaths and to take and certify hearings, do hereby certify that these proceedings were held before me at the time and place aforesaid, that all parties were present as hereinbefore stated, and that the record as set forth in the preceding Pages 2 through 177 represents a true and accurate transcription of the proceedings, to the best of my ability and understanding.

IN WITNESS WHEREOF, I have hereto set my hand, this the day of March 2008.

Notary Public
Notary Public No. 200424500712

My Commission Expires 9-7-2009

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THE GENERAL ASSEMBLY OF THE STATE OF NORTH CAROLINA

MEETING OF THE HOUSE SELECT COMMITTEE
TO INVESTIGATE ALLEGED MISCONDUCT AND OTHER MATTERS
INCLUDED IN INDICTMENTS REGARDING
REPRESENTATIVE THOMAS E. WRIGHT

TRANSCRIPT OF THE PROCEEDINGS

(Volume IV)

March 6, 2008

THE SELECT COMMITTEE:

Rep. Rick Glazier, Chair
Rep. Paul Stam, Vice-chair
Rep. Marvin Lucas
Rep. William McGee
Rep. Edith Warren
Rep. Laura Wiley

COPY

In Raleigh, NC
9:25 A.M.

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Rep. Laura Wiley

In Raleigh, NC
9:25 A.M.

Reported by:
Holly McGhin

THE CHAIR: All right. We are called back into session.

PROF. JOYNER: Mr. Chairman?

THE CHAIR: Ms. Strach--I'm sorry. Dr. Joyner?

PROF. JOYNER: My understanding is that Attorney Harris is tied up behind an accident in--somewhere between Burlington and Durham.

THE CHAIR: All right.

PROF. JOYNER: And I don't know what the status of clearing that is. He's traveling in from Greensboro.

THE CHAIR: All right.

PROF. JOYNER: So by way of explanation this morning--

THE CHAIR: Oh, I--I appreciate that.

PROF. JOYNER: --provide that information.

THE CHAIR: Thank you very much.

All right. Ms. Strach, you're on the stand, and we're still on cross-examination with Dr. Joyner. And--and, obviously, Ms. Strach, you're still under oath. Okay.

Whereupon,

KIMBERLY W. STRACH,

having been previously duly sworn, was examined and testified as follows:

CROSS-EXAMINATION CONTINUED BY PROF. JOYNER:

Q Okay. Ms. Strach, I'm--I'm not sure exactly where we left off yesterday, so let me just--just start arbitrarily at some point.

You indicated yesterday that the Board of Election had a--had--had a policy of allowing amendments to reports after they had--campaign finance reports after they had been--been filed; is--is that correct?

A That's correct.

Q And there was--and there has not been a time limit on the amount of time that those reports can be amended?

A There's not. And--and the reason for that is because if someone discovers something many years later, we still--they still would be required to amend that report to accurately reflect the disclosure.

Q That--that kind of flows from the--I guess the philosophy at Board of Elections that the primary purpose of the reporting is for the public to be able to know where the contributions are coming from and the amounts of those contributions?

A Sure. Yes.

Q Right. So in--in a sense, this is more kind of a regulatory information-gathering function than it is a punitive matter that--as--as you look at the requirements here?

A Certainly disclosure is a primary goal of our office.

Q All right. There--there is, for instance, nothing in the statutes dealing with campaign finance--campaign financing that authorizes the amending of reports?

A There's nothing specifically in the statute, no.

Q Right. And in fact, the statute speaks to the notion of reporting of contributions?

A It--in--it speaks to reporting, and it provides the schedule for the reporting.

Q Okay. Now, in--yeah. Yeah. And in addition to that, the statute does not describe a particular method for a political campaign to maintain

campaign funds; is that correct?
A It--it doesn't--it doesn't prescribe for a particular method, did you say?
Q Right.
A It--it--it doesn't. It requires, though, the listing--the disclosure of all those places that you choose to maintain.
Q Well, let--let me just ask. There's nothing in the statute, for instance, which requires that there be a dedicated bank account entitled "Politician's Campaign Funds"?
A No, there is not.
Q Right. And--and in fact, the statute would allow a person who is running for office to maintain one, ten, fifteen different bank accounts?
A They--they could. Many committees have more than one account.
Q And there is no violation of the statute if an account in which campaign funds are kept also contains personal monies?
A There's no violation of the statute that that's in there. It's how the reporting of that is done is where we would run into problems.
Q Okay. Well, I--I--I understand that, but I just

want to--
A Okay.
Q That--that--the mere fact that there is a bank account and that bank account has funds in it, some of which are dedicated to campaign-finance matters and others dedicated to personal matters or even business matters, would not violate the statute?
A It would not violate the statute for those funds to be in--in one account. If that was--for example, if it was a--a candidate's personal account. There are--there have been candidates that have used their personal account. They disclosed it, and then they have to disclose what's in that account, because when you commingle funds, we have to be able to determine what expenditures--what funds paid for the expenditures; therefore, what is disclo--what is subject to disclosure.

So that's--that is why it is certainly not a good idea to commingle your funds--
Q Okay.
A --because if a business check gets put in there and it pays for something that is campaign, then that's where you have made--you have made a prohibited contrib--you've received a prohibited contribution.

Q Yeah. But--but what you're speaking to now, though, is convenience of oversight rather than what the statute requires?
A I guess I'm looking at practically--from a practical standpoint of why commingled funds shouldn't really occur.
Q Right. But I'm--but I'm saying your comments now speak, though, to your practical application of how you would like to see it done rather than what the statute requires?
A Right. As I said, there's nothing in the statute that says you can't maintain several different accounts.
Q Okay. I mean, that's the point I--I want--is that the--
A Right. And I--I--I acknowledge that.
Q Right. And the statute doesn't require that?
A Right. They just--
Q Okay.
A Right. It doesn't require you to keep a separate account.
Q Right. So the statute does no more than to require that at the designated time frames, that you accurately report, no matter how many accounts you

have, those funds that are campaign related?
A Yeah. Yes. But--but then it becomes a problem of determining what is campaign related. That's where we're going to--
Q Right, but that's another issue.
A Right.
Q Right. That's another issue.

REP. STAM: Speaker, could--could she be allowed to finish the answer when she's in the middle of an answer?

THE CHAIR: I will allow you to--is there more to your answer?
A The only thing I was saying is that the reason--if someone does that, they're going to--we're going to have to be doing an awful lot of auditing those bank records all the time to ensure compliance, and we would.
Q (By Prof. Joyner) Right. I--I--I understand that. Now I'm just trying to--to--to--to--to separate out what is legally required and what you deem to be good housekeeping practices. Okay?
A Okay.
Q Now, in--in--in addition to that, the statute does not require a particular wording for a contributor

to make contributions to someone who's running for office; is that correct?
A When you say "particular wording," for--
Q Right. If I was writing a check out to someone who was running for office, the statute does not require that I have any particular wording on that check?
A No, there's nothing in the statute that prescribes exactly how the check is to be written.
Q Right.
A It's--it's just--it should be written in a way that the committee realizes--knows that that check is designated. Now, there are--there is a statute that was added in '06 that talks about making sure--a treasurer must know that--a--a contribution has to be designated to that committee.
Q Okay. But that was a later requirement?
A Well, it's a later requirement, but it's--you know, it's--certainly some of the contributions we're talking about today would be under that, would--
Q Okay. All right.
A --be subject to that.
Q Okay. I understand. Prior to that, I could write out a check to the Alpha Omega Campaign Fund, and

that would suffice to be a campaign contribution; is that correct? If Alpha Omega was a person that was running for political office.
A Yes, if that was a person, then--and the check was made out to that, you could make it out--
Q Right.
A --to that.
Q But I could also make it out just to Al--Alpha Omega?
A You could. You could. And if it was given for a campaign purpose, then that would be subject to disclosure, yes.
Q My--my point, though, is that the designation that I put on the payee line is not mandated by the statute?
A What is put on the payee line is not addressed by the statute.
Q Okay. If I make it out to a named individual and then, in the explanation section of the check, say "political contribution," then it is easier to determine that that is a political contribution as opposed to a personal contribution?
A Correct.
Q Okay. And that's the good housekeeping stuff that

you're--that you're--you--you were making reference to?
A The good housekeeping stuff, the--when I--when we audit a committee and we see something that has been made out to just the candidate and there is no designation, sometimes that would call us to--to really get the intent of the contributor of how it was meant. Was it a campaign contribution? Was it meant personally?
Q Right. And that's--doing it that way might cause additional problems for you in your audit--auditing supervision and process?
A It could. It could. It--it certainly would cause more work for the auditing process.
Q But none of that would violate the statute?
A Not of--of it--well, none of what would violate the statute?
Q The designation or--the designation of the--on the payee line.
A If the payee line--just what's on the desi--what has been put on the payee line, you're say that wouldn't violate the statute?
Q Right.
A No, that wouldn't violate the sta--it's what done

with the contribution that may or may not violate the statute.
Q And the mere fact that campaign funds are commingled with personal funds, that fact would not violate the statute?
A Not the fact that they're commingled. It's--it's what happens after that that's probably--probably likely going to violate the statute.
Q Okay. And again, you just keep coming back to the notion of as long as it is properly designated on the report?
A Dr. Joyner, it's very difficult for me to say that it's not a problem to commingle account. Even though the statute doesn't specifically say there has to be a separate account, what happens usually when you have a commingled account, you're going to--you--there are going to be several statutes you're going to end up violating. And so it's difficult for me to--to say that.
But yes, there is nothing in the statute that says you cannot commin--have a--
Q My--my point---
A --account.
Q It would make it difficult for you in your auditing

process to be able to quickly identify those items that are campaign funds when--when you have a commingled account?

A Actually, my concern is not really for us. My concern is that usually when you commingle, it's the committee that's going to get in trouble, because they are going to spend funds with funds that they couldn't spend it with. And the commingling problem is going to end up being a problem for the committee. Yes, it's--it's a pro--it's--it's--it's work for us, but the end result's the problem for the committee.

Q All right. Okay. I--I--I understand. But it's--it doesn't violate the statute. That's--that's the point I'm trying to make.

Want to direct your attention to Exhibit 15 in--in--in the black book there. You indicated yesterday that there were a number of checks that you found in one of several accounts maintained by or on behalf of Representative Wright, checks that were written to the Thomas Wright campaign that were written on a check--or checking accounts from Thomas Wright; is that correct?

A You're speaking to what's been designated here

"Thomas Wright campaign"?

Q Yes.

A That--those are all instances where a check or a debit ticket or--was written from a campaign account and written to Thomas Wright. And then that monies directly went into another account that maintained campaign funds.

Q Okay. End result was it--it--it showed up in your--on this tabulation as an unreported contribution?

A Correct. Because--

Q Rather--rather than an unreported distribution?

A Correct. It could--if--if it did not go directly into that other account, we could certainly have called it an expenditure, because there were other checks that were written from the campaign accounts that went--that were written to Thomas Wright that didn't go into another account. We designated those disbursements.

But here we were. We had these--these set of contributions, sixteen thousand (16,000) or so, that went from a campaign account into this account that co--that had the commingled funds with campaign, and there were expenditures that were

being made. So in order for us to be able to properly designate what that transaction was, we had to determine it was a transfer. And by definition, a transfer should be disclosed as a contribution.

And it's designated on--on our sheet. We have a reporting form for that, account transfers. They're--they're--fall under the definition of _contribution._ But they don't inflate your--your actual bottom line. It's--it's disclosed on the--the summary page, but it doesn't inflate your contribution numbers. However, they're still transactions that are just as much required to be reported as any other contribution.

Q All right. Now, you--you list in this document eleven of those instances, do you not?

A I'll have to count them, if you'd like me to.

Q Okay. That's--that's fine.

A Eleven. And I think one of them we removed yesterday because it had been disclosed. There was a three-thousand-dollar ($3,000) one yesterday that was--was removed.

Q Okay. I--I thought that was different from those. I thought that was the other Thomas Wright, Sr.

A No, that was a two-hundred-dollar ($200) contribution from Thomas H. Wright, III, that was removed.

Q Well, anyway, I--I have el--eleven. I have eleven, which amounts to roughly in the neighborhood of twenty thousand dollars ($20,000).

A Right. And if you'd subtract the three, it's--my--my number was around sixteen thousand (16,000).

Q We can split the difference, right?

A Okay.

Q All right. Okay. But if we use the eleven figure, it's--it's roughly twenty thousand dollars ($20,000)?

A Yes.

Q You said one was removed and--

A Yes.

Q Okay. Now, on the back of that Exhibit 15, you indicated, did you not, that there were three checks found in one or more of those accounts that were made payable to the Community Health Foundation, did you not?

A Correct.

Q And you listed those here, AT&T, AstraZeneca, Anheuser-Busch. And that was eighty-nine hundred

dollars ($8,900). The deposit date for the AT&T check is listed as July 26, 2004?

A Correct.

Q All right. If you will, look back at Exhibit 13. Is--is that the check to which you make reference--

A Yes.

Q --to for this--okay. And what is the date of that check? What is the date of that check?

A The date on the check?

Q Yes.

A April 1st, 2004.

Q Okay. So the check has a April 1st, 2004, issue date and a deposit date of July 26, 2004?

A Correct.

Q Okay. And then with the AstraZeneca check, I want to direct your attention to Exhibit 10.

A Yes.

Q All right. And what is the issue date on that check?

A December 15th, 2003.

Q And the deposit date for that check is August 11, 2004?

A Correct.

Q Okay. And then with respect to the Anheuser-Busch

check--and I'll direct your attention to Exhibit Number 7. Do you see an issue date on that check?

A Yes, March 5th, 2004.

Q And the deposit date for that check is August 11, 2004?

A Yes.

Q Right. Now, in your investigation that you conducted with respect to--to these accounts, you talked with a number of people, and you had conversation with banking officials at the various banks; is that correct?

A Either I did, or someone on my staff did.

Q Okay. And you also issued subpoenas for the production of some of this--all of this data?

A Some of this data. Some of it was--was obtained through authorizations signed by Representative Wright.

Q All right. And there was a--a hearing in which Representative Wright was required to attend; is that correct?

A That is correct.

Q And he did attend and participated in that hearing; is that correct?

A He did attend.

Q All right. And the subject of that hearing was these checks, these accounts?

A The subject of the hearing were--was the--the complaint that had been filed and the other--the nondisclosure and other issues that we had found during our investigation, including these checks.

Q Right. Those issues surrounding this campaign financing?

A Correct.

Q And the statutes, campaign-finance statutes, require that Representative Wright participate and provide the information that is sought from him; is that correct?

A The--the statute requires that Representative Wright allow us to look at any of his financial accounts that may have campaign activity in it so that we can review them to see what is subject to disclosure and provide any other information that we need in the course of our investigation.

Q Okay. And that is accomplished through subpoena and by the mandate of the statute itself; is that correct?

A Correct.

Q Now, you indicated yesterday in a question from Mr.

Wright that--I'm sorry. Mr. Hart. Elevating him now.

A Mr. Peters.

Q Mr. Peters. That you--you--you know--you know these statutes pretty well?

A I hope so. I certainly--that's my job, and I--I take it very seriously.

Q And--and you deal--you deal with them on a daily basis?

A I deal with it on a daily basis.

Q Okay. And how--how long have you--you been doing this?

A I started at the Board of Elections in 2000. I've been working in this position since 2001.

Q Want to direct your attention to North Carolina General--Gen--General Statute Section 163 dash 278 point 29.

THE CHAIR: I'm sorry. Point 29?

PROF. JOYNER: Right.

Q (By Prof. Joyner) Are you--are you familiar with that offhand?

A I--I--I--I'm not--I'm not sure. I probably would like to look at it.

THE CHAIR: All right. Let's do that.

If we could, get a statute book in here, please. Thank you.

PROF. JOYNER: I--I have a copy.

THE CHAIR: It--probably just as easy for her to have a book as to--okay. It's 163-278 point 29. Thank you.

A Yes.

Q (By Prof. Joyner) Okay. Are you familiar with that statute?

A I am familiar with that statute.

Q Okay. And what does that statutes provide?

A That statute provides that the State Board, if they compel testimony, then that infor--then the evidence cannot be used against them, I believe is what that statute virtually says. If--if they compel testimony.

Q Or documents?

A I'm not sure. I--I know that--this is actually--we've had some--and I would probably not be the best person to speak to it. But our attorney at the attorney general's office has actually been involved in some litigation over this statute. And the outcome was that it's testimony. And that's why at the beginning of every State Board hearing,

if we have subpoenaed any individual, our chairman lets them know they are not compelled to testify, and that if they--if they--they are not there--that they will not be compelled to testify; it will be voluntary. And it is in order not to violate this particular statute.

Q Well, if the person is compelled--well, the statute starts off by stating that no individual shall be excused from attending, testifying, or producing any books, papers, or other documents before any court upon any proceeding or trial or another for the violation of any of the provisions in this article. That's pretty broad?

A It is pretty broad.

Q And it ends up saying, "But such individuals so compelled to testify with respect to any acts of his own shall be immune from prosecution on account thereof." Is that what the statute says?

A Yes.

Q Okay. And that's 163 dash 278 point 29.

THE CHAIR: Members of the Committee, it's in your yellow books. It's 163 dash 278 point 29. Thank you.

A That is what it says. And--and really, the only--

the only thing that I can say to--to this is that I--I know that our--our--our State Board is aware of this statute, and that is why when a--someone has been subpoenaed, their appearance has been subpoenaed, they are told they are not going to be compelled to testify. They are not going to be compelled. That--that is something that--that was stated to Mr.--to Representative Wright, if he was--if he had been asked to testify. And any witness that testifies before the State Board is told they're not going to be compelled.

Q (By Prof. Joyner) Yeah. But when you use subpoenas to compel the production of documents, that's testimony?

A Dr. Joyner, I'm not an attorney.

THE CHAIR: Well, yeah. I'm not going--the objection from the Chair is sustained. I don't think she's in a position to give a legal opinion on that.

PROF. JOYNER: If I could have a moment?

THE CHAIR: Sure.

PROF. JOYNER: Mr. Chairman?

THE CHAIR: I'm sorry. Yes? Yes?

PROF. JOYNER: We have no further

questions of this witness.

THE CHAIR: All right. Thank you. Redirect examination?

MR. PETERS: Thank you, Mr. Chairman.

REDIRECT EXAMINATION BY MR. PETERS:

Q Ms. Strach, as long as you have General Statutes 163 dash 278 point 29 open in front of you, I'd just like to ask you a couple of questions.

A Sure.

Q The hearing to which I believe Mr. Joyner was referring where Representative Wright was present last spring, was that hearing in a court, or was it before the State Board of Elections?

A It was before the State Board of Elections.

Q And was that hearing relative to charges against Representative Wright, or was it in--rel--relative to charges against someone else?

A Representative Wright.

Q All right. Thank you.

Now, you were asked some questions this morning about the way checks might be made out, perhaps to Thomas Wright or to the Thomas Wright campaign or similarly. When you were doing your investigation--you and your staff were doing your

investigation of these accounts, did you find checks that were made out to Thomas Wright as opposed to the Thomas Wright campaign?

A We did.

Q And how did you make a determination which checks should be considered contributions and which checks were personal income or personal checks?

A If there was not a designation on the check either saying "Thomas Wright campaign" or in the memo line saying "cont_--_campaign contribution" or something to indicate that the purpose was to be a campaign contribution, we deemed that check to be personal.

Q So is it fair to say, then, that all of the checks reflected in Exhibit 15 are checks that specifically indicated somewhere on the check that they were for the campaign purposes and not for personal purposes?

A Yes.

Q All right. I believe you were asked yesterday about how you can tell in an investigation when a check has been received; is that correct?

A Right. We--we talked about when a check is received. How you can tell it can be--when it's received?

Q Or how can you tell when the check has been received?

A Well, you can't really tell--

Q Okay.

A --when a check has been received. The--the only way that we can determine that--because we can't tell when it's--when it's received, we, in situations like this, have to use a deposit date.

Q And what does the deposit date tell you?

A That tells us they had to have received it at that point, because that's the--because they actually put it in the bank. So we know that the received date is not after that.

Q All right. And when you were doing your investigation, is--is that how you were able to determine that some checks had been reported in the wrong period?

A Yes.

Q By comparing the deposit date to the date that was on the disclosure form as being received?

A Correct.

Q And were all of those instances where the dis--the date shown on the disclosure report was later than the date the bank records show the checks to have

been deposited in the bank account?

A Correct. We if a contribution was disclosed earlier than the deposit, as long as it wasn't earlier than the date on the check, then that was probably the receipt date, and it would have been the appropriate date to report it.

Q Or at least you assumed that it was, having no other information otherwise?

A Have--having no other information. Correct.

Q Okay. The deposits in--listed in Exhibit Number 15, do I understand correctly that those are all deposits that were not disclosed at all, that--are there any of--any of the ones on Exhibit 15, are any of those contributions that were disclosed but disclosed in the wrong reporting period?

A No, other than the three that I alluded to yesterday. The others have never been reported in any reporting period.

Q In the course of your investigation, did you determine that there were checks that had been re--disclosed in the wrong reporting period?

A Yes. That was a significant issue for our audit. Yes.

Q Okay. And do you know what those checks totaled that were reported in the wrong period?

A It's approximately--and it's--it's probably a little higher than this. But it's between seventy-five and eighty thousand dollars--

Q Right.

A --in contributions that were reported--were reported in a reporting period other than when it should have been reported--later than it should have been reported.

Q And so those would be in addition to what's on Exhibit 15?

A Absolutely, yes.

Q Okay. Looking at Exhibit 15. Let me ask you. Have you done a breakdown with regard to each reporting period on Exhibit 15 and the checks that--the--the contributions that were not disclosed?

A Are you saying based on this, the--the amount that hasn't been disclosed? I have, but I don't have those numbers with me. I don't have--I can add them here, but I don't have those with me.

Q We--we don't need to--we don't need to go there. So do I understand--do--you don't have

anything with you at this time that would enable you to say what the total contributions that should have been disclosed in a reporting period are?

A I do have that. I can tell you--I can tell you the--the amount of the contributions that were deposited or in-kinds received during a particular reporting period. That I can tell you.

Q Okay. That's what I was asking.

A Okay. Sorry.

Q I apparently did not--

A I mis--

Q --state it as--

A Sorry.

Q --clearly as I wanted.

Well, let me just ask you to walk through that.

A Sure.

Q Starting with 2000, the first quarter, according to your investigation, what were the receipts that should have been disclosed?

A Twenty-one thousand six hundred and forty-two dollars and sixty-two cent ($21,642.62).

Q All right. And what were--what was the amount of receipts that were actually disclosed,

contributions or--

A A thousand dollars was disclosed.

Q All right.

A And keep in mind on--on this--what--what I--the numbers I'm giving you of what was disclosed, keep in mind that if it was disclosed, that--that's not taking into account they may be contributions that were reported in the wrong reporting period. So they may not be--they might--these contributions may not be reported in the correct reporting period.

Q Okay. But--so the total was twenty-one thousand six hundred and forty-two (21,642), and one thousand was disclosed? Do I have that correct?

A On his report, he disclosed a thousand dollars in receipts for the 2000 first quarter.

Q Okay. What about the second quarter of 2000?

A There were thirty-two thousand five hundred and fifty dollars ($32,550) in receipts deposited during the second quarter of 2000.

Q All right. How about what was disclosed?

A Forty-three thousand nine-twenty-five-fifty-three (43,925.53). And this is the example of probably some of the--the contributions that should have

been reported in the first quarter are then reported in the second quarter.

Q All right. How about the third quarter of 2000?

A Fifteen thousand nineteen dollars and seven cent ($15,019.07).

Q And what was disclosed?

A Eleven thousand four hundred (11,400).

Q All right. How about the fourth quarter of 2000?

A Fifteen thousand one hundred and nine dollars and sixty-four cent ($15,109.64).

Q Is what?

A Was what actually was received by the committee.

Q Okay. And what was disclosed?

A Five thousand five hundred dollars ($5,500).

Q All right. And in 2000, the mid-year semiannual report?

A 2001 semiannual--mid-year semiannual report was--he received seven hundred and fifty dollars ($750).

Q And that, of course--2001 would be an off year--

A Right.

Q --election wise?

A Correct.

Q And what was disclosed?

A He didn't disclose any--receipt of any

contributions.

Q All right. How about the 2001 year-end semiannual report?

A He received forty-one hundred dollars ($4,100).

Q And what was disclosed?

A Twenty-seven hundred (2,700) was disclosed.

Q All right. What about the first quarter of 2002?

A Eleven thousand four hundred and fifty dollars ($11,450).

Q That is what was received?

A That is what is received--was received.

Q And should have been disclosed?

A And should have been disclosed.

Q And what was actually disclosed?

A Five hundred dollars ($500).

Q All right. What about the second quarter of 2002?

A There were twenty-two thousand six hundred and sixty-six dollars and twenty-five--and twenty-five cent ($22,666.25) of receipts that should have been disclosed during that reporting period. and he disclosed eighteen thousand one hundred and twenty-five (18,125).

Q All right. And 2002 was the year you said there was that special interim--

A Yes.
Q --report?
A Yes.
Q And what was that? What was received and--that should have been disclosed on that report?
A He--HE received five hundred and fifty dollars ($550) during that reporting period, and he disclosed five hundred dollars ($500).
Q All right. What about the third quarter of 2002?
A Twenty-two hundred dollars ($2,200) was what he received. And he re--dis--he disclosed receiving no contributions.
Q All right. What about the fourth quarter of 2002?
A He--he received thirty-seven thousand nine hundred and three dollars and thirty cent ($37,903.30), and he disclosed thirty-four thousand three hundred and fifty dollars ($34,350).
Q And then in 2003, the mid-year semiannual report?
A He received one thousand six hundred and twenty-five dollars and fifty-three cent ($1,625.53), and he reported receiving no contributions.
Q All right. What about the year-end for 2003?
A He received eleven thousand nine hundred seventeen dollars and forty-one cent ($11,917.41), and he

disclosed receipt of twelve thousand two hundred dollars ($12,200).
Q And would that--
A That is--
Q --again be an indi--
A Yes.
Q --cation of--
A Of--of contributions that were likely not reported when they were deposited, were reported later.
Q All right. What about the first quarter of 2004?
A He received fifteen thousand six hundred dollars ($15,600), and he disclosed eight thousand six hundred (8,600).
Q And again, 2004, that would be an election year, correct?
A Yes, it would.
Q What about the second quarter of 2004?
A He received twenty-eight thousand five hundred dollars ($28,500).
Q And what did he report?
A He recei--he reported receiving no contributions.
Q So of twenty-eight thousand five hundred dollars ($28,500), zero was reported?
A Zero.

Q What about the third quarter of 2004?
A He re--he'd received eighteen thousand nine hund dollars ($18,900), and he disclosed ten thousand six hundred and fifty (10,650).
Q All right. And then the fourth quarter of 2004?
A He received twenty thousand seventy-five dollars and ten cent ($20,075.10), and he disclosed twenty-seven thousand four hundred (27,400), likely contributions from prior reporting periods that had not been disclosed.
Q All right. 2005, the mid-year semiannual report, what--what was deposited that should have been disclosed?
A Three thousand five hundred and fifty-nine dollars and seventy-six cent ($3,559.76). And he didn't report--he reported receiving no contributions.
Q All right. 2005, the year-end semiannual report?
A He showed--he--he received twenty-one thousand nine hundred and ninety-five dollars ($21,995), and he disclosed fifteen thousand seven hundred and fifty (15,750).
Q All right. And then in 2006, the first quarter?
A He received fifty-four thousand seventy-four dollars and fifty-two cent ($54,074.52), and he

disclosed receiving five thousand nine hundred and fifty (5,950).
Q And the second--
THE CHAIR: I'm sorry. Please give me those figures again.
THE WITNESS: Fifty-four thousand seventy-four dollars and fifty-two cent ($54,074.52). And he actually--he reported five thousand nine hundred and fifty (5,950).
Q And the second quarter of 2006?
A He received thirty-seven thousand four hundred and six dollars and seventy-four cent ($37,406.74). He disclosed twenty thousand nine hundred and twenty-five dollars ($20,925).
Q Then the third quarter of 2006?
A He received twenty-six thousand five hundred and fifty dollars and thirty-seven cent ($26,550.37), and he disclosed twenty-two thousand one hundred and one dollars even ($22,101).
Q All right. And then the fourth quarter of 2006?
A He received eighteen thousand one hundred dollars ($18,100), and he disclosed twenty thousand dollars ($20,000).
Q All right. Now, you were asked some questions

yesterday about contributions under a threshold where the contributor's identity did not have to be disclosed.

A Correct.

Q But the contribution itself does have to be disclosed?

A Yes. It always has.

Q And--

A For long as I've been there, it has.

Q All right. And why on this sheet, the--Exhibit 15, where those hundred-dollar contributions or fifty-dollar contributions are listed, the contributor is listed, as well? And--

A Why is the name on there?

Q Right.

A That's just to show proof that this was a contribution that was received in the account that wasn't disclosed.

Q All right. And--

A Just identifies those.

Q And since the contributor did not have to be listed on the disclosure report, how were you able to determine that these contributions had not been disclosed?

A Because there is--even on the earlier reports, there is a--a line item that--in 2000/2001, it was called _unitemized._ So you had--if you had contributions that the contributor didn't have to be reported, you would list the aggregate on that--that line. If there were--if there--most--there were a lot of reports that didn't have any aggregate contributions. But if there were, there are contributions of--of a hundred dollars or less that are not included on here that they did--he didn't disclose their name, but he wasn't required to. And we--we gave him credit for those contributions.

Q Why would he have not been required to disclose tho--those names?

A Because if--if the--he was required to recei--to disclose the receipt, which there are some he re--he disclosed the receipt of. But if he did not have to dis--disclose the identity of them, they would not be--they would not be listed on--on this--this spreadsheet.

Q What about cash contributions? How are those reported?

A Cash contributions are reported like any other

contribution. The reporting forms actually require you to provide a method of payment. Because cash--it--up until--I hope I get my years--January 1, 2007, you take cash of a hundred dollars from an individual or other person that could contribute. That's reported the same way; you just show the method of payment as cash.

Q All right. And in your Exhibit 15, the spreadsheet, does that reflect cash contributions that were not disclosed?

A There are cash contributions. There are--there was receipt of contributions--cash contributions in the account that we could not match to any--any contributor--or--or any--any disclosure. Excuse me.

Q What--then how were you able to determine that they were contributions that should have been disclosed?

A Well, I mean, you've got deposits of cash. Certainly they should be disclosed. And if we don't know what the identity is, they--those contributions still are required to be disclosed.

Q And--

A And--and the--the Committee is required to know the identity of those individuals that make up that

cash.

Q And those were contributions into the campaign accounts?

A It was into any of the--one--one of the accounts he used for campaign.

Q All right. Do you know whether any of the disclosure reports that are Exhibits 16A through 16G, did any of those disclose cash contributions?

A There are no cash contributions disclosed on the report.

Q On any of those reports?

A I--I don't believe there are any reports that disclose cash.

Q Okay. Do you know approximately the amount of cash contributions total wise that are in Exhibit 15?

A There's not too many of them, so--there was one deposit of four thousand (4,000) in cash. There are some other cash contributions that, as I recall it, somewhere in--in the five--over five thousand dollar range.

Q Okay. You were asked some questions about filing amended reports.

A Yes.

Q And I believe it was your testimony that those

would always be allowed? A--a committee would always be allowed to file amended reports?

A Yes.

Q Okay. Do--have you done any looking into--well, let me back up.

How many entities are there in North Carolina who are required to re--to file disclosure reports?

A There are over five thousand committees that are registered either at the State Board of Elections or in the County Board of Elections. We have around two thousand registered at the State Board of Elections.

Q And so the--the rest would be registered with counties?

A Yes.

Q County board of--boards of election?

A Yes.

Q So if there are five thousand--in a year like 2006, the most recent election year other than the one we're in now, there would be four reporting periods; is that correct? Four reporting periods--

A Yes.

Q --in 2006?

A Yes, yes.

Q Five thousand, give or take some, reporting entities?

A Yes.

Q So is it fair to say that would be around twenty thousand--

A Reports.

Q --reports that are required to be filed with your office?

A Oh, yes.

Q Do you--

A Well, five thousand, they're not--not all five thousand committees report to our office.

Q Right.

A The two thousand do.

Q Right.

A Right.

Q Do you know how many amended disclosure reports were filed in 2006?

A In 2006--I went back and pulled that--there were five hundred and sixty-nine amended reports filed in 2006.

Q Okay. Do you know whether that--have any sense for whether that was a typical number of amended

reports?

A I--I think it's probably--it could be--you know, could be higher. And in fact, you know, probably as we go on, there'll be--there'll be more. That--that's probably a good--a good typical number. It--it may be higher in some years.

Q All right. Now, you were asked some questions about the checks from AT&T and AstraZeneca and Anheuser-Busch.

A Yes.

Q When you saw those checks, did you do any investigation into the Community's Health Foundation?

A Yes. We--Representative Wright authorized us to obtain the financial records for the Community's Health Foundation.

Q And did you actually obtain those financial records and bank accounts?

A We did.

Q Are they included in the accounts that are on Exhibit 17A through seven--

A They are.

Q All right. Do you know when the bank account at the Community's Health Foundation was opened?

A I do.

Q And what was that date?

A It was opened on March 17th, 2003.

Q And do you know when it was closed?

A June 28th, 2004.

Q All right. And do you know what kind of activity went on in that account, whether there were many deposits made into it?

A As I recall, I believe there were two deposits that were made into that account. I think--and I think both of them were from Dr. Gottovi. I think it was a--a check to open the account, and I think it--I think it was a check he--he wrote to the bank account to make a loan interest payment.

Q Right. And what payments were there from that account--

A Just--

Q --if you recall?

A Just the one. Actually the--the loan interest payment was the only payment made. And what he used to open it, that's kind of what--the bank charges ate it up every month, and that's when--it actually was not closed. It was charged off when that money was gone.

Q And by "charge off," you mean?
A The bank closed the account because there was no money in it.
Q All right. Were any of the other--the other accounts that you examined closed through charge-off?
A Yes. The Bank of America account that was his campaign account was closed off due to charge-off in November of 2003. The--the service charges was--there was no more money in the account. It kept accruing service charges, so they closed that account. As I said, the--the Community's Health Foundation was closed due to charge-off. And the First Citizens account that was used as a campaign account was closed due to charge-off in June of '05.
Q All right. Then you were asked a series of questions this morning about commingled accounts. And I believe it was your testimony that there is no statutory prohibition against commingled accounts; is that correct?
A There's no specific, no, statutory prohibition.
Q But I believe you also said that there are a number of statutes that committees risk violating when

they commingle--
A Correct.
Q --campaign money with personal money? What would those statutes be?
A Well, a--a committee is prohibited from receiving business contributions. So if a business check is received, it--and it was for the committee, that is something that couldn't be used. And--and not only could they not receive it; I mean, they can't spend that money, either.

Also, contributions in excess of four thousand dollars ($4,000) generally, to most campaigns, are prohibited.

Cont--contributions--well, the--the prohibited-source contributions, not just busin--not just corporations. Businesses, professional associations, labor unions, insurance companies, all of these entities are prohibited from giving to political committees.
Q So does the problem arise, then, when monies--when contributions from those prohibited sources go into the account and then are used for campaign-related purposes?
A Yes. That's a huge problem. That's even if they

were not given for a political purpose. If--if they are used in any way, then they are--they are part of the campaign and, therefore, subject to disclosure. And they--and they couldn't have been used. They would have been prohibited.
Q Okay. And I believe your Exhibit 15--that simply reflects contributions that were received and not disclosed; is that correct?
A Only contributions.
Q Did you also, when you were doing your investigation, look at the expenditures out of these accounts?
A Yes.
Q And what did you find when you looked at the expenditures out of the accounts?
A There were a large amount of expenditures that were also not reported. From the campaign account, that's--campaign accounts, that's a pretty easy number to come to, because you can just look at any check that was written from the account and say that should have been disclosed.

When looking at the commingled account, the account that had his personal funds, what we were trying to determine, which expenditures were

subject to disclosure. And the way we had to go about that was look at the--each expenditure, see if it was--appeared to be for a campaign purpose. For example, if--if--if--if there was a check to a TV station and it had "for campaign advertising," we consider that a campaign expenditure, therefore, subject to disclosure.

If there were expenses that were paid from the commingled account that campaign funds paid for, even if it was a personal expense, we considered those expenses were subject to disclosure.

And sometimes what we had--we had additional issue. Sometime you would have both some personal money and campaign money. And what we tried to do was say, Spend your per--we'll spend his personal money first. And then if there's--if--if--sometimes there had to be campaign funds to end up paying the rest of that purchase. So what we did on that was we--we would say that Representative Wright made an in-kind contribution to his campaign, and then the rest of it was an expenditure from the campaign.
Q If I understand correctly, are you saying that you

assumed that personal purchases were funded at first with personal funds?

A Yes.

Q And if those were not sufficient to cover the purchase, then campaign funds were applied?

A Yes.

Q And then vice versa on campaign expenditures? You assumed campaign funds were spent first, and if those were not sufficient, then personal funds--

A Yes.

Q --were used?

A Yes. Exactly.

Q All right. And is--you talked some yesterday, I believe, in cross-examination about how it--it was at one time, until recently, legal for candidates to use campaign funds for personal purposes?

A Yes.

Q That correct?

A Yes.

Q But that it had to be disclosed?

A Yes. Yes. Absolutely. And--and--and usually that's--as I was saying yesterday, that's why a lot of candidates choose not to spend their campaign funds for personal purposes at--prior to October 1,

'06. Now that is no longer a choice.

Q Right. Were there any other things that you noted out of the ordinary when you were looking at expenditures? Any--any other patterns you noticed or--

A Well, I mean, there were certainly--there were periods of time that there were only campaign funds in the personal account, and all expenditures paid--and the majority of those expenditures paid were--couldn't be determined to be a campaign nature were paid with campaign funds. And there were--there were--there were many times that that was the case.

Q Did you ever find any discrepancies in what was reported for a specific expenditure and what your investigation shows was spent on the expenditure?

A We did. One of the things that was also--when we were trying to determine what expenditures had been disclosed and we were looking at what expenditures had been made from each account, trying to match that to what had been disclosed. And there were several instances where Representative Wright reported making expenditures that didn't match up with anything. We would have an expenditure to the

same vendor, but the amounts would be significantly different. So it was difficult for us to match that expense to what was paid; we're not sure that it was. It--it would be overreported. The--the expense would be. So we couldn't verify through any records that--bank records of how that expenditure was paid, if that was--if we were looking at the same expenditure.

Q When you say _overreported,_ do--

A Right. We would have--sorry. We would have--for example, we'd have a check to some sort of media outlet. And we would have the check. And let's just say it was for a thousand dollars thirty--thousand dollars and thirty-two cent ($1,000.32). In his--on his report, around the same date time, he would have a--a disclosure to the same media outlet, but it may be for three thousand dollars and fifteen cent ($3,000.15). And that's just an example, that--those numbers. But there would be overdisclosure. We couldn't--that was not the same expenditure amount. But it--he was obviously paying that media outlet. He had disclosed paying that media outlet. But the amount of the ex--the expenditures didn't match. So that presented a

problem for us trying to determine what expenditures were disclosed.

MR. PETERS: Okay. Could I have just a moment?

THE CHAIR: Certainly.

MR. PETERS: We have no further questions at this time.

THE CHAIR: I'm sorry?

MR. PETERS: I said we have no further questions at this time.

THE CHAIR: Thank you. Recross? Recross?

RECROSS-EXAMINATION BY PROF. JOYNER:

Q All Right. Let's--well, let's star--start at the end of this, when you started talking about expenditures. Do you have any reports that you've submitted to this body dealing with these disbursements?

A I have not.

Q You've not prepared--so you--you--whatever you're testifying to now about disbursements are basically just kind of your random recollection?

A No. I mean, we have--our staff has gone back in--in preparation for, you know, this proceeding

and the criminal proceeding. We have certainly gone back and analyzed all of the records. And so we--even though--all expenditures have been analyzed, as well, and there have been--we have produced documents for internally looking at those expenditures.

Q Have--have--have you prepared any charts or reports for this proceeding that you've submitted dealing with these expenditures?

A I have not.

Q And in making your conclusions about these expenditures, you rely a lot on your assumptions about what was going on?

A I would say that I rely on try--in--in--in looking at what is--certainly giving Representative Wright the--the most benefit of the doubt on looking at these. I--I--we have certainly tried to err--and we realize if--if contri--if expenditures were paid with campaign funds, there has to be disclosure of that. The public has a right to know that.

Q Well, that--that wasn't my question. My question was that you reached these conclusions based on assumptions that you had made about these payments?

A I'm not sure what--I understand what kind of

assumptions you mean.

Q Well, I don't know what kind of assumptions you made. You talked about some assumptions that you made in your answers to Mr. Peters' questions. So I was just asking you if your determination of these distributions or expenditures were based on assumptions that you had made?

A Actually I don't think they were based on assumptions. They were based on money that went into the account that was specifically designated as campaign money. And then other money that didn't have a designation was considered personal. And so those were not--those were not assumptions. That was kind of a--a--a baseline that we used, that anything that has his name on it as his campaign would be considered, I think, subject to our--to our disclosure laws, reportable. And anything that was personal was--was put in a different column.

And then when expenditures were made, we didn't really look at trying--other than looking to see what had--on its face was a campaign expenditure, the only other things that we used to--that were subject to disclosure as far as the

personal nature were any personal expenditures that campaign funds were used to fund. So it wasn't we were trying to assume that certain expenditures were personal or campaign. It was all based on what paid for it.

Q In reaching a conclusion about which expenditures were based--or paid from campaign funds or should have been paid from campaign funds, you operated on some assumptions?

A I'm not sure that I can agree that it was an assumption. It was--if--if--if a check is written to a media outlet and it has it's for campaign ads, to me, on its face, that's something that needs to be disclosed. I'm not really--

Q All right.

A --assuming anything.

Q You--you don't have any of those checks with you?

A I don't.

Q Okay.

A I don't. But--

Q So there's no way that--

A But they are available. And I--

Q That--my--you don't have that--any of that with you that we can look at and make those determinations;

is that correct?

A Well, I--I don't, but they are on the--on the CDs. And they--those can be printed out if--if needed.

THE CHAIR: Let me--let me just ask so we're clear. The CDs you're talking about, are those what have previously been marked as Exhibits 17A, B, and C?

THE WITNESS: Yes.

THE CHAIR: Thank you. And those are available to Committee Members and available, I think, to all sets of counsel; is that correct?

MR. PETERS: Yes, Mr. Chairman. They've been provided to Representative Wright's counsel.

THE CHAIR: Thank--all right. Thank you.

Q (By Prof. Joyner) You--you don't have any of those checks here?

A I don't.

Q Now, you were asked something about did you find any other things out of the ordinary. What do--what do you mean _out of the ordinary_ in these accounts?

A Well, I think you--are you referring to the overdisclosure of expenditures? That was out of the ordinary to me. When--when we couldn't match a

disclosure--a disclosed expense to anything in any of the bank accounts, even though we could see the same vendor around the same date, but the amounts were not--I mean, and we're not talking about just a little bit of difference. We're talking about a significant difference that would make you question whether or not it was the same expenditure.

Q And did you present this information to Representative Wright?

A Did I present this to Representative Wright?

Q Yes.

A No. This information, though, was certainly part of the hearing. So--

Q Did--did--

A These expend--expenditures were discussed at the hearing.

Q Did you seek an explanation to help you understand the difference between what you saw and what you assume had occurred?

A I--I certainly think that those questions would have been asked of Representative Wright had he testified at--at the hearing.

Q But that's not what I asked you.

A I have not contacted Representative Wright since

the hearing on this matter.

Q That's--that's what I asked you. I asked you did you--

A No, I have--I have not contacted him.

Q Okay. So--so you had these questions about these expenditures, but you never sought to seek--to--sought clarification from Representative Wright about these--these thing that you found questionable?

A Well, Dr. Joyner, I have a lot of questions for Representative Wright that I certainly would--

Q I--I know you do. I know you do.

A I do.

Q That's your job to have questions. But that's not what I asked you.

A And that certainly would be one of them.

Q And--and that's not what I asked you. All right? I asked you did you seek answers from Representative Wright?

A I have not sought any answers--

Q Okay. Thank you.

A --from Representative Wright.

Q That's what I asked you. Thank you.

You had a number of responses to

questions about the dangers of having a commingled account?

A Yes.

Q And one of them was that you might have contributions in excess of the four-thousand-dollar ($4,000) limit?

A Yes.

Q Did you find that in Representative Wright's account?

A Did not.

Q Okay. That's just a da--that's speculation?

A That--that is--that is--that is something that could happen.

Q But it's not something that was present in this case?

A It was not present in this case.

Q You indicated that there might be checks from prohibited sources for campaign matters?

A Yes.

Q Did you find that in--

A We did find some of that.

Q And what--where was that?

A We did find some checks that were from businesses that were deposited into one of--one of--more--more

than one of his accounts. And I--I do not specifically have which accounts with me, but I know we did have prohi--find prohibited contributions.

Q From--from a business?

A From businesses.

Q Okay.

A From some businesses.

Q And is that on this list here?

A No, it is not.

Q Which business?

A There were--there were less--there were less than ten. And I do not recollect right now what the list is, but I--we do have a list of those. And those were presented at the State Board hearing.

Q All right. And--and those checks indicated that they were for a political purpose?

A They were written to the Thomas Wright campaign.

Q And you talked about--there was one other one that you had mentioned. Or maybe just have the--the two sources. All right.

So you did find the--the--find those, but you don't have that with you here?

A I do not.

Q Okay. And that's not a part of the nonreported?
A I--it may--there may be some on the nonreported. I--I'm not sure if some of those showed up on the nonreported or not. We did--we did label those separately, the prohibited contributions.
Q And if they are not--
A And I'm not sure if they're on there. If they're not, they--they--they were undisclosed contributions to be added.
Q Well, you--you went through, and you indicated in your testimony that you listed out all of the undisclosed matters. And that means that those matters that don't appear were matters that were either not political, or they were disclosed?
A That is correct. And I--and I would--would--would say that if a--a business contribution that was not disclosed is not on this list and it was made out to the campaign, it should be.
Q But you don't have them here?
A I don't.
Q Let me--you--you had additional questions about when is a contribution received. Let me direct your attention to General Statute 163 dash 278 point 8.

A Yes.
Q Is not--does not that statute indicate that the date that the treasurer receives the contribution is the operative date for reporting of the contribution?
A It says the treasurer of each--of each candidate shall keep detailed accounts. Is that--is that what we're--we're reading from?
Q No, that's--that's--that's--
A Right. That's--the treasurer shall keep detailed accounts. It doesn't say that the treasurer is not responsible to--not--to know when a contribution was actually received. They are to keep the detailed accounts current with not--not with more than seven days, but they're still supposed to keep the actual date of receipt of the contribution.
Q But it says within seven days after the date of receiving, after the date that the treasurer received a contribution?
A Yes. The treasurer is required to have a detailed accounting, if they were asked, of all contributions received within seven days of when she receives that contribu--she or he or she receives that contribution. But the date that the

contribution is disclosed on the report is the date the contribution was received on behalf of the committee. Her accounts just have to be current within that time period.
Q Is there any other statute which provides any other date for recognition of the receipt?
A Yes.
Q And where--where is that?
A 163 dash 278 point 11 is the contents of the treasurer's statement of receipts and expenditures. And it states that the statement, meaning the disclosure report, shall list--

REP. STAM: Which part of the statute is that?

THE WITNESS: I'm sorry. It's A-1.

A The statement shall list the name and complete mailing address of each contributor, the amount contributor--contributed, the principal occupation of the contributor, and the date such contribution was received.
Q (By Prof. Joyner) Was received by whom?
A Well, and also our--our reporting manual states clearly that it's the date that it's received on behalf of the committee.

Q Well, I'm talking about the statute right now. What--who is the person that--
A When it's received by the committee, because sometimes--
Q But the statute doesn't say that, does it?
A Well, it says _received,_ and that's how--
Q That's how you read it?
A That's how the State Board has interpreted that.
Q Okay. All right. But it doesn't say that?
A It says _received,_ and that's--you're right. That's our interpretation.
Q Right. Now, you indicated that you were able to track--track and identify cash contributions. Now, would--would you please explain to me once again how you were able to track and identify cash contributions that weren't reported or otherwise designated as political funds?
A It's difficult to deal with cash. That's why we don't allow cash over a hundred dollars. But anytime we have cash that's deposited into an account with campaign funds, we don't know who the source is. And so the--there is an assumption that if it's campaign, it should have been reported. So that--those--that is why those cash contributions

are listed on--in this amount. They--
Q But you--you--you--you--you've indicated that Representative Wright had commingled accounts.
A He did.
Q Therefore, cash contributions wouldn't necessarily be attributed to political purposes?
A Not necessarily. But it--it's certainly--is--is likely that it was or was--it--it's not--it's certainly something I'm not sure--I'm not sure. I can't say that it was that--for a purpose--a campaign purpose, but we don't know. And it's something that needs to be explained and shown why it wasn't a campaign contribution.
Q Well, so--
A And that's another reason for not commingling an account.
Q But you--the--these were then assumptions that you made that whatever cash was deposited into this account was somehow politically related?
A Yes. Now, that was an assumption that--that--that I made. And the re--the basis of that was that we tried to give Representative Wright credit or not letting the things subject to disclosure where we could, on their face, see that it was not written

for a campaign purpose. Cash we could not identify.
Q Right. So--
A Therefore, in a commingled account, there needs to be evidence to us to show us why it's not.
Q So your assumption is that any cash contribution in a commi--commingled account is for a political purpose?
A I would definitely assume that.
Q Okay. So a person can't--who is a politician can't put cash--personal cash into their personal account if they're commingling--
A If they're--
Q --without you determining that it is a political contribution?
A If they're commingling it, then I think that's going to be their burden to prove that it's not.
Q Well, there's nothing in the statute that places the burden of them proving that cash that they received and deposited in the account had a political purpose. The--the--the burden placed on the--on the individuals is to report those contributions which are for political purposes.
A The burden is for them to--to--right, to provide

disclosure of all contributions that were given for a political purpose. However, when--anytime we audit a committee that has cash in it, first of all, you can't receive cash in increments of over a hundred dollars. So we're going to ask any political committee, whether they commingle it or not, "How did you receive this cash, in what increments, and who--how can you identify it back to a contributor?" You've got a commingled account, we're going to ask those same questions.
Q I--I--I understand that you have problems in auditing the account. But an individual who happens to be a politician can deposit more than a hundred dollars in his or her account--
A In his personal account.
Q --without violating the law?
A In their personal account, yes.
Q Right.
A But it's difficult. We cannot determine that that was for a personal purpose.
Q I--I understand the problem that you have. But I want to make it clear that you made the assumption that merely because the hundred dollars or whatever cash contribution is made in an account that has

commingled funds, that that cash contribution has a political purpose. And that's not necessarily correct?
A It may not necessarily be correct, but I have no evidence that it's not correct.
Q Right. And that's the assumption that you're making. That's--that's--that's my point.
A Yes.
Q Okay. Now, you indicated that you had records from the Community Health Foundation that your investigators presented?
A Yes.
Q Showing an opening date of March 17, 2003?
A Yes.
Q And a closing date of June 28, 2004?
A Yes.
Q And in that account, you indicated that there were two--two items of note?
A That's my recollection.
Q Okay. I--I thought you had a report of that.
A No, I just--all I have here are just when the--the bank accounts were opened and closed.
Q Okay. But for all practical purposes, there wer[illegible] no activity--there was no activity in that accoun[illegible]

A I--I think that's a very good--yes, I would agree with that.
Q All right.
A Other than the--the--the interest payment, that--the only activity in the account.
Q So the one--one check written--
A Yes.
Q --for the interest payment, and then the bank gobbled up the rest of the account in fees?
A Yes.
Q And then it charged itself off?
A That's correct.
Q Okay. And you also indicated that Representative Wright had a couple of accounts that were eaten up in bank fees and charged off and closed?
A That's correct.
Q Is it not true that there will be periods of time in which these bank accounts aren't used by political candidates?
A Oh, absolutely.
Q Is there any problem with closing and not having an account when there are no funds coming in?
A If you--if you have any change in your account activity as far as a financial institution that

you're using, if you close one account, you're required within ten days to notify the State Board of Election--
Q No.
A --with that change.
Q I--I--I understand that. It wasn't my question. That's not my question.
A I'm sorry.
Q All right. My question's a simple one. Is there anything wrong with closing the account if it's not being used?
A No, there's nothing wrong.
Q Okay. Now, I understand that when you open it up again, you need to report it.
A And you need--if there was money in that account, you would have to be able to show where that money was being kept if it wasn't kept in that--
Q And--
A --in that account.
Q And I--and I understand that. And I understand that.
Do you have to report when the bank gobbles up the portion that's left in the account for bank fees?

A You do.
Q So then that should be reported, then, as a disbursement?
A Right.
Q Okay. That's new information.
Now, you made reference to this 278 point 11, where there should be the listing of the names, mailing address of each contributor, the amount contributed, and the date of such contribution. Is that all the information that is required to be reported?
A For contributions.
Q For contributions?
A Yes. And it gives--it gives specific information about the employer information of exactly what is required to meet that requirement. You also have to give the election-cycle sum to date for that contributor, how much has that contributor contributed over the course of the election cycle.
Q Now, you talked about the fact that some quarters, there was an underreporting of campaign receipts; other quarters, there was an overreporting of campaign contributions?
A In--in some--right. Correct. There was--for the

report, there was more contributions reported during that period than actually was received during that period.
Q All right. And--but you--you have not gone back to identify the specific dates of the receipts of these various contributions?
A You--we used the deposit date. So anything that was not--well, it was all based on the deposit date.
Q Okay. But as long as they were reported, then they were in compliance with the statute?
A No. No. Long as they were reported in the correct reporting period. Because really the--the purpose of disclosure is timely reporting. If things get disclosed after an election, it's not really going to help the public for the purpose that it's there for.
Q Well--
A So timely disclosure.
REP. STAM: Doctor, without being too--are we on the scope of redirect and recross here? Is this anything the--the State asked about?
PROF. JOYNER: Yes.
REP. STAM: I'll--I'll allow some leeway.

PROF. JOYNER: No, you're not going to allow any leeway. That's what they asked about.

Q With respect to--your final conclusion with respect to items that were not disclosed that is contained in Exhibit 15?

A That would be the--there--there may be some additional contributions that we determined in our review that they were not added to that. This is--the--we have taken off the three. There are no--there is--there are no more that come off. There may be some additional ones that could be added, but we did not add those.

Q Now--now--all right. Now, are you telling me that you're still working through--

A No, we're not working--

Q --the final--

A --through it. No.

Q Well, is this final or not?

A Well, the--the review of--of the one-eighty-five sheet, we went through and--and made sure all the information on that was correct. In doing that, there were three that came off. What we did--what we did find when going back and looking through every one of our records, there were some PAC

contributions that a PAC disclosed making a contribution to Representative Wright. However, we didn't have proof that he received it, because he hadn't deposited it in his account. So we certainly did not include those contributions on this.

But in order to make sure that--verify whether or not those contributions were actually received by him, we contacted each one of those PACs. Some of them he never received. Some of them he received, and there were a couple where he cashed. So those would have been subject to disclosure. This was done later than this sheet, and we did not add those to this.

But I--to--to be clear, yes, there--there could be some additions based on the late investigating we did with respect to the PACs.

Q So you, then, intend to amend this item at some point to correctly reflect the items that were not disclosed?

A If--if there is a need for an amendment, yes, I can do that.

Q Now, you indicated earlier that the Board of Election had a liberal amendment policy--

A Yes.

Q --which allowed legislators to come back, as you said, years later and amend their reports?

A Yes.

Q So conceivably any legislator can now go back and amend their report 2003, 2004 and bring it in compliance with the full recorded--reporting requirement of the statute?

A Yes.

Q So the mere fact that an item is reported late does not mean that it is not reported? It's not timely reported, but, if you allow the amendment, then it can be amended at any point to bring it in compliance?

A It can be. And none of those that were late are included in the nondisclosed. These were never disclosed in any reporting period.

Q I--I--I understand.

Were these commingled accounts that you found for Representative Wright--did not his wife also have access to those accounts?

A She had access to one account. We said there was only one five-hundred-dollar contribution. The other account saw no--I saw no evidence that she

had access on it. She was not on any of the signature cards. It was just his--his--he was the only one that had access to that account.

PROF. JOYNER: All right. I have no further questions.

THE CHAIR: All right. We are going to take a ten-minute break this morning now, and we'll be back at--well, a little more than ten minutes--ten after eleven for committee questions. Thank you.

(SIXTEEN-MINUTE RECESS)

THE CHAIR: All right. And, Dr. Joyner, may we proceed without--all right. I think we are at Committee counsel questions. I'll start with Representative Stam.

REP. STAM: Thank you.

Just three areas of inquiry. First, Ms. Strach, did you determine the amount or quantity of--of campaign expenditures that were not reported?

THE WITNESS: We did. I do not have t specific number. Based on the process that I

explained, we did come up with amount of contribu-- of expenditures that were not reported. And I--I do not have that number with me. But--

REP. STAM: What was the order of magnitude of that number?

THE WITNESS: I mean, it was--it was around--my recollection, we're--we're looking around close to two hundred thousand dollars ($200,000).

REP. STAM: And would that all be, therefore, reportable income for tax purposes?

THE WITNESS: I can't answer that question.

REP. STAM: Okay. Second question. You testified that there were a couple of PACs that contributed and that Representative Wright just cashed, that didn't even come into the accounts. What were those amounts? What PACs were those?

THE WITNESS: I--I specifically remember a two-thousand-dollar ($2,000) check from the North Carolina Dental PAC that was cashed. And there were a couple of other checks in--in much smaller amounts.

REP. STAM: Okay. If you would, look at

Page 4 of 10 of Exhibit 15. Just wanted to look at a couple of the cash contributions. If you'd look at the one right in the middle of the page, that has a date of June 22, 2004. And that's in Bank of America 5071. Is that what's been described as the personal account that's in the name of Thomas Wright?

THE WITNESS: It is.

REP. STAM: And is that for a time period for which there was no campaign account in existence?

THE WITNESS: What's the time on that? It was--

THE CHAIR: 6-22-oh--6-22-04.

THE WITNESS: 6-22-04?

REP. STAM: Or maybe not.

THE WITNESS: Yes, that--that--the--first there was another campaign account during that time.

REP. STAM: All right. Look at the one a little above that, cash contributions. It might be the tenth line down. August 6, '04.

THE WITNESS: Are we--

REP. STAM: For four thousand dollars

($4,000). April 6. I'm sorry.

THE WITNESS: Yes, I see that one.

REP. STAM: And I'll use this as a surrogate for some of the others. The--in addition to it not being reported, the question I would have would be whether it was even a lawful contribution. Now, if this were forty different--or forty or more different cash amounts totaling four thousand (4,000), and if he had kept records of it, could he have received that?

THE WITNESS: If he-if they had been those numbers of contributors in those--in those amounts and he'd kept records, yes, he could have.

Representative Stam, that--that 4-6-2004, there wasn't another account at that time other than the commingled account open.

REP. STAM: And for that four thousand dollars ($4,000), though, is--isn't four thousand (4,000) significant because--for another reason?

THE WITNESS: It's very significant to me. It always raises a red flag when I see the four thousand (4,000), 'cause that's the contribution limitation.

REP. STAM: Has there been any attempt by

checking some of the other PACs or other contributors to see if somebody else contributed four thousand (4,000) right then that just--Representative Wright just happened to cash?

THE WITNESS: We've checked. Every PAC that has disclosed making a contribution to Representative Wright, we have verified receipt of that check in his account. Or if we didn't have receipt of that--we didn't have that, we contacted the PAC to see if the check was ever negotiated.

REP. STAM: No further questions.

THE CHAIR: All right. Thank you.

Representative Lucas.

REP. LUCAS: No inquiries at this time.

THE CHAIR: Thank you.

Representative McGee.

REP. MCGEE: Thank you, Mr. Chair. I do have three inquiries.

THE CHAIR: Absolutely.

REP. MCGEE: Thank you.

When the treasurer or the campaign receives the check--or a check, is there a time-limitation requirement that says you've got to get it in the bank by one day, two days, three days?

THE WITNESS: There's nothing in the statute that says that you have to deposit it in a certain length of time. Your--your obligation is on disclosing it on that date. Your--your records have to be current, no more than seven days. So certainly your--if your records are current, you would want to have gotten that check in the bank in order for it to be current.

REP. MCGEE: Thank you. And second question, if I may.

THE CHAIR: Certainly.

REP. MCGEE: What is the forty-eight-hour reporting?

THE WITNESS: Forty-eight-hour reporting is--any political committee that receives a contribution of over a thousand dollars ($1,000) or more during basically the two weeks prior to a primary or general election when there are no other reports required, you have to report within forty hours--forty-eight hours of receipt of that. And it's--you fax that report in to our office.

REP. MCGEE: Then to follow up that question, were there forty-eight-hour reports furnished by Representative Wright, if he in fact

did receive any contributions of that amount?

THE WITNESS: He filed no forty-eight-hour reports.

REP. MCGEE: Did he have any contributions that would have qualified the report being needed?

THE WITNESS: Based on disclosure, there are contributions that would have been in those two weeks that it would have been over a thousand dollars ($1,000). I'm not sure of the amount, but there were--there were some.

REP. MCGEE: Thank you. Then a further question, if I may.

THE CHAIR: Certainly.

REP. MCGEE: On October--in October of '06, the way you can use your campaign contributions changed; is that correct?

THE WITNESS: That is correct.

REP. MCGEE: Okay. I note on Exhibit 15, on the last two pages, beginning with October, campaign funds continued to come into Representative Wright's accounts. Was that the commingled account that they came into?

THE WITNESS: Yes.

REP. MCGEE: Do you have--or were you able to determine that all these monies were spe[nt] for campaign purposes? Or were someone's medical personal purposes?

THE WITNESS: There were some that we could certainly not determine they were for a campaign purpose. So it would--because they were not a campaign purpose, it--it would appear that they were for a per--personal purpose.

REP. MCGEE: Thank you, Mr. Chair.

THE CHAIR: Thank you, Representative McGee.

Representative Warren.

REP. WARREN: No questions.

THE CHAIR: Thank you.

Representative Wiley.

REP. WILEY: One quick question.

THE CHAIR: Certainly.

REP. WILEY: In going through Exhibit 15, was it ever analyzed or reported that in addition to things that were reported, if you added these on to it, it would have gone over the four-thousand-dollar ($4,000) threshold?

THE WITNESS: I don't think we had any

contributors that went over the four-thousand-dollar ($4,000) threshold, no.

THE CHAIR: Is that it, Representative?

All right. The Chair has several questions. And I'm going to be referring to several documents. But before we do that, just a couple of general questions.

You had--Ms. Strach, had indicated in your testimony with regard to--on redirect that there were some patterns of expenditures where campaign funds were used for personal items. It was--am I correct, first, that the law prior to this year allowed that to occur provided that there was a reporting or disclosure of that expenditure?

THE WITNESS: Correct.

THE CHAIR: All right. Can you give us examples, several examples of--if there are any, of items where campaign funds were spent for personal expenditures that were never reported and, therefore, violated the law?

THE WITNESS: I would--I--I note--specifically remember two instances, 'cause our--when our staff was pulling this together, there were two instances where Representative Wright pa[id]

Safeway Chevrolet in '06, in January of '06, two payments that totaled eighteen thousand dollars ($18,000), and campaign funds paid all of the eighteen thousand dollars ($18,000).

The other thing--and I guess it just--is just what sticks out in my mind--is that there were--over the course of our review, there were total of close to six thousand dollars ($6,000) in checks that were written to Reeds Jewelers, and all of those expenses were paid from campaign funds. Those are only two I can recall.

THE CHAIR: All right. Let me follow up on that. Were either of those expenditures reported as required by law?

THE WITNESS: They were not reported.

THE CHAIR: Were any amendments made to any campaign-finance statement that amended the failure to disclose?

THE WITNESS: No amendments were filed.

THE CHAIR: Now, if you will, look with me at Exhibit Number 16. And we're going to start with 16A.

THE WITNESS: Okay.

THE CHAIR: At the bottom of the first

page on 16A, there is a sworn affirmation as to that report. Would you read what the affirmation is--or the oath?

THE WITNESS: Sure. "Being duly sworn, I depose, affirm, and say that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true, and correct."

THE CHAIR: Who signed that? Can you tell?

THE WITNESS: Thomas E. Wright.

THE CHAIR: All right. And this is a notarized statement?

THE WITNESS: It is.

THE CHAIR: And was this report complete, true, and accurate?

THE WITNESS: No, it was not.

THE CHAIR: And, therefore, did it violate the criminal law?

THE WITNESS: Yes.

THE CHAIR: If you'll turn to the next campaign report as part of that 16A package, which would be the second quarter. If you'll look at

that Is the same affirmation there by Representative Wright that the report is complete, true, and accurate?

THE WITNESS: Yes.

THE CHAIR: Was it complete, true, and accurate?

THE WITNESS: It was not complete, true, and accurate.

THE CHAIR: Does that violate the criminal law?

THE WITNESS: It--it is--it is a criminal violation for this report to be not--signed, being false.

THE CHAIR: Just out of curiosity, who's the notary on that particular verification?

THE WITNESS: Meredith L. Norris.

THE CHAIR: Thank you. If you'll go with me to the third-quarter campaign report in that same package, dated October 31, 2000. Is there a certification on that report?

THE WITNESS: I'm sorry. I haven't gotten there yet.

Yes.

THE CHAIR: And what--does that

certification certify that the report is complete, true, and ac--and correct?

THE WITNESS: It does.

THE CHAIR: Was it?

THE WITNESS: It was not.

THE CHAIR: Does that violate the criminal law?

THE WITNESS: It does.

THE CHAIR: All right. Thank you.

And finally, if we'll go to the fourth statement on that same package. Is there a certification by Representative Wright again that the report is complete, true, and correct?

THE WITNESS: Yes.

THE CHAIR: And was it?

THE WITNESS: It was not.

THE CHAIR: And does that violate the law?

THE WITNESS: It does.

THE CHAIR: All right. Turn with me to 16B, please. On 16B, again is there a certification, this time not notarized, by Representative Wright that this report for midyear 2002--midyear 2001--I'm sorry--is complete, true,

and accurate--or complete, true, and correct?
THE WITNESS: Yes.
THE CHAIR: Was it complete, true, and correct?
THE WITNESS: It was not.
THE CHAIR: And does that violate the law?
THE WITNESS: It does.
THE CHAIR: Same thing in the middle of that package, if you will, for the year-end semiannual report for 2002. Is there a signature by Representative Wright that the report is complete, true, and correct?
THE WITNESS: Yes.
THE CHAIR: Was it?
THE WITNESS: It was not.
THE CHAIR: Does that violate the criminal law?
THE WITNESS: It does.
THE CHAIR: The next package, 16C. If you'll look at what is the first-quarter report for 2002. Is there a signature by Representative Wright that the report is complete, true, and correct?

THE WITNESS: Yes.
THE CHAIR: Was it?
THE WITNESS: It was not.
THE CHAIR: Does that violate the criminal law?
THE WITNESS: Yes.
THE CHAIR: If you'll look in the middle of that package to the next certification. And I'm going to go with you there. For the next quarter, is there a signature by Representative Wright that that report is complete, true, and correct for the second quarter?
THE WITNESS: Yes.
THE CHAIR: Was it?
THE WITNESS: It was not.
THE CHAIR: Does that violate the criminal law?
THE WITNESS: It does.
THE CHAIR: As to the third quarter, same question. Is there a signature by Representative Wright that the report is complete, true, and correct?
THE WITNESS: Yes.
THE CHAIR: Was it complete, true, and correct?
THE WITNESS: It was not.
THE CHAIR: Does it violate the criminal law?
THE WITNESS: Yes.
THE CHAIR: And finally, for the fourth-quarter report--I'm sorry. The interim report is the next report in that package, I think. Is there a signature by Representative Wright that the report is complete, true, and correct?
THE WITNESS: Yes.
THE CHAIR: Was it?
THE WITNESS: No.
THE CHAIR: Does that violate the criminal law?
THE WITNESS: Yes.
THE CHAIR: The next is the fourth-quarter report. Same question. Is there a signature by Representative Wright?
THE WITNESS: Yes.
THE CHAIR: And does he state that the report is complete, true, and correct?
THE WITNESS: Yes, he does.
THE CHAIR: Was that complete, true, and correct?
THE WITNESS: No.
THE CHAIR: Does that violate the criminal law?
THE WITNESS: Yes.
THE CHAIR: All right. Let's turn to 16D, please. For the third midyear report in 2003, is there a signature by Representative Wright the report is complete, true, and correct?
THE WITNESS: Yes.
THE CHAIR: Was it complete, true, and correct?
THE WITNESS: No.
THE CHAIR: Does that violate the criminal law?
THE WITNESS: Yes.
THE CHAIR: If you'll turn with me to the middle of that exhibit. There's a year-end semiannual report. Is there a signature by Representative Wright on January 29, 2004, that the report is complete, true, and correct?
THE WITNESS: Yes.
THE CHAIR: Was it complete, true, and correct?

THE WITNESS: No.
THE CHAIR: Does that violate the criminal law?
THE WITNESS: Yes.
THE CHAIR: All right. If you'll turn with me now to the next package, which is 16E. Is there a signature on the first-quarter report dated April 26, 2004, by Representative Wright?
THE WITNESS: Yes.
THE CHAIR: Does he certify that the report is complete, true, and correct?
THE WITNESS: Yes.
THE CHAIR: Was it complete, true, and correct?
THE WITNESS: No, it was not.
THE CHAIR: Does that violate the criminal law?
THE WITNESS: Yes.
THE CHAIR: All right. Now if you look with me on the second-quarter report. Is there any signature by Representative Wright as to that report?
THE WITNESS: There is not.
THE CHAIR: All right. Let's turn to the

next document. On the third-quarter report, is there a signature by Representative Wright that the report is complete, true, and accurate?
THE WITNESS: There is not.
THE CHAIR: Is there a date?
THE WITNESS: 10-25-04.
THE CHAIR: All right. If you'll turn with me to the fourth-quarter report, which is a few pages later. Is there a signature by Representative Wright that that report is complete, true, and accurate--or correct?
THE WITNESS: Yes.
THE CHAIR: And there's a date of--looks like January 10th, 2005?
THE WITNESS: Yes.
THE CHAIR: And was that report complete, true, and correct?
THE WITNESS: No.
THE CHAIR: Does that violate the criminal law?
THE WITNESS: Yes.
THE CHAIR: If you'll turn with me to 16F. There is a certification on 16F, which is the report dated--looks like July 28th, 2005?

THE WITNESS: Yes.
THE CHAIR: Is there a signature by Representative Wright?
THE WITNESS: Yes.
THE CHAIR: And does that say that the report is complete, true, and correct?
THE WITNESS: It does.
THE CHAIR: And is that a violation of the criminal law to so say when the report is not?
THE WITNESS: Yes.
THE CHAIR: If you'll turn with me in the middle of that package to the report dated January 26, 2006. Is there a signature by Thomas Wright that the report is complete, true, and correct?
THE WITNESS: Yes.
THE CHAIR: And was it complete, true, and correct?
THE WITNESS: No.
THE CHAIR: Does that violate the criminal law?
THE WITNESS: It does.
THE CHAIR: And let's turn to 16G, which is the last part of the packet. Is there a signature on the first--on that first report by

Representative Wright which has not got a date but has a received stamp of April 27--April 24, 2006?
THE WITNESS: Yes.
THE CHAIR: And is that signature by Representative Wright stating that the report is complete, true, and correct?
THE WITNESS: Yes.
THE CHAIR: Was the report complete, true, and correct?
THE WITNESS: No.
THE CHAIR: And is that violation of the criminal law?
THE WITNESS: Yes.
THE CHAIR: Middle of that packet, there's a report signed by Representat--or there is a report dated July 10, 2006?
THE WITNESS: Yes.
THE CHAIR: And is there a signature there?
THE WITNESS: Yes, there is.
THE CHAIR: Whose signature?
THE WITNESS: Thomas E. Wright.
THE CHAIR: And does Doc--Representative Wright state that this report is complete, true,

and correct?
THE WITNESS: He does.
THE CHAIR: Was it complete, true, and correct?
THE WITNESS: No.
THE CHAIR: Does that violate the criminal law?
THE WITNESS: Yes.
THE CHAIR: The next document in that same package looks like the report dated October--either 21 or 31, probably 31, 2006?
THE WITNESS: Yes.
THE CHAIR: And is there a signature as to that report being complete, true, and correct?
THE WITNESS: Yes.
THE CHAIR: Whose signature?
THE WITNESS: Thomas E. Wright.
THE CHAIR: And was this report complete, true, and correct?
THE WITNESS: No, it was not.
THE CHAIR: And does that violate the criminal law?
THE WITNESS: Yes.
THE CHAIR: And finally, the last part of

that package, you'll see a document dated January 10, 2007.
THE WITNESS: Okay.
THE CHAIR: And it says that there's a report--that the report dated January 10, 2007, is complete, true, and correct. Whose signature is that?
THE WITNESS: Thomas E. Wright.
THE CHAIR: And was that report complete, true, and correct?
THE WITNESS: It was not.
THE CHAIR: And does that violate the criminal law?
THE WITNESS: Yes.
THE CHAIR: Last several questions for you, Ms. Strach. My understanding--and I just want to be correct. Were there reports required to be filed last year, in 2007?
THE WITNESS: Yes.
THE CHAIR: Were any reports--other than this January 10, 2007, report, were there any reports filed by Representative Wright?
THE WITNESS: No, there were not.
THE CHAIR: Does that violate the

criminal law?
THE WITNESS: It--it does.
THE CHAIR: Finally as to the mention that you made of approximately ten businesses that had contributions in the account. Is it a misdemeanor for a corporation or a business to give a campaign contribution to a candidate?
THE WITNESS: It is.
THE CHAIR: And is it a misdemeanor to accept?
THE WITNESS: It is.
THE CHAIR: And would those--each of those contributions be an independent violation of the criminal law?
THE WITNESS: Yes.
THE CHAIR: I have no further questions. Redirect.
MR. PETERS: We don't have any further questions.
THE CHAIR: Recross.

RECROSS-EXAMINATION BY PROF. JOYNER:

Q You--you've just gone through a lengthy recital of the numerous violations of the criminal law. And you did that quite well.

A Thank you.
Q The signature page or pages that you referred to.
A Yes.
Q Does every legislator who files a disclosure report sign that same page?
A No. Only the appointed treasurer, or, if the treasurer doesn't, the candidate can.
Q Well, for every campaign that reports to you, did they have to file or sign the same certification?
A Every legislator?
Q No, every campaign--
A Every campaign, yes.
Q --which reported a campaign contribution, did they have to sign this same certification?
A Every treasurer, yes, that files a report has to sign that same certification, yes.
Q So that would be either the treasurer or the legislator?
A Correct.
Q Be--
A The treasurer or the candidate.
Q Right. Because the candidate can be the treasurer as well?
A He--the treasurer can be.

Q Right.
A They--and the--the candidate now, just--just for your information, can't sign if they haven't taken treasury training.
Q Well, I'm--well, I'm not--I'm not talking about now. I'm talking about then.
A Well, some of those reports would be involved with that.
Q Okay. All right. Well, at any rate, every report would have to carry the same certification?
A Yes.
Q Now, is it not also true, then, that for every report in which a treasurer or candidate offers an amendment have also violated the law?
A Well, it says that it--that you're signed this knowing it not to be true, I guess. So if--if a treasurer files an amendment and they're stating they didn't know it wasn't true and they're--they're correcting that report so they're not filing a false report.
Q At the time that they file the report, before there has been an amendment, is not that report in violation of the law?
A It is.

Q It is. So everyone, right?
A Until it is in compliance, you're right, it is in violation.
Q Now, which law is violated by this?
A You're talking about the signing--
Q Right.
A --of this?
Q Right.
A Can I look at my law book?
Q You can.
A 163 dash 278 point 32, Statements Under Oath. "Any statement fi--required to be filed under this article shall be signed and certified as true and correct by the individual, media, candidate, treasurer, or others required to file it, and shall by certified as true and correct to the best of the knowledge of the individual, media, candidate, treasurer, or others filing the statement, provided further that the candidate shall certify as true and correct to the best of the knowledge the organization report and report of treasurer. A certification under this article shall be treated as under oath, and any person making a certification under this article knowing the

information to be untrue is guilty of a Class I felony."
Q Now, notwithstanding the legal requirement, the Board of Election has chosen to allow people to come back at any point and amend these reports?
A They have, because this certification says that--the best of the--of the person's knowledge. So if that person comes back and says, "I didn't know it at the time, and I'm amending my reports," then yes, we're certainly going to allow that.
Q The--again, the statute does not allow that?
A The statute does not provide for amending.
Q Right. Now--and technically speaking, a late report violates the law?
A A late report, right. And there are civil penalties that can be incurred with a late report.
Q Right. Notwithstanding that, a late report violates the law?
A It does.
Q Okay. That's what the statute said?
A That's right.
Q Because the statue provides no grace?
A Correct.
Q Okay. You indicated in your testimony that you

had, I guess, this past year five hundred and thirty-seven amendments?
A I think it's five-sixty-nine, but--
Q Five-sixty-nine?
A Uh-huh (yes).
THE CHAIR: All right. That--that question, if you--was in the redirect that was issued that you've already recrossed on it. Wasn't a question that came up in the second set by Members of the Committee. So may want to limit it, please, to questions related to anything we asked about.
PROF. JOYNER: Well, Mis--Mr. Chairman, this is related to the litany of questions that you raised.
THE CHAIR: Go ahead.
Q (By Prof. Joyner) With respect to that five hundred and sixty-nine, do--do you know offhand what time frame those amendments covered?
A I--I glanced at the report. And they--they cover things that were in 2006, and they cover--cover years prior to that, as well. There are some amendments for things prior to that.
I--I--I--I did notice that on a couple of

them--one of the things that happens if you--if you--if you file a report and you realized you--you--basically, you left some bank interest off and you have to go back, you have to go back to the report where you did that and then amend every subsequent report. So sometimes that's why you will see reports that we allow people to go back in order to fix a mathematical error that's going to continue with them.

Q So it's like a domino effect?

A It is a domino effect.

Q So you have to go all--

A All the way back.

Q --the way back to the very--but technically each of those prior reports were in violation of the law?

A Technically, yes.

PROF. JOYNER: Okay. No further questions.

THE CHAIR: All right. We are--I think that ends our testimony with Ms. Strach. You may step down.

Question. Do we want--or--or is there a counsel objection to releasing Ms. Strach from her subpoena, or--

MR. PETERS: We may want to keep her, not knowing what is coming.

THE CHAIR: Then we don't need to go any further.

Ms. Strach, you are--you--you are--must stay. I'm sorry.

All right. Any further witnesses, Mr. Hart?

MR. HART: Mr. Chairman, we have no further witnesses. But at this time--

THE CHAIR: Well, before you move into your exhibits, then, I think there's still a matter that's open with Agent Umphlet. So the Chair held--withheld his questions till he could review more fully the statement. And so the Chair on his own motion recalls Agent Umphlet to the stand.

Agent, this is just a reminder that you remain under oath. And hope you and your dog got sleep last night.

THE WITNESS: Yes, sir.

THE CHAIR: I'm going to ask you if you'll look at the document that's in front of you that had been previously discussed by Mr. Joyner and--and then ultimately, as well, by Mr. Hart.

And we are not introducing the document, for the reasons I stated yesterday. But I do have a coup[le] of other paragraphs I want to refer you to.

If you'll look with me specifically on Page 11--I'm sorry--Page 12. Can you just read the paragraph, the first full paragraph on Page 12?

THE WITNESS: Would that be the one that starts with "ASAC Umphlet asked"?

THE CHAIR: It is.

THE WITNESS: Okay. "ASAC Umphlet asked Representative Wright if he ever commingled funds in a personal bank account. Wright advised that may be improper, but it was not illegal. Wright stated, `I'll save that answer. I've got an answer to why and how that occurred, but I'll save it.'"

THE CHAIR: All right. If you will, turn to Page 11. And if you will--actually--I'm sorry. If you'll turn to Page 9. Actually--apologize again. I've got the page wrong.

Bottom of Page 7, top of Page 8. If you'll read into the record the last paragraph on Page 7 and then the first full paragraph on the top of Page 8. And you can indicate the sentence in between that shows the break time.

THE WITNESS: Reading from Page 7. "Representative Wright advised he'd not--he did not recall how he communicated with AT&T to receive the fifteen-hundred-dollar ($1,500) donation from them. ASAC Umphlet asked Wright if he knew Lawrence Bewley and was his request for the fifteen hundred dollars ($1,500) from AT&T through Bewley. Wright advised he did not recall but added it was probably an official request. Wright advised he knew Bewley as Bewley was a registered lobbyist in the Raleigh area. Wright advised he knew Bewley through his, parentheses, Wright's, end parentheses, work in the legislature. Wright added that Bewley assisted him with a frun--fundraiser or two. ASAC Umphlet showed Wright a three-thousand-dollar ($3,000) check which was dated July 8, 2002, to Lawrence Bewley & Associates. The check was Check Number 632 and was written on a Thomas Wright campaign account."

Would you like me to--

THE CHAIR: Continue.

THE WITNESS: --read the account number there?

THE CHAIR: Why don't you go ahead and

and redact the count--account number and stop there and just read on to the next sentence?

THE WITNESS: Okay. "With an account number of--Wright advised he could not recall if the three-thousand-dollar ($3,000) check to Bewley was for reimbursing Bewley for a fundraiser. At this point in the interview, a break was taken from eleven-ten A.M. to eleven-twenty A.M.

"Wright then recalled the three-thousand-dollar--three thousand dollars ($3,000) was a reimbursement for advanced costs of Bewley setting up a reception. Wright advised the costs were for postage and printing costs for invitations. Wright reported he recalled the information about the fundraiser and the three-thousand-dollar ($3,000) check after calling and speaking to Bewley by telephone."

THE CHAIR: All right. All right. I have nothing further. That ends the Chair's questions.

As a result of the two paragraphs read, any redirect, Mr. Hart?

MR. HART: No, sir.

THE CHAIR: Any recross, Dr. Joyner?

PROF. JOYNER: No.

THE CHAIR: All right. Thank you very much, Agent. You may step down.

Now, Mr. Hart, further evidence for the Committee counsel?

MR. HART: That would conclude the presentation of witnesses by Committee counsel. The--I--I would ask that the Chair refer to Exhibit 18 in the notebooks. And I would ask specifically that the Committee take official notice of its own records and take notice of the official record certified by the principal clerk of the House that the--the attached committee and commission appointments for Representative Thomas E. Wright from 1999 to 2008 are listed in Exhibit 18.

THE CHAIR: All right. That's Exhibit 18.

Dr. Joyner, any objection?

PROF. JOYNER: No objection.

THE CHAIR: All right. With no objection, Exhibit 18 is admitted.

MR. HART: I'd also ask that the Committee take official notice of Exhibit 19, which is again certified records of the House from the

principal clerk, Denise Weeks, the Exhibit 19 containing the list of bills that were filed by Representative Wright from 1999 through 2008. And she certified those to be true and accurate.

THE CHAIR: All right. Any objection, Dr. Joyner?

PROF. JOYNER: No objections.

THE CHAIR: All right. Nineteen is admitted, as well.

Mr. Hart.

MR. HART: Mr. Chairman, if I could just check one other thing. Our records show that we have introduced and you have admitted Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 13, 15, 16A through G, and 18 and 19 now. Is that correct?

THE CHAIR: All right. Let me double-check my notes. But while I'm doing that, Dr. Joyner, do you have anything different showing on any of those exhibits?

PROF. JOYNER: Give me that listing again, please.

THE CHAIR: Sure. It's Exhibit 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 13, 15, 16A through G, 18, and 19.

PROF. JOYNER: Yes. No--no--no objection.

THE CHAIR: And I have the same notes, as well. So those are all already previously admitted.

MR. HART: If I might approach and--and I have the originals of--of those documents to actually present to the Chair for inclusion in the official record of--

THE CHAIR: That would be fine.

MR. HART: --the Committee.

THE CHAIR: Anything further, Mr. Hart?

MR. HART: No, sir.

THE CHAIR: All right. Will there be evidence for Representative Wright?

I'm sorry. Give me one minute. I'm sorry.

We've got potentially one question that I need to resolve with staff. We're going to take a recess for five minutes, and we'll be back in five minutes. Thank you.

(FIVE-MINUTE RECESS)

THE CHAIR: Mr.--Mr. Hart, you ready? Mr. Peters? I apologize to everyone for taking a moment.

What we want to do is try to amend two counts that the evidence suggested need to be amended to conform to the evidence that's so far in. And then I'll sign, if those are adopted, amended counts so that when Representative Wright is defending those counts, he actually has the benefit of the--of the amended counts to defend, which--both amendments to--to his favor in terms of the evidence that's so far come in.

So the first thing we want to look at is count--I'm looking over the shoulder 'cause I don't have it in front of me--Count Number 7, because there was testimony by Ms. Strach that that hundred-and-eighty-five-thousand-dollar ($185,000) number really is slightly less. So Representative Stam is recognized for a motion.

REP. STAM: Mr. Chair, I move that Count 7 of the charges of unethical conduct by Representative Wright adopted by the Committee at its meeting on January 9, 2008, and amended on February 11, 2008, be amended by deleting the

amount one hundred eighty-five thousand (185,000) and substituting the amount one hundred eighty thousand (180,000).

THE CHAIR: All right. There's a motion by Representative Stam to amend the count. Is there a second by any member of the Committee?

REP. MCGEE: Second.

THE CHAIR: All right. Second by Representative McGee. All right. Discussion and debate by members of the Committee. This is not an outside-counsel issue. This is a Committee issue. Any discussion or debate?

Seeing none, all those in favor will vote aye. All those opposed will vote no. And the Clerk will call the roll.

THE CLERK: Chairman Glazier.

THE CHAIR: Aye.

THE CLERK: Vice-chairman Stam.

REP. STAM: Aye.

THE CLERK: Representative Lucas.

REP. LUCAS: Aye.

THE CLERK: Representative McGee.

REP. MCGEE: Aye.

THE CLERK: Representative Warren.

REP. WARREN: Aye.

THE CLERK: Representative Wiley.

REP. WILEY: Aye.

THE CHAIR: All right. That count is amended for that amount.

Representative Stam is recognized for a second motion.

REP. STAM: And Mr. Chair--

PROF. JOYNER: Mr. Chairman, before you do that, note our objection.

THE CHAIR: Sure. Sure. Objection is--is noted, overruled. And exception is noted to the ruling.

REP. STAM: This--this one is slightly different than what was passed out, as you'll see when I get to the--what would be on there _April,_ I'm going to read the word _August_ 2004.

I move that Count 8 of the charges of unethical conduct by Representative Wright adopted by the Committee at its meeting on January 9, 2008, and amended on February 11, 2008, be amended to read as follows: Count 8, between on or about October 2001 and on or about August 2004, while a member of the North Carolina House of

Representatives, Thomas E. Wright did engage in a pattern of conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, deceptively, and unethically soliciting a financial institution for a loan and corporations for donations to a charitable corporation, The Community's Health Foundation, Inc., and by converting to his own personal use money contributed to that charitable organization. As part of this pattern of conduct, Thomas E. Wright solicited a false document and used that false document in the loan solicitation.

THE CHAIR: All right. And the basis of the change, Representative Stam?

REP. STAM: Yes. The reason for the change is primarily because we withdrew Count 6. This deletes the references that were in Count 6 and then also corrects the date for the deposit of the money.

THE CHAIR: All right. Any discussion or debate by any member of the Committee on that change?

All right. Is there a second to Representative Stam's motion?

REP. WILEY: Second.
THE CHAIR: Second by Representative Wiley. Any discussion or debate?
Seeing none, all those in favor will vote aye. Those opposed will vote no. The Clerk will call the roll.
THE CLERK: Chairman Glazier.
THE CHAIR: Aye.
THE CLERK: Vice-chairman Stam.
REP. STAM: Aye.
THE CLERK: Representative Lucas.
REP. LUCAS: Aye.
THE CLERK: Representative McGee.
REP. MCGEE: Aye.
THE CLERK: Representative Warren.
REP. WARREN: Aye.
THE CLERK: Representative Wiley.
REP. WILEY: Aye.
THE CHAIR: All right. That amendment likewise is passed six-nothing.
PROF. JOYNER: And note our objection?
THE CHAIR: Absolutely. Objection by Dr. Joyner. The objection is overruled. His exception to that ruling is noted.

Does the Chair's ruling on either of those objections--does any member of the Committee wish to reverse the ruling?
Seeing none, no--we are done with that.
I'm going to need a minute. Again we'll stand at ease, not in recess, for a minute for me to sign the amended counts, and then those will be handed out to the counsel and to the Committee. Thank you.
All right. With those changes, now back to the question, I think. All right. Dr. Joyner, will there be evidence for Representative Wright?
PROF. JOYNER: Mr. Chair, we would ask that we take our lunch break now and that we make that decision and report back after lunch.
THE CHAIR: I have no problem with that. We will go ahead and take our lunch break and return at--give you a little bit of extra time--one-fifteen P.M.
Hang on just one minute. And again, just--we'll take the break in a minute. Just to reiterate what's already been told to counsel, that because there was not the compliance due to some objection or concern by Representative Wright's

counsel on Constitutional grounds, so we don't have witness list at this point, if there will be witnesses this afternoon, those names will need to be disclosed, and then we'll talk about whether there's voir dire needed or not. But let's go ahead and take our lunch recess until one-fifteen. Thank you.

(EIGHTY-TWO-MINUTE RECESS)

THE CHAIR: We're back in session following lunch. And I think it was with Dr. Joyner. Is Representative Wright going to be presenting evidence?
PROF. JOYNER: Mr. Chairman, we choose not to present any evidence.
THE CHAIR: All right. All right. Then I think we've now reached the point where closing statements by Committee counsel and Representative Wright's counsel will be made. Just a couple of comments on closing statements. Like--members of the Committee, like with opening statements, closing arguments are advocacy summaries of what the attorneys believe the evidence has shown you.

You should not consider closing statements as evidence, but you are to determine the evidence based on the testimony you've heard and the evidence as you have considered it.
With that, since there wasn't evidence presented by Representative Wright, as I think the rules are is that, Dr. Joyner, you have the right to open and close the closing argument. And so I'll turn to you for first opening--first opening closing.
PROF. JOYNER: I will waive the first opening and will close.
THE CHAIR: All right. Dr. Joyner waives the opening of the closing arguments.
Mr. Hart and Mr. Peters. Yes, please. And if--you--it probably is easier if you use this and--
MR. HART: One question we have. May we split the argument into two parts, be--since he dealt with the campaign contributions?
THE CHAIR: Sure. That's granted.
MR. PETERS: Thank you, Mr. Chairman and members of the Committee.
As you heard Ms. Strach testify, the

reason for the campaign-finance-disclosure laws is for the public interests. It's so the voting public can look as an election is going on and see where contributions are coming from for a particular candidate so that they know where the support for that candidate is coming from and they know how that candidate is spending money. And that's so they can take that information into account in deciding how to vote themselves. That is the primary reason for it. It's in the public's interest to know where a candidate's support's coming from so that a decision--an informed decision can be made about whether or not a particular voter wishes to support that candidate.

That's why the campaign-finance laws are in place, for the protection and for the information of the public. It certainly is a lot of paperwork. No one denies that. It's a lot of paperwork for the candidates, and it's a lot of paperwork for the State Board of Elections. But it's a lot of paperwork for a very important purpose, and that is the integrity of the electoral process itself.

Now, Count 7 against Representative

Wright specifically charges him that between January 1st, 2000, and January 31st, 2007, during all that time while he was a member of this House, he did improperly--and I'm reading here--fraudulently, and unethically engage in a pattern of conduct unbecoming and unfitting a member of the House of Representatives by intentionally failing to disclose approximately one hundred and eighty thousand dollars ($180,000) in contributions received by his campaign during that time period, which disclosures are required by law and are intended to safeguard the public trust and to preserve the integrity of the electoral process, the integrity of the House of Representatives, and the integrity of the legislative process.

That count specifies that the contributions in question are the ones you see before you in Exhibit 15. You have heard Ms. Strach testify that Exhibit 15, the contributions listed there, were prepared by her or by her staff under her supervision. You have heard her testify that the information in it came directly from Representative Wright's bank accounts, the bank accounts that had been identified as having

campaign money in them, some of which were campaign accounts and one of which, at least, was a perso account into which campaign contributions were p You heard her testify that every contribution listed in that Exhibit 15, with the exception of the three that she pulled out at the very beginning of her testimony, you heard her testify that every one of those were contributions that could be attributed to the campaign. These were checks--there is cash in there, about eight or nine thousand dollars in cash. But otherwise, these are all checks that were either made payable to Thomas Wright's campaign or that, on the memo line, indicated they were for the campaign.

There are no checks in that list--according to her testimony, there are no checks anywhere in that list that could be construed as personal checks to Thomas Wright, because on each one of them, there is a clear indication that the check was a contribution for the campaign. There is no evidence before you that that is not the case. There is no challenge to any one of the entries on here. Even though the checking accounts are available and the checks can be compared, there

is no challenge that any one of these has been improperly identified as a campaign contribution when it was in fact simply a check to Thomas Wright for his personal use.

And you can see looking through that account, looking through that spreadsheet, that these cover every reporting period from the beginning of 2000 until two thous--the end of 2006. There is not a single reporting period in that seven-year period in which Ms. Strach and her staff could find, in their investigation, not a single reporting period where all contributions received by the campaign were disclosed. In every single reporting period, there were undisclosed contributions.

And as you heard Ms. Strach testify, in quite a few of those reporting periods, it was a significant amount of money that was not disclosed. In the fourth quarter--excuse me--the second quarter of 2004, the campaign received twenty-eight thousand five hundred dollars ($28,500). Those are listed in that Exhibit 15. You can see in there they're grouped together by the campaign report period, twenty-eight thousand five hundred dolla

($28,500). And the disclosure report for that period showed zero contributions.

The first quarter of 2006, the contributions were fifty-four thousand dollar--fifty-four thousand seventy-four dollars and fifty-two cents ($54,074.52). And of that amount, five thousand nine hundred and fifty (5,950) were disclosed. That is around forty-eight thousand dollars ($48,000) that were not disclosed.

The following quarter, thirty-seven thousand dollars plus--thirty-seven thousand four hundred and six dollars ($37,406) that should have been disclosed, and only twenty thousand nine hundred and twenty-five (20,925) were disclosed. Again, that's about a sixteen-thousand-dollar ($16,000) difference.

You add those first two quarters together, and right there you have over fifty thousand (50,000), over sixty thousand dollars ($60,000) that were not disclosed in the first two quarters of an election year.

Now, as Ms. Strach testified, everybody understands that when these disclosure reports are filed, mistakes can be made. Everybody understands

that. We're all human. And particularly when you're dealing with large amounts of money, it's easy to miss a check here or there or to miss a contribution or to fail to get it into the right report. Everyone understands that happens. But you heard Ms. Strach testify that in the seven years that she has been overseeing these audits this was the worst she had ever seen in terms of contributions' not being disclosed. She has audited, as she said, accounts that are worth over a million dollars, that regularly have over a million dollars in them, and she has never seen this level of nondisclosure.

I would submit to you that when you see the pattern that is in Exhibit 15 and compare it to the disclosure reports in Exhibits 16A through G, when you see that, every single reporting period, there is a failure to disclose contributions, and when you see that in some reporting periods that failure is stark, twenty-eight thousand dollars ($28,000) in contributions received and zero reported--everybody makes mistakes, but I put it to you that a candidate is going to know if he has received twenty-eight thousand dollars ($28,000) in

contributions during three-month quarter of the year. He's going to know that zero is not the correct answer in filing a disclosure report. If you've received that much money, you know you have received some money in that quarter, and you don't report zero dollars.

There were actually, as you can see when you look through here, one, two, three, four, five reporting periods in which zero contributions were disclosed. In one of those, it was a low amount of contribution, seven hundred and fifty dollars ($750). In the others, it was at least a thousand, two thousand. 2005 it was three thousand five hundred and fifty-nine dollars ($3,559).

There just exist too many discrepancies here for this to be accidental, for it to be sloppy bookkeeping or for it to be an oversight. There just are too many failures to disclose here. And as I said, when you see that that failure sometimes results in reporting no contributions when there are in fact over twenty-eight thousand dollars ($28,000) in contributions, I submit it is simply unreasonable to believe that's a mistake or that it's sloppy bookkeeping.

Now, you have heard some other evidence through Ms. Strach about Representative Wright's campaign finances, about the expenditures, about expenditures that were overreported, when, for example, they could find a check paid to a media outlet for one amount, and the disclosure that, as best they can tell, is supposed to reflect that expenditure is for a few thousand dollars more. You heard her say that they found in his accounts close to, her recollection was, two hundred thousand dollars ($200,000) in expenditures that should have been reported that were not reported.

Now, those don't go directly to the count you have in front of you. The count you have against Representative Wright is that he failed to disclose. But I would submit to you the count also says that he engaged in a pattern of conduct. And I would submit to you you can consider the other evidence you have heard with regard to expenditures which were not reported, with regard to the fact that in 2007 no reports have been filed--were filed, that you can consider that at no time since 2000 has Representative Wright ever amended a campaign-finance report that he had filed. I think

you can consider all of those things in determining that the failure to disclose the one hundred and eighty thousand dollars ($180,000) was in fact part of a pattern. It was a pattern to withhold from the public knowledge contributions that Representative Wright was receiving, who those contributions came from in some instances, and how those contributions were being used.

Ms. Strach was exactly right. As this Committee knows, until 2006 it was legal to use campaign funds for personal purposes, but you had to disclose it so that the voters knew that's what you were doing, so that the people who gave to your campaign knew that's what you were doing. There was no disclosure here. And I submit to you that those things taken together show overwhelmingly a pattern of conduct designed to hide from the voters of North Carolina, designed to hide from the people where Representative Wright's support was coming from and what he was doing with the money that came to him.

We said at the outset those rules are in place to protect the electoral process. They're also in place to protect the integrity of the House

of Representatives. They're in place to protect the House from any allegation that someone's vote might be being bought in considering a specific piece of legislation. When a piece of legislation is being considered, anyone in the State can look and see if a legislator who might--who will be voting on it, who might be a position of influence with regard to that bill can look and see if that legislator's support is coming from somewhere that would call into question, for a better way of putting it, whether the legislator's vote has been bought. It's there to protect the members of the House, as well as the members of the public.

And in this case, the evidence is clear that Representative Wright tried to evade that and did evade it. He acted to evade anyone being able to know where the contributions were coming from or how many there were or what was being done with them.

I put to you that hits at the heart, I believe, of what is ethical and unethical conduct for a legislator. It goes directly to the public's ability to have faith in the electoral process. It goes directly to the public's ability to have faith

in the legislative process, because it feeds the perception that deals might be made behind close[d] doors, that things are not out in the open, that government is not running for the benefit of the people in the open.

I do not believe any reasonable observer can look at the evidence that has come in, particularly through Ms. Strach, and come to any conclusion other than Representative Wright was intentionally failing to disclose these contributions. And I do not believe that any reasonable obser--observer can look at that and say that did not harm the integrity of the House, and it did not harm the integrity of the electoral process, and that as a result, it was without question unethical conduct for a legislator to engage in.

Thank you.

THE CHAIR: Thank you very much, Mr. Peters.

Mr. Hart.

MR. HART: Thank you, Mr. Chairman, members of the Committee.

This is a solemn and sad occasion. I

don't believe that there is anyone here that really wants to be here today doing what we're doing. We've all taken this very seriously through the entire process. We've been involved in a very painstaking process to determine the truth about the allegations contained in the charges that are set forth before you. None of us would like to believe that a member of this House has done the things that are set forth in these charges.

But I believe that what we have done over the course of this week is to present to you through a number of witnesses, all of whom I would suggest to you are very credible--and I'll talk about that later. But what we have presented to you is a pattern, a several-year pattern, from 2000 through 2006, of unethical and improper conduct by one of your members.

What we have seen is evidence of fraud. We have seen ev--evidence of a violation of trust. Think about some of the witnesses that came forward, Torlen Wade, Dan Gottovi. Think about how they testified about how they trusted this man, how they believed in him, had no idea that he could[n't] taking them down the wrong road. They trusted h[im]

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and they acted in reliance on that to their detriment, to our detriment, to the people of the State of North Carolina's detriment.

We've heard evidence of all kinds of unauthorized activities. And as Mr. Peters said, even though some of the testimony of Kim Strach about the expenditures and other violations that are not specifically contained in the one count about a pattern of disclosures, failure to disclose, all of those instances, all of those--all of that evidence of unauthorized activity is corroborating evidence, evidence that you can use to decide whether you believe that Representative Wright acted unethically and engaged in a pattern of conduct in all of the counts that are presented before you.

You have also heard evidence of deceit, evidence of concealment, evidence of abuse of power and influence. You've heard Torlen Wade talk about how he wouldn't have done what he did if Representative Wright had not been a member of the legislature, chairman of one of the committees that he had to deal with, and a member of the appropriations subcommittee that he had to deal

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with. You've heard evidence of conversion, which is similar to other words that you're familiar with, theft and embezzlement.

You've heard evidence of intentional violation of campaign laws. And as Mr. Peters so aptly point out to you, we're not talking about just some minor violations that anyone may make simply by oversight, inadvertence, things of that nature. What we have seen, what you have seen, what we have presented to you is a striking pattern of impropriety.

We have seen evidence of an attitude of entitlement. The term "sweat equity" shouts entitlement, and it's inappropriate. And I submit to you we have seen evidence of arrogance, arrogance that he could take the power that he has, the influence he has, and abuse it over a period of time in the way that we have shown that he has.

Our job has been to present evidence to you. And it's now your job to decide whether that evidence shows you--whether that evidence is clear and convincing evidence that shows you that Representative Wright has actually committed the acts that are contained in all of the counts that

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are before you.

How do you go about doing that? You have to do similar to--similarly to what jurors do. You, as judges would tell jurors, have to determine the credibility of witnesses. You had an opportunity to have many of the people involved in Representative Wright's scheming over the last seven years to--to be here before you where you could look them in the eye. You could determine for yourselves whether you believe any--none or any part of what those witnesses told you. You've had an opportunity to look at all the documents that were presented to you and match those documents up against what those witnesses say.

And you've had corroborating evidence. When a witness testifies and there is some document or another piece of evidence that's offered by another witness, you can look at whether that evidence corroborates what one witness says and might make you believe that witness even more simply because there's supporting evidence to that.

Those are the tools that you're going to use. And I ask you to think about those as I take you through the several counts that Mr. Peters did

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already speak about.

And the first count I want to talk about is Count 1. And in some ways perhaps this is the most disturbing count, because it directly involves Representative's Wright pos--Wright's position as a legislator. I submit to you if you think about the testimony of both Torlen Wade and Ronnie Burbank, I contend to you that what happened in this case is that Representative Wright wanted to buy this building down in Wilmington for the purposes that you've heard about, and I believe that--that Dr. Gottovi and Torlen Wade believed that he was certainly going to do that--and maybe he was--but that he was running into a problem because he didn't have the money. He had an opportunity to buy a piece of property. He didn't have the money. And yet he needed to have the money to be able to purchase the property.

And when he went to the bank and he told them that what he was going to do is to repay it with money that he obtained from state and federal financing, that what happened was he realized he was going to have to come up with some kind of documentation to that effect. And that's when he

went to Torlen Wade. And you remember--you--there was a small part of Torlen Wade's testimony where he said that when he got the phone call from Representative Wright, there was a tone of urgency. There was an insistence in what Representative Wright was asking him to do in signing a letter that Torlen Wade didn't feel comfortable doing.

He talked about the fact that Representative Wright said, "I need you to give me a letter of commitment, letter saying that--that you're going to provide me with a hundred and fifty thousand dollars ($150,000) in funds to support this museum project." And Torlen Wade said, "No, I can't do that. You know I can't do that." And Representative Wright said, "Well, we--yeah, you can. We can--here's what we can do. We can--we can say that--that it's partly because we're going to put some medical facilities in there, something to serve the--the--the health, which--which is in your--in your bailiwick."

And Torlen Wade said, "Well, you know, we've got a process. You know, there would have to be"--he told you all about the process they'd have to go through. If they were going to do this, if

he were actually going to be authorized to commit these funds, he had to go through a formal process where Representative Wright would have had to present him with the project plans, what part the museum was going to play, where the funding was coming for--from for the museum, what part was going to be funding needed for the--the portion that was going to be for the health center. And all that was going to have to be formalized and go through a process, and then he would be able to commit to that small portion that was part of the health center. That was the only authority he had, and only if he went through that process.

And he tried to explain that to Representative Wright, but Representative Wright wouldn't listen to him. Said, "No, I want you to do this. And, look, I'm not going to come back to you for that money. All I need is a letter saying I've got it. Even if you can't commit, I want a letter from you saying that you can commit and that you are committing so that I can take that to a financial institution. That's what Torlen Wade told you. And he told you he felt pressured because of Representative Wright's position as a

legislator, as chairman of the committee that he dealt with as part of the appropriation's committee. And he told you because of that and [illegible] longstanding association with Representative Wright and his belief that he was trying to do a good thing, that he succumbed, and he agreed to do that letter.

And then you've seen the documents. You've seen the e-mail from Representative Wright to Torlen Wade. And he very careful set out--Representative Wright very careful set out exactly what he knew he needed to have to be able to go to Coastal Federal Bank. And he laid it all out there and had it faxed to Torlen Wade. And that's Exhibit Number 2 in your packet.

And I'd ask you to compare that to Exhibit Number 3, the letter. Torlen Wade said he essentially took the e-mail; he knew what Representative Wright wanted him to say even though he knew it was false. And he then put it in the letter that's Exhibit Number 4. And he signed it, and he sent it to Representative Wright two days later.

That's essentially what Count 1 deals

with, all of what we've just talked about.

Did Representative Wright unethically and improperly go to Torlen Wade and solicit a false document? Is there any question in your mind? Certainly by clear and convincing evidence. I would submit much higher than that. There should be no question in your mind that this was a false document and that Representative Wright solicited that document knowing that it was in fact a false document and that it was intended to be presented to a financial institution.

We now turn to Count 2. And this is sort of the--the second part of Count 1, if you will. Count 1 was the--the first step in this scheme of Representative Wright. He then took the letter that he had Torlen Wade send him. And if you notice, the letter is--falls between the March 5th, 2002, initial approval of the loan by Ronald Burbank--Ronnie Burbank--I believe that's Exhibit Number 5. No. I'm sorry. That's--that's Exhibit Number 4. Where they met on March 5th of 2002, and Ronnie Burbank made his initial notes as to what he was approving and why he was approving it. And it was just shortly after that that Representative

Wright made the call to Torlen Wade and that the Torlen Wade letter was written and sent.

And then between then and the first part of April, early April--I--I believe the testimony may have been April 5th. I can't recall the exact date. But between those two dates, Ronnie Burbank testified that Representative Wright presented him in some form or fashion--he couldn't remember whether it was hand-delivered by Representative Wright or whether it was faxed or--or sent in some--some fashion. But he testified that Representative Wright did present him with that Torlen Wade letter, the March 15th Torlen Wade letter, and that it was at least partly in reliance on that letter that the bank made the loan, that he recommended the loan and that the bank made the loan.

Now, why is that important? Well, we--we know that--we know that the--the loan was eventually foreclosed. Maybe that would have happened anyway. We--we don't know. But the bottom line is that banks have a reason why they make inquiry as to how something is going to be repaid. They have a right to know what is going to

be the collateral, what is going to be the repayment method, how--what kind of a risk am I taking? Before they loan out their money, they have--have a right to ask these questions. And that's important. That's important to our banking industry and our--our--the foundations of our--of our civil society, that people can rely on people to tell the truth and to rely on documents they present to them to be accurate and truthful documents, not false documents that falsely commit to something that someone has no authority to commit to and that the bearer and presenter of knows that that person had no authority to commit to.

And Mr. Burbank was questioned at length about that document. And he was unshaken. You--again, you've got to decide credibility. If Torlen Wade and Ronnie Burbank--Ronnie Burbank didn't really seem to have much of a relationship with Representative Wright. He knew he--who he was. They had some dealings. He wasn't in the position that Torlen Wade and--and Dan Gottovi were in terms of perhaps being led astray by their past dealings and the trust relationship that they had. But he

certainly relied on that letter that was presented to him. And I would submit to you that he was a very credible witness. He had nothing to gain from coming in here and telling you what he--what he told you.

Same situation with Torlen Wade. Torlen--Torlen Wade didn't have anything to gain. I'm cer--I'm certain that was embarrassing for him to come in here and tell you what happened. He lost his job over this. But he came in here, and he told you what he did, that he had done something that was wrong, something that he never should have done, something that was false, something that that man--(indicating)--asked him to do.

Ronnie Burbank testified that at least in part, he relied on that letter. And that certainly is fraud. And certainly fraud is something that is unethical and improper for a member of the House of Representatives of North Carolina. I would submit to you that both Counts 1 and Count 2, the special counsel has presented more than sufficient evidence for you to find by clear and convincing evidence that those charges have been proven.

Counts 3, 4, and 5 I'm going to treat

together. Those counts all deal with Representative Wright soliciting corporations to make charitable contributions to the Community Health Foundation, Incorporated, a foundation that he helped incorporate with Dan Gottovi and a couple of others, of which he apparently was president. We're not sure about that, but at least there's been some testimony that everybody thought he was president. We don't know, because we haven't seen any bylaws. We have testimony that no bylaws were ever approved.

We do know, though, from the evidence that's been presented, that he did send three documents to those corporations. And here's how we know it. Representative Wright admitted that he sent the letters to Anheuser-Busch and AstraZeneca. You heard that from Agent Umphlet, that Representative Wright looked at those letters that you have before you, Exhibits Number 6 and 8, and that he specifically admitted that he had those documen--that he prepared those documents and signed those documents and sent them to those organizations.

And I'd ask you to read the language in

each of those documents. And it's clearly--it's interesting. The language is a little bit different in each one of those. But what--what I would suggest, in--in the Anheuser- Busch, he talks about funding the museum. In the AstraZeneca letter, he talks about wanting to be able to help the underserved population in New Hanover County in dealing with their medical needs, certainly something that AstraZeneca Pharmaceuticals might be more interested in than Anheuser-Busch might have been interested in. But he care--very carefully tailored his solicitation letters to these corporations, and he specifically told them that it was a charitable cor--contribution that he sought. And he mentioned the 501C3 designation, that they had in fact--they were in fact--that Community Health and Foun--Foundation, Incorporated, was a charitable cor--contri--corporation under 501C3.

Now, there's been some question about that, was--was it or wasn't it. It's not necessary for you to determine in deciding the Counts 3, 4, and 5. If you notice the language of those counts, we did not draft those counts specifically saying that he falsely represented that he was a

charitable cor--corporation under 501C3. We simply stated in those counts that he said in his letters that he was a charitable corporation, a 501C3 corporation. What is clear is that after soliciting that money from each of those corporations as a charitable contribution, he then deposited those checks in his own personal account, something he had no authority to do. And I'll talk about that in a minute.

By this own admission to Agent Umphlet, he did take each of those three checks that you have in evidence, and he deposited them in his--what has been referred to, the commingled account, which was a personal account slash campaign account. But there's no question that he took those monies which were intended as a charitable contribution by these corporations and that he deposited them in his own account.

John Policastro testified as to the AT&T solicitation. We don't have a letter there. If you remember, what he testified was that there had been an inquiry where someone from the Community Health Foundation, Incorporated, had made inquiry about getting a contribution from AT&T and how they

would go about doing that. And Policastro let that person know, someone within the agen--within the corporation, that what had to happen was there h[a]d to be an invoice from that corporation. And then some time after that, an invoice comes in with the letterhead of the Community Health Foundation, Incorporated, the same essential letterhead as on those two letters. Also has Thomas Wright's name on the--the letterhead of the invoice. And specifically for the fifteen-hundred-dollar ($1,500) amount that had been indicated about the inquiry having been made.

Now, Representative Wright in talking to Agent Umphlet did not admit that he remembered that particular invoice. Said there was something about it. He wasn't sure. He didn't specifically say absolutely no, as I recall. But he did admit that he had solicited a fifteen-hundred-dollar ($1,500) contribution from AT&T as a charitable donation to the Community Health Foundation. So I would submit to you that what--what you have, then, is clear and convincing evidence that he did solicit charitable contributions from each of those three organizations in the amounts indicated and that he

did deposit those monies in his own account. The question is was he entitled to do that.

Well, there's been a lot of talk. And again, I would submit to you, ladies and gentleman, one of the things you have to look at is the--the credibility of--of the witnesses. And I would submit to you that even more so than Torlen Wade, Dan Gottovi, Dr. Gottovi, had a--a longstanding relationship with Representative Wright. And Mr. Joyner brought that out very fully, talked about the family relationship and all they'd done over the years. And they've done a lot. And--and Dr. Gottovi was involved in a lot of the projects that Representative Wright had been involved in over the years. No question about it. And I would submit to you that Dr. Gottovi's testimony may have changed a little bit from time to time about what really happened in terms of bylaws and meetings and authority.

I think Dr. Gottovi felt very pained having to be here and testifying to some of the things he had to testify about. And I think there may have been times where he wanted to give Representative Wright the benefit of the doubt,

that maybe some of those times that they had lunch together or happened to see each other somewhere were board meetings perhaps. But that's not the law in North Carolina. There are specific laws involving nonprofit corporations. It's called the North Carolina Nonprofit Corporation Act. In Article 2, under organization, Statute 55A--excuse me--55A dash 2 dash 03, under incorporation, says, "Unless a delayed effective date is specified, the corporate existence begins when the articles of incorporation are filed."

So that corporation actually began, if you look at Exhibit 1, on April 18th, 2001. It was no longer in the planning stages. It was no longer a steering committee. That corporation was in existence on April 18th, 2001. The incorporator's job was completed, and it was now up to the board of directors under the bylaws to run the corporation.

General Statute 55A dash 2 dash 06, bylaws. The incorporators or board of directors of a corporation shall adopt initial bylaws for the corporation. That's a requirement by statute. The evidence before you is that that was never done.

We've heard some vague talk about there may be some bylaws somewhere. We haven't seen any. But the testimony was, from--from Dan Gottovi, that they never met and approved any bylaws. And that was a job that the incorporators had to do. They didn't do it. There were no bylaws. Therefore, there was no--nothing to authorize anybody to take any action at all.

In Article 3, purposes and powers, there is a Statute 55A dash 3 dash 02 involving the general powers of a corporation. And certainly corporation has--has a number of powers to be able to purchase property, to be able to conduct affairs, to make contracts and guarantees, all those things. But again, that has to be under the authority of the bylaws of the corporation, and there were none.

In Article 8, General Statute 55A dash 8 dash 01, requirement for and duties of board. Under Subsection B, all corporate powers shall be exercised by or under the authority of and the affairs of the corporation managed under the direction of its board of directors as--except as otherwise provided in the articles of

incorporation. What you heard from Dr. Gottovi was that the board never authorized any of the actions of Representative Wright, never authorized him to put that money into his own account. And that's significant.

You've heard the expression coined in this case by Representative Wright "sweat equity." He talked to Johnnie Umphlet about what he thought he deserved based upon his number of hours that he had worked for the foundation. And that's all well and good. But I believe, ladies and gentlemen of the Committee, that there are folks all over North Carolina every day that are board members of nonprofit corporations who don't get a dime for anything that they do, who are not authorized to dip into the corporate till and take money at their pleasure.

And in fact, by statute, again, that's covered. General Statute 55A dash 8 dash 12, compensation of directors. Unless the articles of incorporation provide otherwise, a board of directors may fix the compensation of directors. Was there any testimony that there was any compensation fixed for the directors? No. You

head Dr. Gottovi. There were no meetings. There were no bylaws. There were no meetings. There were no minutes. There were never actually any official actions by the--the board of--of the Community Health Foundation, Incorporated.

Meetings and action of the board, Part 2 of that article, Section 55A dash 8 dash 20, regular and special meetings, Subsection A. The board of directors may hold regular or special meetings in or out of this state. Subsection B. Unless the articles of corp--incorporation or by--bylaws provide otherwise, the board of directors may permit any or all directors to participate in a regular or special meeting by or conduct the meeting through use of any means of communication by which all directors participating may simultaneously hear each other during the meeting. A director participating in a meeting by this means is deemed to be present and in person at the meeting.

Action without meeting, Section 55A dash 8 dash 21. Unless the articles of incorporation or by--bylaws provide otherwise, action required or permitted by this chapter to be taken at a board of

directors' meeting may be taken without a meeting if the action is taken by all members of the board. The action shall be evidenced by one or more written consents signed by each director before or after such action, describing the action taken and included in the minutes or filed with the corporate records reflecting the action taken.

There has been absolutely no evidence of any kind of written consent by any of the purported board members of the Community Health Foundation, Incorporated, for Agent--for Representative Wright to be able to do any of the things he did in converting the charitable contributions to his own personal use.

And the last statute I'd cite you to is in Part 3 of that article, Section 55A dash 8 dash 30, general standards for directors. A director shall discharge his duties as a director, including his duties as a member of a committee, one, in good faith, two, with the care an ordinarily prudent person in like position would exercise under similar circumstances, and, three, in a manner the directory--director reasonably believes to be in the best interests of the corporation.

I believe that goes towards the ethics of what he did here, as well as the--the conversion, which is a crime, and the fraud involved in soliciting a charitable contribution that he apparently intended to convert to his own use. But you have him violating the trust that he owed to the Community Health Foundation, Incorporated, as a director and--and member of the board.

I would submit to you, members of the Committee, that as to Counts 4--3, 4, and 5, once again, special counsel has presented evidence to you which should certainly convince you by that clear and convincing evidence that Representative Wright has committed the acts charged in those counts.

And the last count that I'm going to ad--address is count 8. And if you examine that, that count is essentially a summary type of count. It alleges a pattern of conduct which very much tracks all of the activity in Counts 1, 2, 3, 4, and 5. And for all of the reasons that I have laid out to you from the evidence, I would submit to you that we have, again, shown to you by clear and convincing evidence that Representative Wright has

committed the acts contained in that count.

Now, in a few minutes, Mr. Joyner is--going to come up, and he'll argue to you. Remem that much of what you heard in terms of questions that Mr. Joyner asked during the hearing where he was seeking some kind of answer that he hoped might help Representative Wright, oftentimes he didn't get the answer he--he was hoping for. He threw some speculation out there as to what might have been Representative Wright's motives or what might have been valid authority for him to do something or what might have been a valid explanation that might cause you not to find one of these counts. But where is the evidence? There simply is no evidence to counter the clear and convincing evidence that we have presented to you that Representative Wright is guilty of each one of these counts before you.

I would ask you to listen carefully to Mr. Joyner and his argument. Listen carefully to any instructions that the Chair might have as to other areas of the law that I have not covered. And special counsel would ask you to find that Representative Wright has committed each of the

violations that are alleged in the counts before you.

THE CHAIR: All right. Thank you very much, Mr. Hart.

Dr. Joyner, closing argument for Representative Wright. And, Dr. Joyner, when you get up to the podium, if you'll switch that other switch off. With your other mike on, it'll--so--thank you.

PROF. JOYNER: I'm going to try this thing out. Know how it's going to work.

Clearly this has been an unusual experience in many ways. I'm used to arguing before a jury. And there have been references made to you as jurors. But we all know that you're not. And the protections which are provided for defendants in most proceedings where there are jurors aren't present here. Jurors have not served as the originators of the complaint. You have. You have grand jurors that will look at claims from a prosecutor and will issue an indictment that brings the person before the court. But the members of that grand jury don't sit as jurors the trial.

And in this situation, you received from Mr. Peters and Mr. Hart information about the claims against Representative Wright. And at that time, you made the determination that there was probable cause to believe that they were true. I--I don't know what documentation they provided to you for you to reach that conclusion. But clearly you reached that conclusion, and that's evidenced by--by yet this second revised notice of charges. And merely by doing that, you attested to the fact that you believed that these charges were probably true. So you don't sit here as--as jurors.

The other issue has to do with the prosecution of the case. You sit as prosecutors in this case. Now, clearly the four of you did not do a whole lot in that regard. You asked questions. But the chair and the vice-chair did. Mr. Stams (sic) even went out and found evidence, documents that neither Mr. Peters nor Mr. Hart brought in to present as evidence in this matter, and wanted to present it himself. So he was clearly not serving as a juror. He was serving as an adjunct to the prosecution. So I'm not--I'm not used to coming before the body with that.

And then in every trial in North Carolina, and indeed in every trial in America, every trial in America, the evidence upon which the jury reaches its verdict is only the evidence that's presented from the witness chair under oath. Clearly that is not the situation in this case, because while you did hear testimony from witnesses, there was other evidence presented without the benefit of witnesses that you have in your possession and you have reviewed.

Case in point: Mr. Stams (sic) brought in two documents, a--an application for business credit and a settlement statement, neither of which Mr. Peters nor Mr. Hart intended or attempted to get introduced. And he circulated them to everybody in here. You got a copy of it. You got a copy of it. And then he wanted to ask questions about it. But that's in your package of evidence. Now, jur--jurors--jurors would not be in receipt of this type of extraneous evidence not presented from the witness chair under oath.

And in fact, at a real trial--at--at a real trial in North Carolina and the rest of America, the judge would instruct the jurors,

Don't go out and look for information. Don't go to the site. Don't conduct any research. Don't conduct any tests. But keep yourself in a position that you can decide this case based on the evidence presented from the witness chair right there. And that's why you have a witness chair, and that's why you swear witnesses.

Is this impartial? Is this impartial, where the person who is being tried walks into the chambers with a presumption of innocence? Not here. Not here. Representative Wright did not come into this chamber protected by the presumption of innocence, because you had already removed that presumption from him when you issued these claims. So is this fair and impartial? Not in America. Not in North Carolina. Maybe in some foreign land it would be, but not here.

Now, I--I do understand that this is the General Assembly. And because this is the General Assembly, you can do pretty doggone well what you want to do. But I want to know--I want you to know that as I start, that I recognize the hill that I have to climb, and I know that I'm trying to walk up a slippery slope. I recognize that from the

outset, basically because of the things that I've just said. So we might make this pronouncement that we sit as jurors, but the reality is contrary to that. This is not that situation. And I understand the political nature of these proceedings. And with that, I want to address some of the claims.

Your charge for your rules say that you have to find by clear, cogent, and convincing evidence that Representative Wright has committed the acts described here. And I will say to you that what you have instead of clear, cogent, and convincing evidence is evidence that is murky, confusing, and disconnected. Nothing clear about it. Nothing cogent about it. Nothing convincing about it.

And I want to start with Counts 1, 2, and 8. Mr. Hart dealt with 1 and 2 first and then summarized 8 as a--they're all duplications of--of the same thing, 1, 2, and 8. And Counts 1, 2, and 8 deals with the solicitation or the granting of a loan for a hundred and fifty dollars (sic) for the purpose of purchasing a building in Wilmington that could be used as a 1898 Wil--Wilmington Memorials

museum, office space for the Community Health Foundation, office space for the Community Health Center that needed space to grow.

And I think that the documents that's been--that have--that have been presented here amply supports the conclusion that the Community Health Foundation--and I want to just look at Exhibit 1, articles of incorporation--that that was filed with the North Carolina Secretary of State, that that was accepted by the North Carolina Secretary of State and registered as a nonprofit corporation in the State of North Carolina. To that point, there is no disagreement.

And we can further say, if you look at Exhibit 14, Exhibit 14 deals with the articles of incorporation of the Community Health Foundation, and that articles--and those articles of incorporation were signed by the Secretary of State.

REP. STAM: Objection.

MR. HART: Yeah, Mr. Chairman, that--

REP. STAM: Exhibit 14 was never introduced.

THE CHAIR: Objection sustained. Exhibit

14 was not admitted into evidence, so it is not relevant to closing argument.

PROF. JOYNER: Exhibit 14 was discussed. It was presented in the package to mem--your--your body. And as such, it is in evidence. Even though the document itself was not introduced, it was a part of the evidence presented in this session.

THE CHAIR: Exhibit 14 is not--correct me if I'm wrong, members. But I had Exhibit 14 pulled, so you should not have Exhibit 14 in your notebooks. Am I correct?

Exhibit 14, since it was not pursued, was pulled from the beginning.

PROF. JOYNER: Mr. Chairman, we discussed it.

THE CHAIR: That were the--I will certainly let you talk about information that you want. But the exhibit itself and nothing in the exhibit's in evidence.

PROF. JOYNER: So a corporation was accomplished. And then there was evidence that the Community Health Foundation received an employer's identification number from the Internal Revenue Service, Tax Identification Number 562252434.

There's no dispute about that. And that is the tax exempt number--tax identification number which appears in at least one--two of the letters that we'll talk about later on. These are official actions taken in furtherance of establishing the existence of the Community Health Foundation. And to that, there is no--no dispute.

There is evidence, a document in the file, Exhibit 3, of a letter from Torlen Wade addressed to Thomas Wright, chairperson of the Community Health Foundation, that letter being issued on March 15th, 2002. Passed out to you but not formally introduced into evidence was a business credit application that Mr. Stams (sic) found and sought to question.

MR. HART: Objection. I don't believe that's ever been passed out to the Committee.

THE CHAIR: Hold for a minute on the objection. I--I want to make sure about that.

Think the document was initially passed out and retrieved immediately when I denied admission. But because it at least was discussed, I think Dr. Joyner has the right to discuss the information that was discussed about it, the

questions about it. Again, the document itself is not admissive--admitted; it's not in evidence; and it's not before the Committee.

REP. STAM: Mr. Chairman, if--if I could just recollect, actually no questions were allowed about it when Dr. Joyner objected to it. I asked why they would object to it, since it was signed by his client. But their objection was sustained.

THE CHAIR: Well, that's my recollection, as well. But I'm going to let Dr. Joyner argue as he wishes about that without direct reference to anything that wasn't talked about in any way, shape, or form by others. But at least the document's not in; the document can't be referenced. But if there's information that was discussed by a witness, he can certainly talk about that.

PROF. JOYNER: Well, Mr. Chairman, the document was passed for the members, including yourself, to see. And when they saw it, obviously they saw the content of the document. It was not elaborated on in testimony, but it was circulated for the purpose of people seeing what the docum spoke to.

THE CHAIR: I will go ahead and let you argue your point, Dr. Joyner. But I am going to instruct the members, when I do instruct, that, again, that anything that was not admitted into evidence is not to be considered in their determination. So in terms of the documents--but I will go ahead and let you make your argument.

PROF. JOYNER: Thank you, Mr. Chairman. I appreciate that.

Business credit application with the Coastal Federal Bank from the Community Health Foundation with the same tax ID number--identification number that I referenced before dated February 22nd, 2002, for the purchase of a building, a hundred and fifty thousand dollars ($150,000). That's the application.

In your packet and introduced into evidence is Exhibit Number 4. And Exhibit Number 4 is the approval document which Mr. Burbank testified about and to which there is considerable reliance upon it. And it is a--a document of approval, because it says in the document that the loan requested by the Community Health Foundation was approved. And that document is signed by R.

Burbank, who was the loan officer who had the authority to approve that loan. But what is important--important about this document is, one, that it does not note a need for a letter or any other documentation from Representative Wright in order to secure this mortgage money.

You--you can look at all over. And some of your have purchased homes. And you know that if there is a condition which has to be satisfied before a mortgage is granted, it is in the file in order that that condition can be satisfied before the loan is granted. Yet, in this situation on March 5th, 2002, we have a notice of approval which does not mention the necessity of a letter, document, or any other information that is a precondition to getting this loan. It's not there.

It notes that the primary source of repayment, not guarantee, will be state and federal government grants, which is a projection. Anytime you get a loan, you get a mortgage, and they talk about how you're going to repay it, it's a projection. I mean, if it's your job and your income, your salary, that's a projection, because the next day, you might just lose your job. So

that's a projection. It's not a guarantee. It's a projection. If things are as we see them now, they can repay this from their wages or from grant money from state and federal government. And then secondarily, they listed the equity in the building, because the worth of the building exceeded the amount of the loan.

Clear, cogent, and convincing. Clear, cogent, and convincing evidence. Clear, cogent, and convincing evidence is needed to show that this letter was used for the purpose of getting this loan. It wasn't.

Well, how else--how else do you know--how else would you support that notion?

I recall Mr. Burbank testifying that he was pretty unclear about the dates that things occurred. He testified that at some point, without specific reference, that he knew about a letter. He knew about a letter. But he couldn't tell us when that was. But from the documentation, it wasn't on March 5th, when he approved this loan. And I recall asking Mr. Burbank when the SBI agents came, when the files of the Coastal Federal Bank was reviewed, was the letter in the file. And the

answer was no. The answer was no. The answer was no.

Why is that important? Because if it was a document on which he relied to grant a loan for a hundred and fifty thousand dollars ($150,000), you know where it would have been? In the file. So that if the auditors came in to find out why he gave that loan and that was a precondition, the record would be clear that that was a condition. It was not in the file.

SBI Umphlet was asked about this, "Well, where did you get the letter?" Say, _Well, I got it from two or three different sources. I got it from Kim Strach. I got it from another agent. I got it from the files of Health and Human Resources."

Among the missing situses (phonetic) for that letter was the Coastal Federal Bank. They subpoenaed the records from the Coastal Federal Bank, and not included in that file was this letter. And you know why it wasn't in there? Because he did not have it, did not need it, did not require it at the point that he approved this loan.

Torlen Wade's letter is dated on, well, March 15th. The approval date of this loan is March 5th. Torlen Wade's letter is written on March 15th. If it's written on March 15th, in the day of Pony Express, it gets to Wilmington by March 16th, by snail mail March 17th, by e-mail instantaneously. But if it was by e-mail, it would have come from Torlen Wade. And Mr. Burbank said, "No, he--no, no, no. Wade did not send me a letter. I don't know who I got it from. I could have gotten it from Tommy Wright. I could have. I don't know who I got it from. But it did not come from Torlen Wade." So the e-mail option is out.

Let's go on. So it had to be by Pony Express or snail mail. No matter which mail you use, it's ten days after the loan was approved. You've got to explain that discrepancy. You've got to explain it.

Burbank, who is a career banker, is going to rely on a letter to guarantee a loan and doesn't get it for almost two weeks after he approved a loan for a hundred and fifty thousand dollars ($150,000)? Well, I understand a hundred and fifty thousand dollars ($150,000) is not a lot of money

for them. I understand that. I understand that. I understand that. To most of us, yeah. But you don't make a loan for a hundred and fifty thousand dollars ($150,000) in which you have not satisfied the conditions that you set. You don't do it.

This letter was not a condition of that loan, because had it been a condition of this loan, there would have been some documentation of that need somewhere in that file, somewhere, on the file cover, on the printout sheet of things that we need to get, or on a notice, or on the note in the closing package to the attorney that's closing the loan that we need to have this information. It is not there.

We're talking about clear, cogent, and convincing evidence. Now, if that's clear, cogent, and convincing to you on their part, then clearly we're in a political determination. But as jurors, as jurors, the evidence is nonexistent, does not support that point. Doesn't support it.

Evidence does support a conclusion that Torlen Wade wrote this letter, and he wrote the letter at the request of Representative Wright. There is absolutely no clear, cogent, and

convincing evidence that Representative Wright ever used this letter--ever used this--ever used this letter to secure a loan.

Representative--well, I'm getting him elected now. SBI Agent Umphlet testified that when he sat down and talked to Thomas Wright for nine hours, nine hours, almost as long as you've been here, for nine hours, voluntarily, came in without a lawyer, had his own video camera, and sat down and talked with Agent Umphlet for nine hours. He told him exactly the same thing. He said, "I got the letter from Torlen Wade, and I asked him to do it. And I'm sorry that I asked him to do it, because I got him in a lot of trouble." That's what he told Agent Umphlet. He didn't say, "No, Wade is lying." Said, "I did it." That's what he said. And he said, "I'm sorry I did it. But I didn't use the letter to get a loan. I didn't need the letter to get a loan. Didn't need a letter to get a loan." And the record supports exactly what he said to Agent Umphlet.

Now, anything else is speculation. Anything else is speculation. But the physical evidence does not support a conclusion that this

letter was used by Thomas Wright for the purpose of securing this loan for a hundred and fifty thousand dollars ($150,000).

Murky, confusing, and disconnected is not the standard that supports a conclusion that he used the letter for the purpose--the fraudulent purpose of inducing the Coastal Federal Bank to grant a loan.

Going to just move, as Mr. Hart did, to Claims 3, 4, and 5. 3, 4, and 5. These claims deal with the solicitation of grants from AT&T, AstraZeneca Pharmaceuticals, and Anheuser-Busch. AstraZeneca Pharmaceuticals, a medical concern; Anheuser-Busch, a cause for medical concern; AT&T. That's interesting.

Mr. Policastro came in here to testify, and his testimony was really quite amazing. I mean, it really--it--it was really quite amazing, because obviously he was a bigwig in the giving line, in the giving line at AT&T. But, you know, I--I remember his--his testimony. And--and you'll have to remember it for yourself. But he said, "You know, I was sitting there at my desk one d and I got a call from one of our people."

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Later on, when asked, he said that it was Larry Bra--Breely--Breely--Bewley, Larry Bewley. Remember that? That's what he said--right?--from right up--right up there. "And I was asked how do--how do--how do--how do I get a grant, `cause I got these people that want to get a grant. So what do we have to do to get it?" And he said that he provided his people, not a representative of the Community Health Foundation, his people, Larry Breeley, with that information and subsequently received this letter from the Community Health Foundation that was signed by Thomas Wright.

Well, he didn't say. He said he received an invoice, Exhibit 11. Exhibit 11. He didn't say, "I received a letter where someone from the Community Health Foundation requested a grant." Instead, he said, "I received an invoice, an invoice. And then he went on to identify Exhibit 11 as an invoice. And then he passed it on up the line. And somebody added the writing on the letter after that. And there are a number of marked--one is a PO number, which I assume is a purchase-order number, which sounds significant to me, because it's not a grant number but a purchase-order

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number.

And then he identified the check, Exhibit 13, for fifteen hundred dollars ($1,500), which went to the Community Health Foundation. And he said that--that that check looked like the check that A&T--AT&T sent to charitable organizations. But it also looked like the check that they sent to other organizations. And it also looked like the check that they sent to vendors. And it also looked--well, this is a check that looked like just about anything that AT&T was going to mail out. But that he thought that this was a charitable donation.

There's nothing in this invoice that says anything about a charitable donation, charitable organization, or a request for a grant. It's an invoice. That happened, and the check went out.

This Committee makes the claim that AT&T was fraudulently induced to send this check to the Community Health Foundation. No one from AT&T has pres--presented themselves on that witness stand in that chair under oath to say that they were deceived, that they relied upon this invoice as a request for a charitable donation, and that it was

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because of that representation or misrepresentation that they granted this fifteen hundred dollars ($1,500). Not one person got up there under oath to say that.

Now, you might find--you might conclude that that's what happened. But if you do, it is pure T rank speculation, because there has been absolutely no evidence at all from this chair, that masquerades as a witness chair, which says that.

Now, Policastro is the strongest case, because they didn't even bring anybody in here from Anheuser-Busch. They didn't even bring anybody in here from AstraZeneca. Not one per--unless I went to sleep, because I know some people go to sleep during these things, you know what I'm saying? It gets warm in here, and people nod off. And then they come back an hour later saying, "What happened?"

But un--unless I went to sleep, not one person appeared in this room from Anheuser-Busch. Not one person appeared in this room from AstraZeneca. Yet you are asked to find by clear, cogent, and convincing evidence that they were mislead, that they received a representation that

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proved to be false to--that caused them to grant, in the case of Anheuser-Busch, five thousand dollars ($5,000), in the case of AstraZeneca, twenty-four hundred dollars ($2,400). And if you do, it is supported by rank speculation, nothing else, rank speculation.

They had so much faith in this case that they didn't even bring anybody in here to testify to that, because it wasn't necessary, they thought, because the fix is in. Now, if you're going to be the jury, you--you--you need to act like you're going to be the jury and you're going to be objective and fair. And if you are objective and fair, Stevie Wonder can see that there's no evidence to support those two claims--those three claims.

Clear, cogent, and convincing evidence is needed to find in favor of your Claims 3, 4, and 5. And on these points, the evidence is more murky, more confusing, and more disconnecting than it is with the other three claims. The evidence does not support that conclusion.

Now, I know you can work it out, and you can sit down, and you can talk about what if. What

if this happened? What if they had come in and said this, that, and the other? They didn't. They didn't. And if we're going to--unless we're going to be swamped by the masquerade, evidence has to be presented. It has not been presented. It has not been presented.

It's not that it's not clear, cogent, and con--it's not present at all. It is not present at all. Say, "Well, we got--we got a letter that was written to Anheuser-Busch." Yeah, you got a letter. "Well, we got an invoice to AstraZeneca." Well, you got an invoice. "We have a letter"--I'm sorry. A letter to An--AstraZeneca, invoice to AT&T. Clearly that's there. That's--that's there. But that's not the issue. The issue isn't the presence of the letter. The issue isn't the presence of the invoice. The issue is was there a representation made to these people which caused them--which they relied upon, and, in reliance on that representation, they provided this grant. You can't find that conclusion unless somebody comes in here to testify to that. It doesn't exist.

Mr. Hart says that was fraud; that was deceit; that was concealment. In his mind. In his

mind. Where's the witness? Or--there's this old commercial. Well, I don't want to date myself. But, you know, there's this commercial that asks, "Where's the beef?" You remember that? "Where's the beef? Where's the beef? Where's the beef? Where's the beef?

If you are going to buy that claim, show me the beef. It has not been presented in this room. And there is nothing clear, cogent, and convincing about what we call in the law a failure of proof, a failure of proof, the inability to find evidence to support your claim. 'Cause anybody can make a claim. Anybody can make a claim. Proving it is another thing. And it has not been proven by clear, cogent, and con--it hasn't been proven by any standard. It does not even rise up to the what if standard.

Then we go--we go to the campaign contributions. My Lord, my Lord, my Lord. Campaign contributions, an area of the law that absolutely nobody understands. Well, you might understand it better than most people. But based on what I heard from the chair here, from the witness chair, during this past year, five hundred

and sixty-nine reports were made from legislators or their treasurers to amend false reports from previous times dating back from 2006 as far back 2001 and '2. Five hundred and sixty-nine just during this past year. I didn't ask her about last year and the year before that and the year before that. But in this past year, five hundred and sixty-nine re--you had more reports than you have legislators. You don't even have five hundred and sixty-nine legislators in the North Carolina General Assembly. You have five hundred and sixty-nine people who lied on their reports this past year, this past year.

And either there was mass confusion; there was mass--massive fraud; or there was massive intentional conduct designed to conceal campaign activities--campaign finance activities. Well, I know that new law came into being, and that probably sparked some of it.

There was a lot of talk about the importance and just how critical campaign-financing reporting is to the citizens of North Carolina. And in fact, the statute seems to be very clear. Within a specific period of time, you have to file

a report that truly and honestly reflects campaign contributions and disbursement. That's what the statute says.

Statute goes on to say--it's right in that little yellow book. Statute goes on to say that if upon review, if you find a problem with it, you refer it to the district attorney in the district in which the member resides, for action. That's--that's what the law says right in the yellow book. That's what the law says. It makes no exception for anybody, does not provide any exceptions for reasons or anything else. That is a law that you or your former colleagues passed, which was in place up until 2006. I didn't do it. I--I didn't--I didn't--I didn't write this. It didn't--didn't come from D.C. It didn't come down in the Bible. You--you enacted that. North Carolina General Assembly enacted that. And it did not provide an exception or wiggle room for anybody.

And in response to that, the Board of Elections, which was given authority to administer that and supervise that, they decided in their infinite wisdom that they would allow these repo

to be amended at any time for any reason in the world. Remember that? And I was just floored. I said, "What? You mean four years later, you can"--"Oh, yes, because we want to have the stuff reported." _Really?_ You remember that? She said, _Well, we--we just want to get it." Years later. In spite of what the statute says, years later you can come back, and you can amend your report, your report which falsely states your campaign-finance activities, years later. This liberal amendment procedure. Never heard of anybody being prosecuted for not reporting campaign--"We have a liberal policy. We want them--we want them to amend it."

Mr. Peters got up there and said, "Well, it's important. It's important that we have this law in place, because the citizens need to be able to see, need to be able to see, as the campaign is going on, who is financing the operation." That--that's not the purpose of campaign-finance reform or the reporting laws, because when you're running, you don't report it. You don't report it until certain quarters. And typically when you--after you run, then you report what you--the income that

you had, the disbursement that you had during the campaign, not while you're running, unless while you are running you run into one of those periods.

Well, that's not really critical. What is critical is the importance that all of a sudden is attached to Representative Wright's failure to disclose or present all of his contributions. And that's what we're talking about. Often it's--it's like the most important thing in the whole wide world, notwithstanding the fact that our liberal amendment policy that--that he talked about would allow us today to walk over to the Board of Elections and file an amendment for every report from 2000 up until yesterday. Because when we listened to Kim Strach, she said you could do that. We could do that. And every legislator or treasurer of the committee, they can do that. But for Thomas Wright, we want to kick him out. Every legislator here can come in and amend their report right now going back for years, except for Thomas Wright. With Thomas Wright, we want you to kick him out. We want you to kick him out because what he did was unethical, fraudulent, and criminal, because he signed a document and the--signing a

document that included incorrect information was a violation of the law.

And I asked. I said, "Well, what about these other legislators who come in and amend their reports? Did they violate the law?" "Well--well, technically." Kind of like being half-pregnant. You either violated the law, or you didn't. You either violated the law, or you didn't. If we're going to have a liberal application, it ought to be across the board. Instead of persecuting--I mean--I'm sorry. Instead of prosecuting Thomas Wright, we should be encouraging him to amend his report, because we have this liberal policy here, and that's the way we want it done. That's the way we want it done from the Board of Elections, from the Board of Elec--now, clearly North Carolina statutes does not say that. North Carolina statutes don't say that. They don't say that. There's absolutely nothing in the statute which allows for the amendment of these reports, nothing in the statute. Nothing allows for the amendment of these reports. It is a policy decision made by the Board of Elections. And that liberal policy applies to everybody except Thomas Wright, except Thomas

Wright. And because it's Thomas Wright, we want you to kick him out of his position for which he has been elected by voters from his district.

So on the one hand, it is the most important law in the whole wide world, and if we let him get away with this, the galaxy is just going to fall apart. Or--or it is a law in which we encourage legislators to reveal fully their campaign-finance activity, and if they run into a problem with doing that, we will work with them to make sure that the reports are done correctly even if they are not timely filed.

Statute does allow the Board of Elections to provide civil fines for each date that a report is late. That's not an issue here. It's not an issue here. But we're picking and choosing. We're picking and choosing.

Either we're going to require faithful adherence to the statutes, or we're going to have a liberal interpretation of the rules that applies equally to everyone.

Now, this is decision that you make, if it's not been made already. You have to wrestle with it. And unlike in a criminal trial, where

we're dealing with proof beyond a reasonable doubt and some assurance that the jurors are impartial, unbiased, haven't made up their mind before they came in here. I--I reckon that--that's--that's not where we are. And I recognize, as I said at the outset, that I'm trying to walk up a slippery slope, because you have already found, before we even started this thing on Monday morning, that the claims raised against Representative Wright were probably true, and you were going to go forward with these hearings to make sure that you were able to make a decision about that as soon as possible.

So we leave it in your hands. It's been in your hands all along. But I wanted to present you with those things that we see as deficiencies, significant deficiencies in this--in these claims and in this case.

Thank you, Mr. Chairman.

THE CHAIR: Thank you very much, Dr. Joyner.

This Committee will stand in recess for fifteen minutes. We will return--actually twenty minutes. We will return at three-forty and begin instructions and deliberations by the Committee on

the counts. Thank you.

TWENTY-FIVE-MINUTE RECESS

THE CHAIR: All right. Members of the Committee, I have several instructions to give you, not many, as we begin our deliberations. If you will be mindful of these instructions, I would appreciate it very, very much.

Members of the Committee, you have all heard the evidence presented in this case. Under the rules, the burden is on the Committee's outside counsel to present evidence to satisfy you by clear and convincing evidence that the allegations of unethical conduct exist in any count. In order to make a finding, for each count you will have to find by clear and convincing evidence that the conduct alleged in the count occurred and that the conducted committed was unethical.

As part of these deliberations, you should not consider what sanctions if any might be recommended if any count is found to be true by clear and convincing evidence. If you do not find a count by clear and convincing evidence, you

should vote to so find--I'm sorry--you should vote that the count is not found and find in favor of Representative Wright on that count.

Finally, you should note that if you believe that Representative Wright not only should not be found to have committed any count by clear and convincing evidence but if you believe, as well, that a preponderance of the evidence establishes that Representative Wright did not commit the act, then you may make a motion for full exoneration, as well.

That being said, you are the sole judges of the credibility, that is the believability, of each witness. You must decide for yourselves whether to believe the testimony of any witness. You may believe all or any part or none of what a witness has said on the witness stand.

In determining whether to believe any witness, you should apply the same tests of truthfulness which you apply in your everyday affairs. These tests may include, among other things, the opportunity of the witness to see, hear, know, or remember the facts or occurrences about which he testified; the manner and appearance

of the witness; any interests, bias, or prejudice the witness may have; the apparent understanding and fairness of the witness; whether the testimony is reasonable; and whether the testimony is consistent with other believable evidence that's been presented.

You, we, are the sole judges of the weight to be given any evidence. And by this I mean if you decide that certain evidence is believable, you must then determine the importance of that evidence in light of all the other believable evidence that has been presented.

There are two types of evidence from which you may find the truth as to the facts of this case, direct and circumstantial evidence. Direct evidence is the testimony of one who asserts actual knowledge of a fact, such as an eyewitness. Circumstantial evidence is proof of a chain or group of facts and circumstances pointing to the existence or nonexistence of certain facts. The law makes no distinction between the weight to be given to either direct or circumstantial evidence and neither should you. Nor is a greater degre certainty required of circumstantial evidence th

of direct evidence.

The law in this action simply requires to the extent--sorry. The law in this action requires that the party having the burden of proof, that is the Committee counsel, satisfy you as to any issue in the case by clear and convincing evidence. And we had previously been instructed and hold what clear and convincing evidence is by Mr. Krehely before we began. Again a reminder: Representative Wright has no burden of proof in this case to prove anything. The burden of proof is on Committee counsel to prove by clear and convincing evidence that, number one, the conduct in any particular case occurred--count occurred, and, two, that the conduct committed was unethical.

With that, it is my intention to proceed this way in Committee deliberations: There will be no discussion. Evidence is closed. Arguments are done. This is a discussion and a vote among the six of us. You may ask, obviously, as we normally do in any Committee proceeding, any question of our legislative counsel.

What I propose to do is to take us through count by count. And we'll start, as it was

argued, with Count 7.

Count 7 is the count with regard to campaign contributions. And what I will do is open up the discussion to any member of the Committee for discussion with regard to evidence on Count Number 7.

Well, at this point, if there's discussion, I mean, I'll--I'll be glad accept motions, but I--I'd like to kind of get the debate started on this particular one. If you remember, this is the count on which Kim Strach testified at length for the better portion of what amounted to close to a day with regard to Exhibits Number 15 and 16A through 16G.

Representative Stam is recognized.

REP. STAM: Yeah. Thank you, Mr. Chairman.

This seems to be a massive violation of the campaign-finance laws that protect not only the public but also the contributors to Mr. Wright--Representative Wright's campaigns, that protect the tax system, that protect the integrity of the legislative process so we know who's receiving contributions. It's been said many, many times

that the best remedy for allegations of corruption is just a lot of sunshine. And what we have here is a complete shutdown of the blinds so that no one could see what Representative Wright was receiving and--and was spending.

It's so massive as to be unethical. There's been some suggestion that somehow the State Board of Election and the district attorney has a duty to prosecute every violation and that nobody's ever been prosecuted for this. Of course that's not true. We have--we've had people in prison for violations of the campaign-finance laws, some very well-known people.

And--but this is not a clerical error. There's not a--just forgetfulness. And what is so striking about it is that even after being charged with this last May, there's even a continuing refusal to file reports in May. I--when I began this proceeding, well, in January when we had our probable-cause hearing, enough--enough evidence was presented to make me think that there was probably something there and that it was of an unethical idea--unethical proportions. But I held out the possibility that maybe there was an explanation,

that maybe Representative Wright would amend everything, that he would refund monies improperly received, that he would, you know, take steps to rectify things. But even that has not occurred. And I've seen the evidence now, and there it is.

THE CHAIR: Representative McGee?

REP. MCGEE: Thank you, Mr. Chair.

I would only add to that that during no reporting period did we have a correct report or an attempt to correct that report.

THE CHAIR: I think--the Chair, in reviewing the evidence, as well--I think there is--and I've handed out--or I've asked to be handed out to you several statutes and tried to hand out the statutes that were referred to by--by both counsel during arguments. The statute that deals with campaign contributions requires that for there to be a violation, the violation be intentional. And in fact, there is a saving-grace statute that talks about best efforts.

And--and Dr. Joyner is absolutely, I think, correct in his argument that given the amount of contributions, given how campaigns are run, there are errors. But there is a difference

between an inadvertent error or even a series of mistakes or innocent errors, ones correctable, which the process should allow to be corrected by amended reports, and what has occurred here.

The fraud in this count on the public is breathtakingly massive. It is the largest that Kim Strach said she has seen even in million-dollar campaign accounts in her time at the State Board of Elections. Literally almost forty percent of the contributions that were received over a seven-year period were not reported. I cannot conceive of another circumstance like that in this General Assembly. There may be. And if there is, it should be prosecuted equally and as fully.

But this is not inadvertent. This is not a mistake. And if there is any doubt about whether there was intentional conduct, I find it very difficult to accept the argument made in closing arguments about amendments. The argument was we should give Representative Wright the opportunity, as we do others, to amend. He has had seven years of opportunities to amend the first set of reports. I do not know what the State could possibly do to convince this representative to amend the false

reports that have been filed year in and year out, report in and report out.

These are not simple errors. This was a pattern, as the count said, that has continuity, pervasiveness, and severity to it. I cannot understand how it occurred. It's not my intent to try to do that. But there is beyond clear and convincing evidence in this case. This count is utterly inescapable in terms of the conclusion that can be drawn, in my opinion, that there was a massive fraud perpetrated through the deliberate decision made year in, year out, for twenty-two straight reporting periods to nondisclosure.

No capacity--the capacity fully existed to amend. It was never taken advantage of. And then to talk about the fact that we need to provide an opportunity to amend. We can't even get the law now to provide an incentive for the representative to file a report, let alone even a fraudulent one.

I've come to absolutely the conclusion that of all the counts, there is overwhelming evidence supporting this count, and there is no reasonable alternative--indeed, almost no attack was made, no evidence presented to justify, even in

closing argument, any of these violations.

I will vote to find clear and convinci[redacted] evidence on this count.

Other comments?

I'll accept a motion at this point.

REP. STAM: Mr. Chairman, I move the Committee find by clear and convincing evidence that between January 1, 2000, and January 31, 2007, while a member of the North Carolina House of Representatives, Thomas E. Wright did improperly, fraudulently, and unethically engage in a pattern of conduct unbecoming and unfitting a member of the House of Representatives by intentionally failing to disclose approximately a hundred eighty thousand dollars ($180,000) in contributions received by his campaign during that time period, which disclosure is required by law and are intended to safeguard the public trust and to preserve the integrity of the electoral process, the integrity of the House of Representatives, and the integrity of the legislative pro--process.

The contributions that are the subject of this count are set out in Exhibit 15 of the Committee hearing held March 3 to 6, 2008, as

modified by the testimony of Kim Strach, Deputy Director of the State Board of Elections, and incorporated into this count by reference.

THE CHAIR: Is there a second to the motion? Is there a--second by Representative Wiley.

Discussion and debate on the motion?

Seeing none, all those in favor of the motion will vote aye. Those opposed to the motion will vote no. The Clerk will call the roll.

THE CLERK: Chairman Glazier.

THE CHAIR: Aye.

THE CLERK: Vice-chairman Stam.

REP. STAM: Aye.

THE CLERK: Representative Lucas.

REP. LUCAS: Aye.

THE CLERK: Representative McGee.

REP. MCGEE: Aye.

THE CLERK: Representative Warren.

REP. WARREN: Aye.

THE CLERK: Representative Wiley.

REP. WILEY: Aye.

THE CHAIR: Count Number 7 is found b[redacted] clear and convincing evidence by a unanimous vot[redacted]

of this Committee.

We'll now proceed--and I'm trying to group the counts. We'll proceed to Count Number 3.

Count Number 3 is the count related to the solicitation from AstraZeneca Pharmaceuticals. Discussion on Count Number 3 and the evidence presented with regard to Count Number 3.

REP. STAM: Mr. Chairman?

THE CHAIR: Yes, Representative Stam.

REP. STAM: What I'd like to say about Count 3, most of it will also apply to Count 4 and 5. And I'll try not to be duplicative.

THE CHAIR: With--yeah. And let's--and--that'll be fine. But we'll stick with 3.

REP. STAM: Yes. Right.

Exhibit 1 gives the purpose of this corporation, charitable, educational, scientific purposes, and says no part of the net earnings of the corporation shall inure to the benefit or be distributable to its members, directors, officers, or other private persons.

Exhibit 8 is the solicitation by Representative Wright to AstraZenecal--AstraZeneca Pharmaceuticals. The gravamen of the count is not

really the solicitation but the conversion of funds to his personal account which were intended as charitable. And we can infer that it was intended as charitable because we have the solicitation letter by Representative Wright that told how it would be used.

The--there was some suggestion in the first day of testimony that maybe this was in fact a charitable organization, 501(c)(3). Really whether it is or is not is really beside the point. But I would mention that it--it almost certainly is not, because the exception under Section 908 that Dr. Joyner educated us on only applies if normally there's going to be five thousand (5,000) or less in receipts. And immediately upon the formation of this corporation, the purpose of it was to buy a building. And they started soliciting hundreds of thousands of dollars. They got a hundred and fifty thousand (150,000) receipt in 2002. And when we're soliciting tens of--I think the Counts 3, 4, and 5 is ten thousand dollars' worth of--in other words, to buy a building worth three hundred and fifty thousand dollars ($350,000) and operate it, you need more than five thousand dollars ($5,000) a

year. But again, that's a--a tangent.

It was solicited. But then the gravamen of the complaint, of course, is Exhibit 10, where he just took that check to Community Health Foundation, Inc., which, according to the testimony, he told everybody was a charitable nonprofit, and he just put it right in his own pocket.

And again, when we had our meeting in January, you know, there was enough evidence there for probable cause. I was hoping that maybe before today, Representative Wright would have showed us that that was just a mistake; it went in the wrong account, and the next week he sent it to the right account; or that perhaps he had refunded it to AstraZeneca; or that he had refunded it to some equivalent charity that exists. But no. It just went into his private account where he paid for his campaigns and his cars and everything else. It's an unethical, unlawful thing to do and obviously not by mistake.

THE CHAIR: Is there other--other comments?

Representative Lucas.

REP. LUCAS: Thank you, Mr. Chairman.

You know, I think we have to place things in somewhat of a context of evolvement. Initially, I think, the intentions were very, very amiable. And they were certainly needed in terms of minority health intentions. We--we can't deny the fact that the minority community does not receive the same health benefits that many of the other communities receive. There's a great need for that, and I think we have to commend Representative Wright and those who worked with him--Dr. Gottovi alluded to that--that they were intentionally initially on the right path toward alleviating minority health issues.

Now, I don't know at what point in time--I think it's commendable of them to re--solicit contributions toward that effort. Beyond that, I don't know what happened there. But I--I think we need to really put things in the total perspective.

THE CHAIR: I agree with Representative Lucas in--in this regard. And I think that initially the plan--it seems to me, at least, the evidence creates a possibility that what was being done or eventually what were to be done would be to

create the Foundation in order to provide these services. And I think, although we can take notice, you'll see in Representative Wright's past, I think, that he's been an active advocate for minority health issues for many years. That--this is simply consistent with what he's done.

The problem I have and--and where I--I think that the issue is is that there, number one, was absolutely no authorization for the solicitation by anyone on the Community's Health Foundation. That's the first issue.

The more critical issue is that the Foundation letterhead solicits--specifically Representative Wright solicits these funds from AstraZeneca for a specific purpose, and that is a charitable purpose.

If the money came in and, when this was solicited and when it was received, the Community Health Foundation account was open, all that had to be done to be, for lack of a better term, kosher is for that money, that check, to simply be put in the Community Health Foundation account. But it wasn't, even at a time when it was critical to have money for that foundation to be moving forward.

Instead what we have is the checks were held and then not returned when the Foundation went belly-up, not placed in assistance like Dr. Gottovi did to try to make the payments for the Foundation. They were deposited in a personal account.

They would never have been given for that purpose, because they weren't solicited for that purpose. And that's where the problem comes in. That's the unethical conduct, when they were then put into an account that absolutely the funds were never solicited for, and--on top of which, there's a full admission to this. I mean, this isn't a case where we don't have evidence. It was argued we didn't have anybody from AstraZeneca to be here. That's true. But why in the world would you need someone when you have the admission by Representative Wright that he sent the letter, that he took the money, and he took it and put it in his account because he believed it to be sweat equity?

Well, there is no legal authority for him to convert that money into his own use for sweat equity or otherwise. It is simply unethical, bar none, to have done that.

So I agree with Representative Lucas in

the instigation. I think that the evidence at best is ambiguous, and giving credit, I think where it should, given Representative's prior his--Representative Wright's prior history. It seems to me that the solicitation, perhaps not done in the right way, was not anything that was improper. What was improper is what occurred after that. And of that, there's simply no defense. This is beyond clear and convincing evidence to me, as well, because of the conversion of the money, totally not allowed.

Further discussion and debate by any member?

Yeah, ready for a motion.

REP. STAM: Mr. Chairman.

THE CHAIR: Representative Stam is recognized.

REP. STAM: And I apologize. I--I can't see any other member of the Committee to see if they're seeking recognition. But I move that the Committee find by clear and convincing evidence that on or about December 15, 2003, while a member of the House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a

member of the House of Representatives by improperly, fraudulently, and unethically converting money intended to be a charitable contribution to the Community's Health Foundation, Inc., to his own personal use. Thomas E. Wright wrote a letter on the letterhead stationary of the Community's Health Foundation, Inc., to a representative of AstraZeneca Pharmaceuticals, LP, requesting as the foundation's president a donation to the foundation, a charitable organization, that Thomas E. Wright represented to be qualified to receive tax-deductible donations that would be used by the foundation for various health-related purposes, including but not limited to educational initiatives, a needs assessment, identification of trends, and bridging the gap of minority healthcare for an underserved population in New Hanover County. Thereafter, when, on December 15th, 2003, a representative of AstraZeneca Pharmaceuticals signed and sent to Thomas E. Wright and the Community's Health Foundation, Inc., a check made out to Community's Health Found, Inc., quote, in the amount of twenty-four hundred dollars ($2,4
Thomas E. Wright deposited that check into his

personal account rather than into the account of the Community's Health Foundation, Inc.

THE CHAIR: Is there a second?

Second by Representative Warren.

Discussion and debate on Count Number 3?

Seeing none, all those in favor will vote aye. Those opposed will vote no. The Clerk will call the roll.

THE CLERK: Chairman Glazier.

THE CHAIR: Aye.

THE CLERK: Vice-chairman Stam.

REP. STAM: Aye.

THE CLERK: Representative Lucas.

REP. LUCAS: Aye.

THE CLERK: Representative McGee.

REP. MCGEE: Aye.

THE CLERK: Representative Warren.

REP. WARREN: Aye.

THE CLERK: Representative Wiley.

REP. WILEY: Aye.

THE CHAIR: Count Number 3 is found by the Committee by clear and convincing evidence by a unanimous vote.

Count Number 4--Count Number 4 alleges

essentially the same solicitation with regard to the quasimedical facility of Anheuser-Busch Companies, Inc. And the count is open for debate and discussion.

REP. STAM: Mr. Chairman?

THE CHAIR: Representative Stam is recognized.

REP. STAM: Here I incorporate some of my own previous remarks except that, of course, here it was Anheuser-Busch and specifically was--the solicitation was solicited for the museum with regard to the 1898 race riot, for historical events. And of course, the victims, of course, of this conversion of funds are not just the public in general but the people who would learn something from that exhibit, because the money that was intended for that went into the personal checking account of Representative Wright.

THE CHAIR: I'm sorry. Representative McGee.

REP. MCGEE: Thank you, Mr. Chair.

I will also note, as you indicated on your remarks about AstraZeneca, that this check in fact was received--or dated 3-5-04. And I don't

know when the receipt of the check by Representative Wright was, but certainly he had it in his account, on his desk, I believe the representation was made. And the account that the check could have been deposited into was open at that time, because it was not closed until June the 28th. So I again think that this check was misused and should have gone into the account to which it was written.

THE CHAIR: Representative Wiley is recognized.

REP. WILEY: Thank you.

I agree that I think the best of intentions were there when this charity started out. But as I was listening to the evidence, I even asked a few questions of my own, trying to ascertain if perhaps some money--personal monies had been spent on utilities, perhaps insurance payments for a building. I saw no evidence presented to that effect. I wanted to believe that. But lacking any evidence, I find the notion of being paid for sweat equity rather abhorrent.

Many of us have served on charities. Some of us have tried to start them up. And I know

it's a tremendous amount of hard work.

At the stage when these checks were deposited, I even hoped that perhaps it would have been considered if maybe the charity wasn't going to make a go of it, that they could have been given to another charity. And I was hoping to find evidence on that, perhaps even the Health Foundation--or the Health Center. They were not.

I'm left with nothing to conclude that these were put into a personal account. That's it.

THE CHAIR: Representative Warren is recognized.

REP. WARREN: Thank you, Mr. Chairman.

Certainly we want to commend Representative Wright for his efforts through the years in regards to minority health issues, where he has really made a difference. However, here we have a check that was written for that purpose, and the evidence shows that it went into Representative Wright's personal account versus being used for a health purpose that could have made a difference.

THE CHAIR: And here, I think, as well, the particular letter also included the 1898 museum that would have exhibited the historical events,

which, again, the Representative had worked on very, very hard.

Don't see any difference in the evidence, sadly, between this count and the prior one.

Chair is willing to accept a motion.

Representative McGee is recognized.

REP. MCGEE: Thank you, Mr. Chair.

I move that the Committee find by clear and convincing evidence that on or about February 6, 2004, while a member of the House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, and unethically converting money intended to be a charitable contribution to the Community's Health Foundation, Incorporated, to his own personal use. Thomas E. Wright wrote a letter on the letterhead stationary of the Community's Health Foundation, Incorporated, to a representative of Anheuser-Busch Companies, Incorporated, requesting as the foundation's president a donation to the foundation, a charitable organization that Thomas E. Wright represented to be qualified to receive tax-

deductible donations that would be used by the foundation for acquisition and development of a building in Wilmington, North Carolina, that would serve as a museum. Thereafter, on March 5th, 2004, when a representative of Anheuser-Busch Companies, Incorporated, signed and sent to Thomas E. Wright and the Community's Health Foundation, Incorporated, a check made out to Community's Health Foundation, Incorporated, in the amount of five thousand dollars ($5,000), Thomas E. Wright deposited that check into his own personal account rather than into the account of the Community's Health Foundation, Incorporated.

THE CHAIR: Is there a second? Sorry. Is there a second?

I'm sorry. Representative Stam seconds the motion by Representative McGee.

Further discussion and further debate on this count?

Seeing none, those in favor of the motion will vote aye. Those opposed to the motion will vote no. The Clerk will call the roll.

THE CLERK: Chairman Glazier.

THE CHAIR: Aye.

THE CLERK: Vice-chairman Stam.

REP. STAM: Aye.

THE CLERK: Representative Lucas.

REP. LUCAS: Aye.

THE CLERK: Representative McGee.

REP. MCGEE: Aye.

THE CLERK: Representative Warren.

REP. WARREN: Aye.

THE CLERK: Representative Wiley.

REP. WILEY: Aye.

THE CHAIR: Count Number 4 is found by clear and convincing evidence by unanimous vote.

Brings us to Count Number 5, the third in the group of counts.

This count relates to the apparent solicitation of AT&T Corporation and the testimony that was given by John Policastro, as well as the exhibits that were referred to both by Dr. Joyner and by Mr. Hart.

Discussion generally on Count Number 5?

REP. STAM: Mr. Chairman.

THE CHAIR: Representative Stam is recognized.

REP. STAM: The--the only real difference

between this and Counts 3 and 4 is that Representative Wright did not sign this solicitation and doesn't--and there was no testimony that he remembered sending it. Of course, the gravamen of the complaint, however, is Exhibit 13, the check, which was converted to its use. And Exhibit 11 merely explains how that came to be.

And Exhibit 11 on its face, you know, shows a health foundation with a federal tax ID number. And unless somebody just--you know, he was the only person operating the corporation, and unless somebody got ahold of his letterhead, he sent it. I mean, that's a reasonable inference. This is at a time, of course, coming up on a short session in April of '04. He's a member of the Public Utilities Committee. And AT&T, you know, sends him fifteen hundred dollars ($1,500) to his favorite charity. That's fine. But what's not fine is that he put it in his own pocket instead of turning it over to the charity.

THE CHAIR: I do want to highlight some testimony for y'all, because this argument was discussed by Dr. Joyner as to John Policastro's

testimony. And the argument was that--and I think correctly that Policastro got a call. And if I recall, it was Bewley. You've heard, of course, of the relationship between Bewley and Wright that was entered through the SBI statement and Agent Umphlet taken. If you'll remember, Mr. Bewley, according to Representative Wright, was involved in a three-thousand-dollar ($3,000) contribution that--actually reimbursement that Representative Wright gave to Mr. Bewley for postage and an invitation to a reception he threw for him.

And the question that was raised was, well, there's nothing--I think the argument Dr. Joyner made was there was nothing in the invoice that says anything about it being a charitable contribution, and that in order for this count to be found, you'd have to show some reliance on AT&T be--sending that to Representative Wright as a charitable contribution. And I--I think that that's correct, because otherwise it could have been placed into his account, although we could get into what account it should have gone into. But you don't have essentially the request for a charitable contribution being converted.

Here's the testimony from Mr. Policastro. Question by Mr. Hart: "Mr. Policastro, from your knowledge involving this particular contribution, was it intended to be a charitable contribution to a 501(c)(3) corporation?"

Answer--I'm sorry. _Professor Joyner: Objection.

_The Chair: Basis?

_Professor Joyner: Unless he knows, but he said he knew.

_The Chair: Well, let me ask."

Again, the question: "Did you intend it to be a contribution to a 501(c)(3)? And I understand you to say `yes'; is that correct?

_The witness: Yes.

_Question, Mr. Hart: Regardless of whether it was specifically a 501(c)(3) corporation, did you intend it to be a charitable corp--contribution to the Community's Health Foundation, Incorporated?

_Answer: Yes, sir."

I think Mr. Policastro's testimony is clear that the intent of AT&T was not a personal contribution, was not a political contribution, but

was a charitable contribution.

The argument, then, is that Representative Wright didn't know it was being made. That is simply belied by Exhibit 11. Exhibit 11 is his own invoice or the invoice that the Community Health Foundation sent with Thomas Wright as president. The only people who even had access to this were Dr. Gottovi, one would assume--and he indicated he never sent anything--and Representative Wright. There simply isn't anybody else who would have sent this. There's no evidence that you can rely on that anyone else could have sent it.

And so it seems again inescapable that the solicitation was made; it was intended to be a charitable contribution; the corporation sent it for that regard; the check was received in time to be deposited--this one sent September--or was invoiced in 2003. This check--or the request was sent in September, and the check issued on April 1, 2004. This check sat again for several months. The account remained open until sometime in June. It was not deposited in the foundation account and ended up in Representative Wright's account, which

he admits, again, as part of sweat equity.

You know, there's an argument that was made that there's no evidence, been no one testified. Well, in this case, the evidence is Representative Wright's own statements. That's my view of the evidence.

Other members?

Representative McGee.

REP. MCGEE: Thank you.

I do believe that it couldn't have been a contribution to his political account, because it's a--written directly on Northern Trust Company.

THE CHAIR: That's true, too.

Other members? And the Chair will receive a motion when--on that from any member at this point.

REP. STAM: Mr. Chairman?

THE CHAIR: Representative Stam is recognized.

REP. STAM: I have a motion on it. I move that the Committee find by clear and convincing evidence that on or about April 1, 2004, while a member of the House of Representatives, Thomas E. Wright did engage in conduct unbecoming

and unfitting a member of the House of Representatives by improperly, fraudulently, and unethically converting money intended to be a charitable contribution to the Community's Health Foundation, Inc., to his own personal use. Thomas E. Wright wrote an invoice on the letterhead stationary of the Community's Health Foundation, Inc., to a representa--representative of AT&T Corp. as a solicitation of a charitable contribution to the foundation, a charitable organization that Thomas E. Wright represented to be qualified to receive tax-deductible donations. Thereafter, on April 1, 2004, when a representative A--of AT&T Corp. signed and sent to Thomas E. Wright and the Community's Health Foundation, Inc., a check made out to Community's Health Foundation, I, in the--in quote, in the amount of fifteen hundred dollars ($1,500), Thomas E. Wright deposited that check into his own personal account rather than into the account of the Community's Health Foundation, Inc.

THE CHAIR: Is there a second to Representative Stam's motion?

Representative Warren seconds.

Discussion and debate?

Seeing none, all those in favor of the motion on Count Number 5 will vote aye. Those opposed will vote no. The Clerk will call the roll.

THE CLERK: Chairman Glazier.

THE CHAIR: Aye.

THE CLERK: Vice-chairman Stam.

REP. STAM: Aye.

THE CLERK: Representative Lucas.

REP. LUCAS: Aye.

THE CLERK: Representative McGee.

REP. MCGEE: Aye.

THE CLERK: Representative Warren.

REP. WARREN: Aye.

THE CLERK: Representative Wiley.

REP. WILEY: Aye.

THE CHAIR: Count Number 5 is found unanimously by clear and convincing evidence.

That moves us into the last set of counts. And I will take these in the following order: Counts 1, 2, and 8.

Count 1 is the count related to the request from Torlen Wade--request to Torlen Wade by Representative Wright for the letter that's Exhibit

Number 3. And before we do any motions, obviously, I'm opening the count to discussion on the evidence.

REP. STAM: Mr. Chairman?

THE CHAIR: Representative Stam is recognized.

REP. STAM: Just for clarity, Count 1 is distinguished from Count 2 in that Count 1 is soliciting the letter--

THE CHAIR: That's correct.

REP. STAM: --is that right?

THE CHAIR: Count 1 is soliciting the letter knowing that the letter--provisions in the letter were false.

REP. STAM: It--it seems to me that--that it's clear from Torlen Wade's testimony and from the agent's testimony of what Representative Wright told him that they both knew it was false, that they used state government equipment and resources to generate the letter, and that it was done for a fraudulent purpose.

THE CHAIR: Other Committee members' discussion?

REP. STAM: And--and--I'm sorry.

THE CHAIR: I'm sorry, Representative Stam.

REP. STAM: I apologize. And--and I--at--at a time when Representative Wright was--chaired the health committee, which would have jurisdiction over some of the matters, and was a member of the appropriations subcommittee that appropri--was the key committee for appropriating money for the division that Torlen Wade headed.

THE CHAIR: Torlen Wade was, it seems to me, a very credible and pained witness. And I don't remember if that was the term used by Mr. Hart in the discussion. There's--again looking at the simple document, there's no question--and Representative Wright did admit this, and, I think, commendably in his statement, that he solicited the letter. There's--that's not in question. And that he was--felt bad about what happened to Torlen Wade as a result.

This letter commits a hundred and fifty thousand dollars ($150,000) in funding towards the completion of the conversion project. Simply, purely, utterly a false statement. That the funding will be awarded by June 30, 2002, utter

false statement. That is exactly what was requested in Exhibit 2 in the e-mail that was sent.

Torlen Wade complied with the request, I think, out of the combination. I think it was in part because Representative Wright's position but, I think, clearly, as well, a friendship relationship in both cases.

The problem for me is twofold. One, placing--placing any state employee in that position is just untenable. To allow a legislator to do that would--it--it's--it utterly chills good government and effective government and fair government. That is just untenable to put that state employee in that position, to ask that employee to commit in a letter to funding that didn't exist and he couldn't provide and then to say, whether it was said or not, "Well, I'm not going to use the letter." Well, if you're not intending to ever use the letter, what in the world would be the purpose of the letter? I mean, why, if--that just is--escapes me. If the letter wasn't to be seen by somebody, then why would you ask a friend to write a false letter that, if it was ever seen, could get the friend fired, if you don't

intend to use the letter? That makes no sense to me whatsoever.

I think that this letter was intended as the argument was made by Committee counsel. I think it was requested in the sense that one of the reasons there was no guarantor on Exhibit 4, one of the ways that Burbank was able to satisfy both his community commitment and his commitment to the project was that he was told by Representative Wright there would be state funding. This was one of the ways to get state funding.

No, I don't think the letter was a requirement in the direct sense. But Burbank clearly testified that he likely would not have given the loan if it didn't--wasn't there.

Now, why it's not in the file is a question. But it is an irrelevant question for purposes of this count. It's irrelevant because Burbank's uncontradicted testimony is he relied on it. Burbank's uncontradicted testimony is he likely would never have given the loan without the letter.

So regardless of why you think or don't think, there was no assault on Burbank's

credibility at all as to that issue. And he certainly has nothing to gain one way or the other.

In the end, though, the gravamen, as Representative Stam has said, of this count isn't there. The gravamen is going to Torlen Wade in asking him to write a false letter. And that's exactly what happened.

I--I--I--this count, in--as much as I think the breach was massive in quantity in Count Number 7, this offense in quality is utter fraud. And--and someone lost their job and their career and their reputation because it was asked for. And legislators cannot be allowed to do this. That's my opinion.

Other discussion?

If not, is--is there a motion?

Representative Wiley is recognized for a motion.

REP. WILEY: I move that the Committee find by clear and convincing evidence that on or about March 13th, 2002, and on or about March 15th, 2002, while a member of the North Carolina House of Representative, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the

House of Representatives by orally and in writing improperly and unethically soliciting Torlen L. Wade, acting director of the North Carolina Department of Health and Human Services Office of Research, Demonstrations, and Rural Health Development, to write and mail to him a fraudulent letter stating that such office was endorsing the Community's Health Foundation's project to convert a building located on the 900 block of 4th Street in Wilmington, North Carolina, into Community's Health Foundation offices, New Hanover Community Health Center offices, and a history museum, and committing of one hundred and fifty thousand dollars ($150,000) in funding toward the completion of that project. At the time of the solicitation, Thomas E. Wright was an officer of the Community's Health Foundation, Incorporated, located at 322 South 17th Street, Wilmington, North Carolina. Thomas E. Wright confirmed his earlier oral solicitation by having his legislative assistant type the necessary details needed in the commitment letter in an e-mail that was sent to Torlen L. Wade by use of his state e-mail account and on a state computer, both of which were authorized for him

based on his position as a member of the North Carolina House of Representatives. At the time of the oral solicitation, the typing and sending of the e-mail, and the typing and the sending of the Torlen L. Wade letter, both Thomas E. Wright and Torlen L. Wade knew that the Office of Rural Health would not make such a grant and that Thomas E. Wright would use the letter in seeking to fraudulently obtain funding for the Community's Health Foundation from other sources, such as financial institutions and other organizations that make grants and that would believe and rely on the false representations in Torlen L. Wade's letter.

THE CHAIR: Is there a second to Representative Wiley's motion?

REP. MCGEE: I second the motion.

THE CHAIR: Second by Representative McGee.

Discussion and debate?

Seeing none, those in favor of the motion will vote aye. Those opposed will vote no. Clerk will call the role.

THE CLERK: Chairman Glazier?

THE CHAIR: Aye.

THE CLERK: Vice-chairman Stam?

REP. STAM: Aye.

THE CLERK: Representative Lucas?

REP. LUCAS: Aye.

THE CLERK: Representative McGee?

REP. MCGEE: Aye.

THE CLERK: Representative Warren?

REP. WARREN: Aye.

THE CLERK: Representative Wiley?

REP. WILEY: Aye.

THE CHAIR: Count 1 is found by clear and convincing evidence by a unanimous vote of the Committee.

That moves us to the second-from-last count, Count Number 2.

Count Number 2 is part of the Wade issue, but it does not relate directly to the solicitation. It now relates to the use of the letter as to whether the letter then was used as part of the award of loan by Coastal Federal Bank.

Discussion open on the evidence with regard to Count 2.

Representative Stam is recognized.

REP. STAM: Yes. This is where he

presented the letter to the bank for the purpose of getting a loan. And it's--what's charged is April 5th, 2002, which is the date of the closing. Dr. Joyner presented that loan application date, April 5, 2002, in his final conclusion, and it was referred to. There was some discussion about whether Exhibit 4--that since that was already approved, how could Mr. Burbank be relying on the letter when the letter wasn't sent till March 15th. But of course, Exhibit 4, dated March 5th, 2002, is an internal document to the bank. And what it says is grant money--"Source of repayment: grant money from state and federal government is a source of--primary source of payment." And then under "debt service coverage, _ _funded by state and federal grant money."

So what is the clear inference is that Representative Wright told him he was going to get some grant money. Ten days later, he got a letter, 'cause he knew he needed to have it. And then before the closing three weeks later, he showed the letter to Ronnie--Mr. Burbank. Mr. Burbank said he saw it and he relied on it. And so then the bank released the money. And that's called obtaining

money--obtaining property by false pretenses, which was the title to the property and the loan by the false pretense and the fraudulent false pretense of having a source of payment that you don't have.

THE CHAIR: Representative Lucas is recognized.

REP. LUCAS: Thank you, Mr. Chair.

I certainly concur that there was some effort made to obtain this loan. But I'm a little bit perturb--concerned about the absence of the letter. And this is not an indictment of the Coastal Federal Bank or Mr. Burbank or anybody else in that office. But it seems to me a little bit strange that that letter did disappear, or at least it's not--wasn't present in the evidence.

And with that being said, I have a little bit of a problem in determining that the evidence is clear, cogent, and convincing, only because of the letter not being there.

THE CHAIR: Representative McGee, I just have--just kind of in discussion. I know that you were formerly in the industry. Can you create any highlights or give us some thoughts on why the letter would or wouldn't be in the file?

REP. MCGEE: I cannot recall any reason that a letter supporting a loan would not be included in the file. No, I don't have any reason.

THE CHAIR: Here's the testimonies that we have of Rep--of Representative--now I'm promoting people--of Mr. Burbank. And this is from his testimony earlier.

"Question: The actual loan on the purchase of the property took was another month later; is that correct?

"Answer: I think that's correct, yes."

And then it goes on, and he's talking about that. Let me get to the specific.

"Question: Early April?

Answer: I think that's correct.

Question: Okay. Was there further discussion between you and Representative Wright about the grants and any kind of documentation of the grants?

Answer: At some point prior to closing, I received a copy of the letter from Mr. Wade.

Question: All right. And when you speak of the letter, I want to ask you to look at Exhibit Number 3, and that's before you. Have you

had a chance to look at that, sir?

Yes, I have.

Question: And do you recognize that?

Answer: I do.

Question: What do you recognize that as being?

Answer: That appears to be the letter that I received to confirm grant money was the primary source of repayment for our loan request.

Question: All right. And did you receive that letter or see that letter from--received it from Representative Wright; is that re--correct?

Answer: I recall receiving the letter. I can't specifically say that Representative Wright handed it to me or delivered it to me, but I recall getting a copy, as I stated in my interview.

Question: All right. And did you take the letter at face value?

Answer: I did.

Question: Did you call in any way to check with the Department of Health and Human Services or Torlen Wade or anybody else?

Answer: I did not.

Question: And why is that?

Answer: I didn't feel the need to do so.

Question: Did you trust Representative Wright to be giving that to you in good faith?

Answer: I did.

Professor Joyner: Objection.

The Chair: Overruled.

Question: Mr. Burbank, would you have authorized this loan without a guarantor if it had not been for that letter, Exhibit Number 3?

Answer: Possibly not. I don't think so. I really can't answer that, because I had the letter. I--

Question: All right. Let me ask you this. As a banker and as someone concerned with repayments and collateral, as you said, guaranteeing the loan, was this letter at least a factor in your approval process?

Answer: Yes.

Question: Did you rely upon this letter to grant the loan?

Answer: Yes."

That's the end of that discussion.

That's the testimony that Mr. Burbank gave earlier.

REP. STAM: Mr. Chairman?

THE CHAIR: Representative Stam?

REP. STAM: Coup--couple things. I--I certainly don't want to defend the way this loan was handled, because it seems to me that there's a whole lot less documentation here than what would be required of almost all of us to get a loan. But it really has nothing to do with whether this account is true or not, because the testimony is yes, that's what the bank relied on.

It may have also relied on, if you recall the testimony of the SBI officer--I'm sorry--Agent--

THE CHAIR: Umphlet.

REP. STAM: --Umphlet, that he showed the closing statement to Representative Wright and asked him about the earnest money that was showed of twenty-five thousand (25,000) and that Representative--if I--as I recall the testimony, Representative Wright said no, they didn't actually have that money. So he may have seen some equity down that never existed.

But this county only relies on the

promise of a hundred and fifty thousand (150,000), which would have been enough to take out the bank on its debt.

THE CHAIR: Comments by other members of the Committee?

Representative McGee.

REP. MCGEE: Thank you.

After--I thought I had remembered that he in fact did say that he depended on the letter. And I'm glad he reviewed the information, because he did in fact rely on the letter. He said he did.

THE CHAIR: My con--my concern--and I--this is the least clear count. The others, to me, are, putting it mildly, easily clear and convincing. This is a closer call for me, for the reasons Representative Lucas said.

Where I--where--what--what is partially dispositive for me and the difficulty I'm having, number one, is it's uncontradicted in that he made that statement. There was no cross that made it unclear that he didn't rely in part on the letter. And in fact, he was questioned pretty extensively, if I recall, on cross about whether he received it. And he remembered he received it. That's when we

got in--if you'll remember, into this is it your recollection or was it your statement.

But why would you get the letter? I mean, there was only one reason that letter was solicited from Torlen Wade. That's the difficulty I have in saying it didn't happen or that there's not significant evidence to--to say it did, because he says it did. Burbank says he received it. Burbank says he relied on it. And the only possible reason you'd get the letter, particularly given the timing, is to show it to somebody to secure the loan. There's no other justifiable reason for soliciting the letter. So, you know, I'm trying hard not to throw my common sense out the door here. And that's, at least for me right now, my dilemma.

Other members of the Committee?

Representative McGee is recognized.

REP. MCGEE: You asked, because I have had some expertise in this area many, many years ago, what might have happened to the letter. And I don't want to speculate on what might happen--have happened to the letter. It wasn't in the file. It may have been in the desk of the person who

approved the--the loan. But that doesn't--that's only speculation on my part. He said he had the letter.

THE CHAIR: Representative Stam is recognized.

REP. STAM: Mr. Chairman, I move that the Committee find by clear and convincing evidence that on or about April 5, 2002, while a member of the North Carolina House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by orally and in writing improperly, fraudulently and unethically presenting to a representative of Coastal Federal Bank as a factor to consider in whether to loan one hundred and fifty thousand dollars ($150,000) to the Community's Health Foundation, Inc., a corporation of which Wright was an officer, a letter from Torlen L. Wade, acting director of the Office of Research, Demonstrations, and Rural Health Development of the North Carolina Department of Health and Human Services, falsely stating that the office endorsed the foundation's museum-conversion effort and was committed to funding the project in the amount of one hundred

and fifty thousand (150,000) and that the award of the funding would occur by June 30th, 2002. At the time, Thomas E. Wright presented the letter to the representative of Coastal Federal Bank, he knew that the assertions in the letter were false, that the commitment of funds was not authorized, and that the award of funding would not be forthcoming. The one hundred ($150,000) loan to the Community's Health Foundation, Inc., obtained from Coastal Federal Bank was made in part relying on the contents of the fraudulent letter presented by Thomas E. Wright.

THE CHAIR: All right. That's the motion by Representative Stam. Is there a second to the motion to place it in discussion?

All right. There is no second as to the motion with regard to Count Number 2. The Committee will not take a vote with respect to Count Number 2.

Is there any further motion with regard to Count Number 2?

There being no further motion with respect--I'm sorry.

THE CLERK: Representative Lucas.
THE CHAIR: I'm sorry. Representative Lucas.
REP. LUCAS: Mr. Chairman?
THE CHAIR: Yes, sir.
REP. LUCAS: In light of not receiving a second on Count Number 2, I'd like to offer a motion that the Committee dispense of Count Number 2.
THE CHAIR: Help me understand what the _dispense_ means.
REP. LUCAS: That we--one moment.
THE CHAIR: Certainly.
Are you suggesting we withdraw consideration of Count Number 2? Is that not--
REP. LUCAS: I'm thinking.
Sir, I'd like to offer motion that we withdraw consideration of Count Number 2, because of the lack of a second.
THE CHAIR: What I'll--what I'll do, without taking a vote, is I'll simply withdraw Count Number 2 from Committee consideration at this time.
That leads us to the last count, which is

Count Number 8. Count Number 8 is that there was a pattern of evidence unbecoming and unfitting a member of the House by improperly, fraudulently, deceptively, and unethically soliciting a financial institution for the loan and corporations for donations to the charitable corporation the Community's Health Foundation by converting to his own personal use money contributed to that charitable organization. And then as a pattern of the conduct, Representative Wright solicited a false document.
I'm going to--I do want to proceed on this count, but I want to amend the count. And if you'll give me a minute, I'm going to make an oral motion to amend the count.
All right. The Chair is going to make a motion with respect to Count Number 8 since Count Number 8 is encompassing of previous conduct in a pattern-and-practice way.
As to Count Number 8, I move that the Committee find by clear and convincing evidence that between or on or about October 2001 and on or about August 2004, while a member of the North Carolina House of Representatives, Thomas E. Wright

did engage in a pattern of conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, deceptively, and unethically soliciting a false document from a state agency and soliciting corporations for donations to a charitable corporation, the Community's Health Foundation, Inc., and by converting to his own personal use money contributed to that charitable organization.
That is--I'm sorry?
PROF. JOYNER: Would you read that again slowly.
THE CHAIR: Read it again slowly?
PROF. JOYNER: The middle part.
THE CHAIR: All right. The middle part reads that "Thomas E. Wright did engage in a pattern of conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, deceptively, and unethically soliciting a false document from a state agency and soliciting corporations for donations to a charitable"--I'm sorry--"and soliciting," yes, "corporations for donations to a charitable corporation, the Community's Health

Foundations, Inc., and by converting to his own personal use money contributed to that charitable organization."
Right. Right. All right. Is there a second to that motion as to Count Number 8?
REP. STAM: Second.
THE CHAIR: Second by Representative Stam.
I'm making that motion because it's consistent entirely with the individual counts that were previously found by clear and convincing evidence in this case, however, alleging that it was more than coincidental, that this is in fact part of a pattern of conduct, the pattern of conduct, the three solicitations, as well as the solicitation from Torlen Wade.
REP. STAM: Mr. Chairman, just for clarity, is this intending to incorporate Counts 1, 3, 4, and 5?
THE CHAIR: Essentially, yes.
REP. STAM: As a pattern?
THE CHAIR: As a pattern.
All right. There's a motion and a second. Discussion and debate.

Seeing none, all those in favor of the motion will vote aye. Those opposed will vote no. The clerk will call the role.

THE CLERK: Chairman Glazier?

THE CHAIR: Aye.

THE CLERK: Vice-chairman Stam?

REP. STAM: Aye.

THE CLERK: Representative Lucas?

REP. LUCAS: Aye.

THE CLERK: Representative McGee?

REP. MCGEE: Aye.

THE CLERK: Representative Warren?

REP. WARREN: Aye.

THE CLERK: Representative Wiley?

REP. WILEY: Aye.

THE CHAIR: Count Number 8 is amended through the motion, is adopted again by clear and convincing evidence, unanimously.

This Committee has now found six counts by clear and convincing evidence. Count number--the other two counts have been withdrawn from consideration at this time. Committee retains jurisdiction over those counts.

At this point, it is our--thank you.

This point, it becomes our responsibility under the charge for this Committee, having found six counts by clear and convincing evidence, to make a recommendation as well to the House of Representatives as to an appropriate sanction. The way that the Committee has bifurcated the proceedings, there'll be no further evidence before the Committee as to sanction, but the counsel will be allowed to make final argument to the Committee.

As to the appropriate sanction that should issue for the six counts found, this is, obviously, for many of us, the saddest evening that we'll spend in the General Assembly and one of the most important. In that respect, it has been a--a long day. We're going to make this decision this evening. But counsel needs some time to get their thoughts together based on our findings. Think we need some time to sit for a minute. And everybody needs time to grab some dinner so they can make their notes.

I'm going to recess Committee to reconvene at six-thirty this evening for the decision with respect to sanction. But a couple of things before we go to reconvene at six-thirty in

this room.

First, is there any reason that Ms. Strach and Agent Umphlet cannot--can now--cannot now be released from their subpoena? Anybody need either one here?

All right. Both can be released with the thanks of the Committee, as to all witnesses, from their subpoena.

Second, because we are in the process of making this final decision, I'm going to ask the Committee members to stay together for purposes of our time during this break. We will hopefully be all going to dinner. And I will ask us again to ad--to be admonished as to the charge I gave earlier, which I'm going to actually reread.

Before we take this break, I want to remind the members of the Committee, the attorneys for the Committee and Representative Wright, Representative Wright, and members of the public, because we are now in the final deliberative fact-finding stage, I think it would be appropriate--in fact, I am directing that the members of the Committee refrain from discussing this matter with the press, the Committee's outside legal counsel,

Representative Wright's attorneys, Representative Wright until after final deliberations are completed. I'll ask Mr. Hart, Mr. Peters, Dr. Joyner, Mr. Harris, Representative Wright from discussing evidence in the case with the Committee members, other than the Chair, during this period of time.

I'll also ask the members of the public to not approach Committee members or witnesses--well, there are no more witnesses--Committee members in this matter until after our deliberations are final and completed this evening.

In that regard, I have asked the sergeant-at-arms not only to assist but to escort Committee members in assuring compliance with this request for the remainder of the evening.

Any further matters, Mr. Reagan, before we take a dinner recess?

And just so that we're clear, there will be no discussion of this case at all during dinner. We will talk about anything but this case.

Anything further from anybody prior to recess?

All right. We're in recess until six

thirty. Thank you.

(WHEREUPON, THE PROCEEDINGS WERE RECESSED AT 4:58 P.M.)

ALSO IN ATTENDANCE

Rep. Thomas E. Wright
Prof. Irving Joyner, Counsel to Rep. Wright
Mr. Douglas Harris, Counsel to Rep. Wright

Mr. William Hart, Outside Counsel to the Committee
Mr. Alexander Peters, Outside Counsel to the Committee

Ms. Carin Savel, Committee Clerk

Mr. O. Walker Reagan, Staff Attorney
Ms. Kory Goldsmith, Staff Attorney
Mr. Brad Krehely, Staff Attorney
Ms. Heather Fennell, Staff Attorney
Ms. Denise Huntley, Research Assistant
Ms. Amanda Smith, Research Assistant

STATE OF NORTH CAROLINA
COUNTY OF WAKE

CERTIFICATE

I, Holly McGhin, a Notary Public in and for the State of North Carolina, duly commissioned and authorized to administer oaths and to take and certify hearings, do hereby certify that these proceedings were held before me at the time and place aforesaid, that all parties were present as hereinbefore stated, and that the record as set forth in the preceding Pages 2 through 245 represents a true and accurate transcription of the proceedings, to the best of my ability and understanding.

IN WITNESS WHEREOF, I have hereto set my hand, this the day of March 2008.

Notary Public
Notary Public No. 200424500712
My Commission Expires 9-7-2009
Holly McGhin
PACE REPORTING SERVICE
P. O. Box 252
Cary, North Carolina 27512
Telephone: 919/859-0000 - Raleigh
910/433-2926 - Fayetteville
910/790-5599 - Wilmington

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THE GENERAL ASSEMBLY OF THE STATE OF NORTH CAROLINA

MEETING OF THE HOUSE SELECT COMMITTEE
TO INVESTIGATE ALLEGED MISCONDUCT AND OTHER MATTERS
INCLUDED IN INDICTMENTS REGARDING
REPRESENTATIVE THOMAS E. WRIGHT

TRANSCRIPT OF THE PROCEEDINGS

(Volume IV, Part II)

March 6, 2008

THE SELECT COMMITTEE:

Rep. Rick Glazier, Chair
Rep. Paul Stam, Vice-chair
Rep. Marvin Lucas
Rep. William McGee
Rep. Edith Warren
Rep. Laura Wiley

COPY

In Raleigh, N.C.
6:38 P.M.

Reported by:
Katherine M. Becker

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Reported by:
Katherine M. Becker

THE CHAIR: All right. I now call this evening's session to order. I understand that--for the record, that sergeant-at-arms staff have checked; Representative Wright and his attorneys are not in the building. I understand that while we were on our dinner break there was an indication that they would not be participating this evening. At this point, we are well past getting started, so we will move into the sanction proceeding this evening. Thank you.

Based on the findings that this Committee has made in Counts 1, 3, 4, 5, 7 and 8, we will proceed with deliberations on what sanction, if any, the Committee will recommend to the House of Representatives. I have asked Committee outside counsel to present their recommendations on sanction, including arguments and precedents, but not testimony, in support of any recommendation. After they've completed the presentation, Committee members certainly will be available to ask them questions.

At this point in the proceed--at that point in the proceeding, if Representative Wright and counsel are available, we will ask

Representative Wright's counsel to present his recommendation on sanctions, including arguments and precedents, but not testimony, in support of his recommendation. After Dr. Joyner or Mr. Harris have completed their presentations, I would allow Committee members to ask them questions, as well.

At this point, Mr. Hart, Mr. Peters, and your presentation, if you don't mind--thank you.

MR. HART: Thank you, Mr. Chairman, members of the Committee.

What I'd like to do first is take a look at some of the North Carolina precedents on what the General Assembly has--has done in the past in terms of similar conduct to what you have found Representative Wright has committed, and also to look at what other public officials have been--have--what kind of sanctions have been levied against other public officials who have engaged in conduct such as what Representative Wright has engaged in.

In an earlier session, one of our earlier hearings in this matter, staff counsel presented this Committee with a number of prior legislators who had been expelled from the House or the

Senate--I believe mostly from the House--for various types of conduct. And I'd just like to go through those and--and tell you what--when they were expelled and for what offense we have indicated.

And first was James Carter, expelled from the House in 1757 for mishandling public funds. Second was Francis Brown, expelled from the House in 1758 for perjury and conduct unworthy. Next was Hermon Husband, expelled from the House in 1770 for gross prevarication, falsehood, and promoting riot and seditions; William Gilbert, expelled from the house in 1779 for intentionally defrauding the public; Edward Clay, expelled from the House in 1784 for petty larceny--and that was a situation that we understand there was no criminal charge pending at the time--Henry Montfort, expelled from the House in 1786 for fraud in disbursement of public money; John Bonds, expelled from the House in 1787 for fraud; John Roberts, expelled from the Senate in 1816 for forgery and fraud committing during--committed during the War of 1812, four years earlier; Robert Potter, expelled from the House in 1835 for engaging in a fight after a card

game and drawing a pistol and a knife; J. William Thorne, expelled from the house in 1875 for advocating and promulgating "a most sacrilegious doctrine subversive of the principles of the Constitution of the State of North Carolina and of sound morality"; Josiah Turner, censured, then expelled when he left the House chamber, for gross improprieties, disorderly conduct, defiant conduct and disrespectful manner. That was in 1880.

Those are the prior incidents in which the General Assembly has expelled one of its members, one--one house of the General Assembly has expelled one of its members, and I would submit to you that the conduct of Representative Wright matches and exceeds that conduct in those cases.

Now, we don't know exactly what was involved in each one of those cases, but in some of those cases, there at least appears to be an indication that there was a single incident of fraud or dishonesty or theft. And what you have just found is six counts involving fraud, dishonesty, conversion, deceit, concealment, the very kind of conduct which has justified expulsion in the past.

Again, in an earlier proceeding, Representative Wright's attorneys discussed the case of In Re: Spivey, who was a district attorney in New Hanover County in the 1990s who went into a public restaurant and used a racial epithet in arguing with one of the other people in the restaurant, and he was removed from his position as the elected D.A. of New Hanover County. And that removal by a superior court judge was upheld by the North Carolina Supreme Court, and saying that even though that conduct occurred not in the district attorney's office or in court, that the conduct of an elected official outside of where they ordinarily conduct business is still conduct of a public official, and in that case found that that conduct that occurred in a public restaurant not having to do with any particular case that the D.A. was prosecuting was conduct prejudicial to the administration of justice.

In similar manner, the Judicial Standards Commission treats judges very--very similarly. There are two different things that the Judicial Standards Commission looks for. They look for willful misconduct by a judge, and they look for

conduct prejudicial to the administration of justice. The North Carolina Supreme Court has h[illegible] in several cases that when a judge's willful misconduct involves personal financial gain, moral turpitude, or corruption, then removal is a proper consequence for that action, for that willful misconduct.

And willful misconduct has not been limited to time in court or to actions that involve official duties of judges. The courts have upheld removals for willful misconduct, such as possession of cocaine, marijuana and drug paraphernalia, in the case of In Re: Sherrill, a 1991 case, failing to file federal tax returns in In Re: Inquiry Concerning a Judge, a 2007 case.

So we do treat public officials outside of the legislature in a way where we require them to be responsible and hold themselves appropriately as public officials and require that their conduct be appropriate, because otherwise it affect--it reflects adversely upon the position that--that they hold.

And I would submit to you in similar manner the conduct of Representative Wright that

you have found by clear and convincing evidence has not only been in violation of the law--and much of his conduct, I would submit to you, has--has involved felony violations. Certainly signing the--signing the campaign disclosure reports and willfully and intentionally falsifying those reports is a felony in North Carolina. The conversion of the checks to his own personal use, each of those is a felony. Each of those was over a thousand dollars, so is a--is a felony in North Carolina. So you have several felonies which you have found that Representative Wright has committed over a period of time, showing a pattern of--of criminal conduct involving felony offenses. And I would submit to you that that puts a blight upon this chamber and adversely affects the public's view of the Legislature.

I would also point out that for only one of the offenses that you have found Representative Wright has committed, Torlen Wade lost his job and his career, certainly was embarrassed, came in here yet and told you what happened. And if anything, perhaps in some ways he's, to at least a certai[illegible] extent, a victim of the power that Representativ[illegible]

Wright exploited. Certainly, he did something that was wrong, and he suffered the appropriate consequences.

And that's something that you need to think about as you determine what are the appropriate consequences, not only for that action, soliciting the false statement, but for the entire pattern of conduct. And I would submit to you that that's important. It's not looking at each one of these things individually, but it's that pattern of conduct that Representative Wright began to engage in at some point in his career.

And we all sat and we listened to Dan Gottovi and Torlen Wade talk about Representative Wright in glowing terms of the person he was at one time and what he did for his community and what he did for the people of this state. But at some point, Representative Wright went astray. Why? We don't know. Did he become--did--did he lose sight of the duty that he had to rein in the power that he had as a legislator? Did he start believing that he could commingle funds and do whatever he wanted to with whatever funds he had? We don't know. We don't know what the--the circumstances

were that caused him to go astray, but clearly he went astray at some point back in the early part of this century, went astray from that person that he was, that official that he was, and he began to engage in a pattern of conduct of fraud, violation of trust, deceit, concealment, abuse of power and influence, and entitlement.

I heard at least one comment during the deliberations about the concern of the "sweat equity" that Representative Wright felt he was entitled to. And--and certainly we all ought to be concerned about that. No one is entitled to money that--that is not theirs. No one is entitled to use power in a way that is not appropriate.

I would submit, Ladies and Gentlemen of the Committee, that the only appropriate consequence for the pattern of conduct that you have found that Representative Wright has engaged in is expulsion from the House, and I would urge you to recommend that to the full House.

THE CHAIR: Any questions that any Committee member has of Mr. Hart? All right. Thank you, Mr. Hart.

I want to draw Committee members'

attention just so they also--I know you've seen the document before. In your notebook, under the March 3rd--black notebook under March 3rd--I'm sorry? Well, it's in the blue notebook under March 3rd. You'll find the tabs of other states and the penalties that--issued to legislators throughout the country. It's the same information consolidated that you've looked at through the motions process, but it's there for your review, as well.

I also want to provide information that we obtained and you've, again, had in your notebook previously from a synopsis of other state disciplinary actions, from Connecticut, citing a New Mexico rule, which I think is probably pretty appropriate, which elaborates on the punishment possibilities.

Under New Mexico House rules, a reprimand--this is quote--"A reprimand is normally appropriate for a single, relatively minor act of unethical conduct or disorderly behavior. Censure is normally the appropriate sanction for a more serious act or repeated acts of unethical conduct in the presence of the House, although aggravated

or repeated violations may merit expulsion." Then it goes, "The power of expulsion is reserved for very serious breaches of legal or ethical responsibilities that impugn the integrity of the House, reflect adversely on the House, or undermine public trust in the institution of the House."

And I pass that information along to you from the Connecticut study and the New Mexico House rule.

With that, the Chair has generally, throughout the proceedings, taken the position that it should question last and has done that. But on this evening, it's going to take the lead in making comments.

I said before we broke that this is the saddest thing--and I said it in the person, but I think it relates to all of us--that we will ever have to do in public life. And this has been a extraordinarily difficult process, I know, for the six members of this Committee, as well as for Counsel and Committee staff.

The argument was made that Representative Wright's violations in many cases were a paradigm of incompetence, in terms of the campaign

violations. They were not a paradigm of incompetence; they were a paradigm of arrogance unchecked and unfounded, and with each set of misconduct seemingly allowing and emboldening another step forward.

I think Counsel's argument was on point. This man, who once was a very good legislator, from everything I know before I came, and who used his position to further the public good, somewhere some time ago lost his way, to the point that he used and abused a friend, and that friend, as a result of the fraud committed, lost his job. I am at a loss to see how the innocent party loses his job and the far more culpable one in any way gets to keep his.

The allegations that were contained particularly in Count 7 were, as I described them earlier, in my view, breathtakingly massive, literally spanning years. To allow someone to continue in public service in the House of Representatives after violating literally hundreds of times over seven years the law of this state would make--would, I think, hinder in ways I can't even imagine the House's ability to govern.

We depend on public confidence and, in many ways, on the moral authority to govern. If one of our members can simply disobey the law hundreds of times over years, and then even with being shown the violations, essentially thumb his nose continually at the law, not even bothering to comply with it in any respect this year, how do we possibly argue as an institution to our fellow citizens that they must obey the law and that there are consequences when they do not?

Representative Wright holds public office because of his lies. If he had candidly admitted all the violations that he had, he would never have been certified by the Board of Elections to be a representative in 2002, 2004, and certainly in 2006.

There has been in this proceeding, in my view, absolutely no acceptance of responsibility or contrition. The severity of the offenses here and the number of offenses are more than consistent with every state's expulsion power, and this state's. The harm involved, although not irreparable to this institution, has been significant, and in my view, almost on a scale unprecedented with regard to campaign violations.

I understand what my comments and what motion will be in a minute and the solemnity of what we are doing here. And there are good reasons why no member has been expelled in the North Carolina House of Representatives since 1880. But Representative Wright's conduct over the last number of years makes this decision, for me, not even a close one.

For someone to continue to hold public office, elected office, after lying for years to his voters, to his colleagues, would be, to quote a word used today, a sham of immense proportions. He has, in my opinion, disregarded his oath of office, disgraced the House of Representatives, and dishonored himself by his conduct.

In that regard, and for me, I move that the Committee recommend based on its findings that the allegations in Counts 1, 3, 4, 5, 7 and 8 as amended were true, that Representative Wright be expelled from the North Carolina House of Representatives.

Is there a second to that motion? Second by Representative Stam. Discussion and debate?

Representative Stam?

REP. STAM: Thank you, Mr. Chairman. And I, too, will vote to expel.

The precedents that were listed, I think, are of limited usefulness. We just don't know enough about the circumstances, and we don't know about maybe the bad people who were not expelled to really compare. But it's--it's good as a check on what we're doing.

I see there are four issues here, most of which have been covered by the Chair. I'll just very--be very brief.

First are the rights of the voters in Representative Wright's district. An election should never be overturned by an expulsion, but because Representative Wright concealed his frauds from the public, there's no way that the voting public of New Hanover and Pender County can be said to have actually judged him as a candidate. Would anyone have--would they have voted for him if they knew he was pocketing charitable contributions? Would they have voted for him if they knew he was receiving contributions from XYZ group when he refused to tell them that?

Secondly are the rights of the House. We have to operate here on some level of trust. We just don't have time in the course of a legislative day to negotiate a twenty-page contract to get something--get something done. We have to be able somehow to believe each other at some level when we agree on things, or the House would just come to a standstill. And what we know here is that Representative Wright is willing to lie under oath multiple times.

In a debate, we need to know that the other side, you know, hasn't been bought, that they're making real arguments. And we have no way of knowing that, since he adamantly and to this day refuses to accurately report his finances.

Third are the rights of third parties, which have been mentioned, such as Torlen Wade. I--I think of the corporations whose money was taken that was intended for charitable deductions. I think about the contributors to his campaign who may have thought he was desperate for money to win, not knowing that he had an extra hundred and eighty thousand in his account from time to time.

But probably the fourth thing that just

ices the cake is I have seen absolutely no remorse from day one. This is not a person who has said, "I was wrong. Let me fix it."

If--if we do not expel him from the House, then we are saying we want him to continue the behavior that we have found that he's engaged in.

THE CHAIR: Representative Lucas is recognized.

REP. LUCAS: Thank you, Mr. Chair.

It's with mixed emotions that I consider the really criminal action that we are attempting to address at this forum. We have to weigh every side of this coin.

We must recognize that regardless of the circumstances, Representative Wright was duly elected by the citizens of House District 18 and that his term is still current. I wish that we had some barometer by which we could measure the sentiments of the citizens of House District 18 to see if they still consider Representative Wright their representative. But, of course, we've moved along--much further along on that, and that no longer can be considered. There would have been an

opportunity in May to determine how the folk in that district feel.

You know, I don't have a vote in District 18. If I did, I think I probably would--I know how I would vote. But those citizens have to be recognized as the ones who have determined who they want to lead them. Their minds may have changed, but, again, like I said, we have no barometer at this point, recall or some other circumstance, to make that determination. So it becomes quite difficult.

I suppose it's tempered, though, by considering the egregious and abhorrent acts that we've come to know, or that we've agreed upon, that are true. And so I will, with heavy heart, have to vote for expulsion.

THE CHAIR: I'm sorry. Other comments by any member of the Committee? Representative McGee?

REP. McGEE: Thank you, Mr. Chair.

It is a sad--sad time for us. But our employees who work for the State and work for the people of North Carolina must not be asked to do unlawful and untrue things by House members. Torlen Wade, if he was doing his job well--and it

seems he was, and I believe he thought he was. The one time he sat up straighter and was more forceful seemed to me to be when he grasped that he had done a good job.

But his services have been lost to the citizens of North Carolina. And he changed back to a more somber reflection upon his aban--upon his realization that his abandonment of protocol and good judgment had cost his job, had cost his--cost him to lose his job, or to be forced to give up his job. And for that reason being one of the main reasons, I am going to vote to--for expulsion. Thank you.

THE CHAIR: Representative Warren is recognized.

REP. WARREN: Thank you, Mr. Chairman.

This is a most solemn time, the most solemn that I have experienced in this body. It is with a very heavy heart that we all sit here tonight.

Thinking back over the testimony that we have heard over recent days and what we have read in these exhibits, there appears to be a pattern that we cannot overlook. Representative Wright, in

the past, has done many, many good things for the good of his district, the good of his state, looking at health issues and the differences that he has made there.

But tonight we are at this very difficult point that we must look at the decision that we must make. And I will support expulsion with a very heavy heart.

THE CHAIR: Representative Wiley is recognized.

REP. WILEY: Thank you, Mr. Chair.

This is perhaps one of the most difficult and saddest things that I have ever had to do in elected office, and I'm sure that's for all of us.

I'm very sure, from listening to what Represen--Representative Wright has done in his career, that he started out as a very good legislator. This is an example of the most dangerous path one in elected office can start down, and that is the errant belief that we can use any means to accomplish something that we think is good. It's dangerous because it quickly diminishes the internalized knowledge of adherence to the law.

Once one is outside the law, it is much

too easy to rationalize one's errant behavior. A sense of entitlement is the result, and a disregard for the very law we create and must abide by. No one is above the law, no matter what good they may be--they may be trying to accomplish.

What we have seen and heard and believe here today should serve as a cautionary tale to anyone in elected office. There is no excuse for deliberate flaunting of the laws that we ourselves make. And so it is with a very, very heavy heart that I will also support expulsion from the House.

THE CHAIR: Any further comments by any member of the Committee? All right.

The motion has been made and seconded that the recommendation from this Committee to the Speaker and the North Carolina House of Representatives be that Representative Wright be expelled from the North Carolina House for unethical misconduct.

The motion has been seconded. All those in favor will vote "aye." Those opposed will vote "no." The clerk will call the role.

THE CLERK: Chairman Glazier?

THE CHAIR: Aye.

THE CLERK: Vice-chairman Stam?

REP. STAM: Aye.

THE CLERK: Representative Lucas?

REP. LUCAS: Aye.

THE CLERK: Representative McGee?

REP. McGEE: Aye.

THE CLERK: Representative Warren?

REP. WARREN: Aye.

THE CLERK: Representative Wiley?

REP. WILEY: Aye.

THE CHAIR: That recommendation is unanimous.

We have some logistics things that we need to take care of for a moment, if you'll bear with me.

First, I'm going to ask--move that the Chair of the Committee be directed by the Committee to have prepared and submitted to the Speaker of the House on behalf of the Committee the report of the Committee setting forth the findings of the Committee with regard to Counts 1, 3, 4, 5, 7 and 8 as amended, together with the Committee's recommendation on sanctions, and that the appropriate transcripts of all relevant meetings

and hearings, motions, pleadings and rulings, be attached to the report in the discretion of the Chair.

Do I have a second as to that motion? Representative Warren has--has seconded. Any discussion or debate? Mr. Reagan, do I need to take a roll call on that?

MR. REAGAN: No, sir. I don't think you do.

THE CHAIR: All right. All those in favor, please say--signify by raising your hand. All those opposed? That motion carries unanimously.

This has been most difficult, but I want to do a couple commendations to some folks before we close out.

I want to thank the Attorney General of the State of North Carolina and the Deputy Attorney Generals Mr. Hart and Mr. Peters for a great sacrifice of time and a tremendous public service and their advocacy on behalf of the Committee and their representation of the citizens of the state.

Although they're not here, I want to thank and commend Dr. Joyner and Mr. Harris,

Dr. Joyner particularly during these proceedings, for eloquent and passionate and zealous representation of their client.

I want to thank the court reporter and her staff, who have changed schedules constantly to meet us and who have turned transcript over overnight.

I want to thank Committee clerk, who has just done a tremendous job in--in keeping this Committee going, and its chairman.

I want to thank the Committee staff, who also have sacrificed immensely for many weekends and much time and many birthdays to be here and to do this service. Mr. Hart and Mr. Peters have commented, and I agree, and I think all of us know, there is no finer committee staff in the United States than the committee staff for this Committee and in this House of Representatives, and--and our work is immensely better because of it, as it is because of the counsel who appeared here.

I want to thank the sergeant-at-arms, who have had to put in extraordinary overtime and have had stressful times in making sure that this building is always open and secure to us and taking

care of--of us and making a very difficult task much easier.

With that, are there any further motions or anything we needed to do, Mr. Hart and Mr. Peters?

MR. HART: No, sir.

THE CHAIR: Mr. Reagan?

This case is submitted to the Speaker of the North Carolina House of Representatives on unanimous recommendation of this Committee. We are adjourned.

(WHEREUPON, THE PROCEEDINGS WERE CONCLUDED AT 7:15 P.M.)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

C E R T I F I C A T E

I, Katherine M. Becker, a Notary Public in and for the State of North Carolina, duly commissioned and authorized to administer oaths and to take and certify hearings, do hereby certify that these proceedings were held before me at the time and place aforesaid, that all parties were present as hereinbefore stated, and that the record as set forth in the preceding Pages 247 through 271 represents a true and accurate transcription of the proceedings, to the best of my ability and understanding.

IN WITNESS WHEREOF, I have hereto set my hand, this the 7th day of March, 2008.

Notary Public
Notary Public No. 20023570191

My Commission Expires 12-29-2012

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Mr. Brad Krehely, Staff Attorney
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DOCUMENTS

1. Incorporation papers filed 4/18/01 with Secretary of State - The Community's Health Foundation, Inc.

2. e-mail from Thomas Wright to Torlen Wade

3. letter from Torlen Wade to Thomas Wright

4. Report of loan to Community Health Foundation - Coastal Federal Bank

5. notice of $150,000.00 loan foreclosure papers from Coastal Federal Bank on The Community's Health Foundation Inc.

6. Feb. 6, 2004 letter from Thomas Wright to Anheuser-Busch Companies, Inc. seeking charitable contribution to The Community's Health Foundation, Inc.

7. Mar. 5, 2004 check for $5,000.00 from Anheuser-Busch Companies, Inc. to The Community's Health Foundation, Inc., endorsed by Thomas Wright

8. Nov. 14, 2003 letter from Thomas Wright to AstraZeneca Pharmaceuticals seeking charitable contribution to The Community's Health Foundation, Inc.

9. Request for Payment Forms (2) from AstraZeneca Pharmaceuticals regarding contribution to The Community's Health Foundation Inc.

10. Dec. 15, 2003 check for $2,400.00 from AstraZeneca Pharmaceuticals to Communitys Hlth Found Inc, endorsed by Thomas Wright

11. Sept. 26, 2003 invoice to AT&T for $1,500.00 from The Community's Health Foundation, Inc.

12. Feb. 12, 2004 order to pay invoice of The Community's Health Foundation, Inc. - AT&T

13. Apr. 1, 2004 check for $1,500.00 from AT&T to Communitys Health Foundation I, endorsed by Thomas Wright

14. 28 pages of documents related to line of credit obtained by Thomas Wright in name of The Community's Health Foundation, Inc. from South East Community Credit Union

15. chart of campaign contributions not disclosed by Thomas Wright - prepared by Kim Strach

16. Political Committee Disclosure Reports for years 2000 through 2006 for Thomas Wright Campaign Committee, also available at N.C. State Board of Elections website at http://www.sboe.state.nc.us/

17. Complete Bank Account information on personal and campaign accounts of Thomas Wright at First Citizens Bank, Coastal Federation Credit Union, and Bank of America for the years 2000 through 2006 (3 compact discs).

18. Certified list of Committee and Commission Appointments of Representative Thomas E. Wright for the years 1999 through 2008.

19. Certified list of bills filed by Representative Thomas E. Wright for the years 1999 through 2008.

State of North Carolina
Department of the Secretary of State

SOSID: 588358
Date Filed: 4/18/2001 3:59 PM
Elaine F. Marshall
North Carolina Secretary of State

ARTICLES OF INCORPORATION
NONPROFIT CORPORATION

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 corporation is: The Community's Health Foundation, Inc.

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

3. The street address and county of the initial registered office of the corporation is:

   Number and Street 322 S. 17th Street

   City, State, Zip Code Wilmington, NC 28401 County New Hanover

4. The mailing address *if different from the street address* of the initial registered office is:

   same

5. The name of the initial registered agent is:

   Thomas E. Wright

6. The name and address of each incorporator is as follows:
   Thomas E. Wright, 322 S. 17th St., Wilmington, NC 28401
   Daniel Gottovi, MD, 116 Martingale Ln., Wilmington, NC 28409
   James Lofton, 117 Avant Dr., Wilmington, NC 28405
   Bessie Funderburg, 414 S. 14th St., Wilmington, NC 28401

7. (Check either a or b below.)
   a. x The corporation will have members.
   b. ___ The corporation will not have members.

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

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

10. The street address and county of the principal office of the corporation is:

    925 North 4th St., Wilmington, NC 28401 County New Hanover

11. The mailing address *if different from the street address* of the principal office is:

    Same

Ex. 1

Revised January 2000

Form N-01

CORPORATIONS DIVISION P. O. BOX 29622 RALEIGH, NC 27626-0622

EXHIBIT
1

Purpose of Corporation

This corporation is organized for the following purpose(s) (*check as applicable*):

____religious,

_x_charitable,

_x_educational,

____testing for public safety,

_x_scientific,

____literary,

____fostering national or international amateur sports competition, and/or

____prevention of cruelty to children or animals,

including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under Sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1986 (herein the "Code") (or the corresponding provisions of any future United States Internal Revenue Code).

Prohibited Activities

No part of the net earnings of the corporation shall inure to the benefit of or be distributable to, its members, directors, officers, or other private persons except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of purposes set forth in these articles of incorporation. No substantial part of the activities of the corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation, and the corporation shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provisions of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 501(c)(3) of the Code or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Code.

Distributions Upon Dissolution

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

This is the ____ day of _____, 20____.

Thomas E. Wright

Signature of incorporator

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

NOTES:
Filing fee is $60. This document and one exact or conformed copy of these articles must be filed with the Secretary of State.

January 2000

Form N-01

...TIONS DIVISION

P. O. BOX 29622

RALEIGH, NC 27626-0622

04/11/2001 11:54 919-807-2063

PAGE 04

Subject: Per our conversation
Date: Wed, 13 Mar 2002 16:47:04 -0500
From: "Vanda Wilson-Wormack (Rep. Wright)" <wrightla2@ncleg.net>
To: "Torlen Wade (E-mail)" <torlen.wade@ncmail.net>

Torlen,

Per our conversation, the letter of endorsement should be addressed to Chairman Thomas E. Wright, Community's Health Foundation, Inc. 322 South 17th Street Wilmington, NC 28401.

The language should include $150,000 in funding to be received no later than July or August.

The building will be located on the 900 block of 4th Street and will be used as office space for the Community's Health Foundation, Inc. Upon completion of the expansion project of the New Hanover Community Health Center, an effort would be made to convert the building into a History Museum.

Please fax the letter of endorsement to (910) 343-3339 and mail the hard copy to
Community's Health Foundation
322 South 17th Street
Wilmington, NC 28401.

If you have any further questions or comments, please call the office at (919) 733-5754 or (910) 232-1007.

Thanks

Thomas Wright

EXHIBIT
2

North Carolina Department of Health and Human Services
Office of Research, Demonstrations, and
Rural Health Development
2009 Mail Service Center • Raleigh, North Carolina 27699-2009
Tel 919-733-2040 • Fax 919-733-8300

James D. Bernstein, Director

Michael F. Easley, Governor
Carmen Hooker Odom, Secretary

March 15, 2002

Thomas E. Wright, Chairman
Community's Health Foundation
322 South 17th Street
Wilmington, NC 28401

Dear Mr. Wright:

On behalf of the Office of Research, Demonstrations, and Rural Health Development, I am writing to enthusiastically endorse the Community's Health Foundation's effort to convert the building located on the 900 block of 4th Street into Foundation offices, New Hanover Community Health Center offices and into a History Museum.

With this endorsement, the Office is committing $150,000 in funding toward the completion of this conversion project. The funding will be awarded by June 30, 2002.

We wish you all the best as you embark on this important project.

Sincerely,

Torlen L. Wade
Acting Director

TLW/lw

EXHIBIT
3

REPORT OF LOAN OR NE OF CREDIT

DATE March 5, 2002

BORROWER: (Exact legal name of entity)
Community Health Foundation

ADDRESS:

PRINCIPALS: (If different than Borrower)
Thomas Wright Title Chairman
Dan Gothard Title Treasurer
_____ Title _____

NATURE OF BUSINESS OR WHERE EMPLOYED
TYPE OF BUSINESS OR JOB TITLE
CORP _____ S-CORP _____
PARTNERSHIP _____ EMPLOYER
PROPRIETORSHIP _____
Non-profit

GUARANTORS:
Unlimited ___ Limited ___ Amount of Note ___
Names Liquidity OSNW Income
NA

33-78-41826

PURPOSE OF CREDIT (Be Specific) & AMOUNT
Purchase lot + Building for 1898 memorial on 4th St

Loan Amount: $150,000.00

TOTAL O/S & COMMITMENTS (Omit 000's)

	O/S	Comm.
U/S		
R/E		
Class 1 Collateral		
Other Collateral		
Total		

Unused Commitments $ _____

SOURCE OF REPAYMENT
Primary: Grant money from State + Fed. gov't.
Secondary Conversion of assets

Payment History @ Coastal Federal:

Beacon Score: _____

Debt Ratio: _____

N.O.I. _____

Debt Service Coverage: _____

BASIS OF CREDIT (Check all that apply)
___ Unsecured
✓ Secured
Mortgage/Type (Constr., Leasehold, etc.): _____
Permanent
Location: 516 N. 4th St. Wilmington, NC
Assign of Rents: yes F. F. & E: no
Other: _____

___ Line of Credit ✓ Loan
✓ New ___ Renewal
LTV 92.8 % Lien Position:
TLTV 92.8 % 1st DT
AV: 350,000 (Sales Price)

This is a CRE loan for a museum (to be created) to commemorate the 1898 race riots in Wilmington. Funded by State + Federal Grant Money

SCHEDULE OF REPAYMENT
Rate: WSJ Pr 1.5% Fee: 1/2% ($750.00)
Term: 180 days Amortization: _____
Other: 6 mont S/P - int. due @ maturity

Request Denied: _____

APPROVED As Submitted: ___ Yes ___ No. If no, list
CONDITIONS OF APPROVAL:

ACCOUNT BALANCE DATE
Present Balance All Accounts $ _____
Average Bal. Last 12 Months $ _____
# of Overdrafts past 12 months _____

Related Accounts:	12 Month Avg. Bal.

Required Accounts Relationship:
Foundation acct. to be opened

Recommended Risk Grade 5
ASSIGNED RISK GRADE _____

Are there any underwriting or documentation exceptions? ___ No ___ Yes. If yes, list:

Are there any Loan Policy Exceptions being requested: ✓ No ___ Yes. If yes, list the exception.
NOT: BORROWER FINANCING

APPROVED:
Loan Officer: _____ Credit Administration: _____ Loan Committee: _____

ATTACH. #837 -10 PG. 1 OF 6
CASE # 2007-0489

EXHIBIT 4

02521

(1)
17

2004034119

FOR REGISTRATION REGISTER OF DEEDS
REBECCA T. CHRISTIAN
NEW HANOVER COUNTY, NC
2004 JUN 28 03:40:12 PM
BK:4385 PG:765-766 FEE:$12.00

INSTRUMENT # 2004034119

NOTICE OF FORECLOSURE

Drawn By: H. Terry Hutchens, PA
PRESENT RECORD OWNER: The Community Health Foundation, Inc.
aka The Community's Health Foundation, Inc

Mail To: H. Terry Hutchens, PA
P.O. Box 1028
Fayetteville, North Carolina 28302
Case No: 597.69856

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

This notice of foreclosure is filed for recordation pursuant to the provisions of N.C.G.S. 45-38.

GRANTOR: Thomas E. Wright, President of The Community Health Foundation Inc. and Daniel Gottovi, Treasurer of The Community Health Foundation, Inc.
ORIGINAL TRUSTEE: Michael C. Gerald
BENEFICIARY: Coastal Federal Bank
in the amount of $150,000.00 recorded in Book 3259, Page 842, and foreclosed and conveyed to John L. Battle and wife, Mary A. Battle on May 18, 2004.

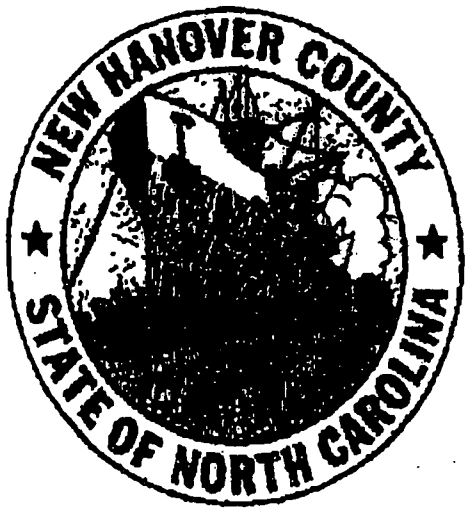
See Book 4340, Page 911, and Appointment of Substitute Trustee recorded in Book 4052, Page 756.

This the 22nd day of June, 2004.

H. TERRY HUTCHENS, PA
SUBSTITUTE TRUSTEE

BY: Debra L. Milligan
Debra L. Milligan
Assistant Vice President

EXHIBIT
5



REBECCA T. CHRISTIAN
REGISTER OF DEEDS, NEW HANOVER
216 NORTH SECOND STREET

WILMINGTON, NC 28401

Filed For Registration: 06/28/2004 03:40:12 PM

Book: RE 4385 Page: 765-766

Document No.: 2004034119

N/F 2 PGS $12.00

Recorder: MARVIS ANN STORER

State of North Carolina, County of New Hanover

REBECCA T. CHRISTIAN , REGISTER OF DEEDS

By: Marvis Ann Storer
Deputy/Assistant Register of Deeds

YELLOW PROBATE SHEET IS A VITAL PART OF YOUR RECORDED DOCUMENT. PLEASE RETAIN WITH ORIGINAL DOCUMENT AND SUBMIT FOR RE-RECORDING.

2004034119
2004034119

THE COMMUNITY'S HEALTH FOUNDATION, INC.

Thomas E. Wright, President
322 S 17th Street
Wilmington, NC 28401
Ofc. #(910) 343-9842
Fed Tax ID# 56-2252434

February 6, 2004

Mr Lewis McKinney
Anheuser-Busch Companies, Inc.
1 Busch Place. 202-R
St. Louis, Missouri 63118

Michele
Okay for
$ 500 ea.

Dear Mr. McKinney,

The Community's Health Foundation, Inc is requesting your support in the acquisition and development of a building in Wilmington, North Carolina that will serve as a historical relic and museum about the 1898 Race Riot that occurred in Wilmington, North Carolina The museum will exhibit historical events that took place and recapture these moments for future generations to explore, examine, and uncover the truth about such a horrific time in American History. This is a very important endeavor for the community of Wilmington, the state of North Carolina and our nation

We are requesting your support to aid this foundation's efforts. Please make the check payable to **The Community's Health Foundation, Inc.**, in care of **Thomas E. Wright.** Contributions are tax deductible under the 501 (c) (3) of the Internal Revenue Code. **Our Tax Id# is 56-2252434.**

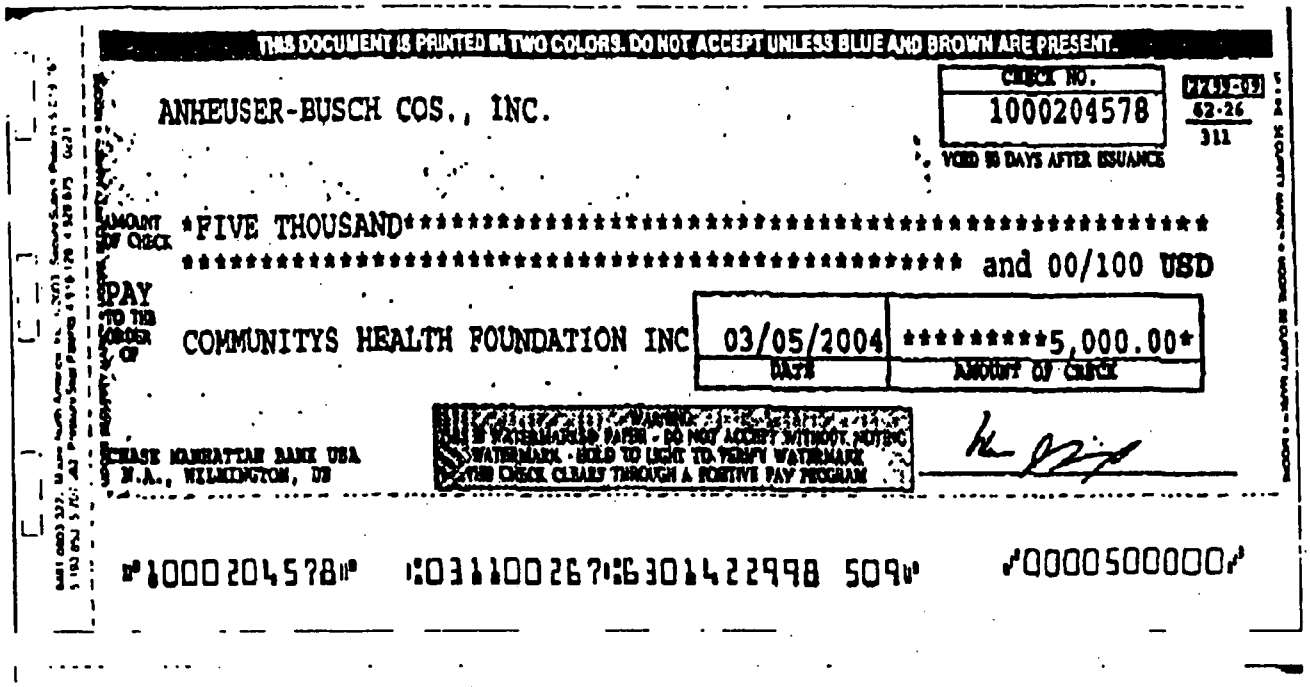
If you need to contact me or need additional information, please do not hesitate to give me a call. Again, thanks for your support.

Sincerely,

Thomas E. Wright

EXHIBIT
6

Amount:	$5,000.00	Sequence Number:	6400501484
Account:	6301422998509	Capture Date:	08/11/2004
Bank Number:	03110026	Check Number:	1000204578



THIS DOCUMENT IS PRINTED IN TWO COLORS. DO NOT ACCEPT UNLESS BLUE AND BROWN ARE PRESENT.

ANHEUSER-BUSCH COS., INC.

CHECK NO. 1000204578

62-26
311

VOID 90 DAYS AFTER ISSUANCE

AMOUNT OF CHECK *FIVE THOUSAND********** and 00/100 USD

PAY TO THE ORDER OF COMMUNITYS HEALTH FOUNDATION INC

DATE 03/05/2004

AMOUNT OF CHECK *********5,000.00*

CHASE MANHATTAN BANK USA N.A., WILMINGTON, DE

WARNING: THIS IS WATERMARKED PAPER - DO NOT ACCEPT WITHOUT NOTING WATERMARK - HOLD TO LIGHT TO VERIFY WATERMARK. THIS CHECK CLEARS THROUGH A POSITIVE PAY PROGRAM

⑈1000204578⑈ ⑆031100267⑆6301422998 509⑈ ⑈0000500000⑈

BANK OF AMERICA

EXHIBIT

7

THE COMMUNITY'S HEALTH FOUNDATION, INC.

Thomas E. Wright, President

322 S. 17th Street
Wilmington, NC 28401
Ofc. #(910) 343-9842
Fed. Tax ID# 56-2252434

November 14, 2003

Mr. Brian Shank
AstraZeneca Pharmaceuticals
104 Mancino Court
Morrisville, NC 27560

Dear Mr. Shank,

The Community's Health Foundation, Inc. is requesting your support in assisting the New Hanover Community Health Center, located in Wilmington, North Carolina, with our educational initiatives and projects. Our presentation of multidisciplinary perspectives will address critical clinical and care delivery issues, as well as, an exhaustive needs assessment that will survey the ongoing needs of the primary care physician, healthcare providers and the patients. Also, the identification of trends and changes in practices based on research data from surveys of our patients and constituents will enable the Center to maximize their healthcare services. In addition, the Community's Health Foundation is continuing the strides in bridging the health status gap between minorities that will improve access to public health services for the underserved population in New Hanover County.

$2400.00

We are requesting your support of ~~$1500.00~~ to support this foundation's efforts. Please make the check payable to **The Community's Health Foundation, Inc.**, in care of **Thomas E. Wright**. Contributions are tax deductible under the 501 (c) (3) of the Internal Revenue Code. **Our Tax Id# is 56-2252434.**

If you need to contact me, please do not hesitate to give me a call. Again, thanks for your support.

Sincerely,

Thomas E. Wright

EXHIBIT 8

2007-01489
Attachment 794-43
pg 1 of 3

01340

AstraZeneca

AstraZeneca Pharmaceuticals LP
1800 Concord Pike
PO Box 15437
Wilmington, DE 19850-5437

CHECK DATE: 12/15/03 30020579 06 12343708

Document No. 12343708

VENDOR'S INVOICE/CREDIT MEMO NO.	INVOICE/CREDIT MEMO DATE	DOCUMENT/REFERENCE NO.	GROSS AMOUNT	DISCOUNT TAKEN/OTHER REDUCTIONS	NET AMOUNT
* 120703 SPONSORSHIP	12/07/03	52274286	2,400.00	0.00	2,400.00
			2,400.00	0.00	2,400.00

Any Questions Regarding This Payment -- call 800 773-7119

...vel)

Amount

$2400

Total Payment Amount
$2400

Zip
28401

...required)

Shank
...ncino Court
NC 27513

...ient
3

Co
06

Date of Request
12/7/03

Rev. 11/2002

EXHIBIT
9

01941

2

BRIAN SHANK-AZ SGA
9194521856
05/09/2007 08:22

AstraZeneca

REQUEST FOR PAYMENT FORM

(Charitable (501(c)3 Donation Form)

Requester	Mail Location	Telephone	Client	Co.	Date of Request
Mike Draine	Field Virginia	(703) 716-0714	43	06	12/7/03

Payment Instructions: ☐ Include Attachments (Provide copies)

☒ Overnight or 2nd Day Delivery (Include completed mailing slip)

☐ Request Payment By (Date) ____

☐ Other (Specify) Brian Shank
104 Mancino Court
Cary, NC 27519

Pay To (Name)	Tax ID or Social Security Number (Required)
The Community's Health Foundation, Inc.	58-2252434

Address: 322 S. 17th ST.

City	State	Zip
Wilmington	NC	28401

Vendor Code (AP Use)	Purchase Order No.	Goods Receipt No.	Total Payment Amount
			$2400

Distribution Details (not required if PO information is provided above)

G/L Account (8 digits)	Plant (2 digits)	Cost Center (6 digits)	Project No. (if any)	Amount
4353-1100	21	614407	K.9999.6020176	$2400

Reason for Payment or Description of Purchase: per request form

Print Approved By	Salary Roll No	Approver Signature (do not initial)
Mike Draine	72353	

Return completed form and supporting documentation to:
Accounts Payable Dept.
Rollins Building – 7th Floor

Additional Questions?
Contact the AP Hotline
800-773-7119 – option #2

Rev. 01/2003

Amount:	$2,400.00	Sequence Number:	6400501485
Account:	3299924268	Capture Date:	08/11/2004
Bank Number:	06111278	Check Number:	12343708

AstraZeneca

AstraZeneca Pharmaceuticals LP
1800 Concord Pike
PO Box 15437
Wilmington, DE 19850-5437

30020579 06 12343708

DOCUMENT NO.
12343708

64-1278
611

MONTH DAY YEAR
12/15/03

PAY TWO THOUSAND FOUR-HUNDRED AND 00/100 DOLLARS

$ *******2,400.00

TO THE ORDER OF
COMMUNITYS HLTH FOUND INC
322 S 17TH ST
WILMINGTON NC 28401

Bank of America Customer Connection
Bank of America, N.A.
Atlanta, DeKalb County, Georgia

Authorized Signature

VOID AFTER 180 DAYS

THE BACK OF THIS DOCUMENT HAS THE ASTRAZENECA LOGO PRINTED IN WHITE INK IN MULTIPLE POSITIONS - HOLD AT AN ANGLE TO VIEW - VOID IF NOT PRESENT

⑈12343708⑈ ⑆061112788⑆ 329 992 4268⑈ ⑈0000240000⑈

EXHIBIT
10

THE COMMUNITY'S HEALTH FOUNDATION, INC.

Thomas E. Wright, President

322 S. 17th Street
Wilmington, NC 28401
Ofc. # (910) 343-9842
Fed. Tax ID # 56-2252434

Sept. 26, 2003

Invoice

Inv # 092603TheCom

To: John Policastro
AT&T

From: The Community's Health Foundation, Inc.

Please remit the following payment. Checks may be made to The Community's Health Foundation, Inc.

Payment $1500

PO# P059652

Thank you.

PAY THIS AMOUNT

MATTER: NC
ISSUE: T-D
TACTIC: TPI

EXHIBIT
11

021604

AT&T

Supplier Order To Pay
Accounts Payable
Third Party Request

SOTP-7
(08-01)

Forms should be completed using a computer or typewriter

Supplier Name: The Community's Health Foundation, Inc

Invoice Number: 092603thecom Invoice Amount: $1,500 00

Return the Check to Name & Address Below:

John Policastro
AT&T
150 Fayetteville St. Mall
Suite 1110
Raleigh, NC 27601
919-755-5604

Approval Name: Robert Schauer

Approval Signature: Robert Schauer

Level: Director

Note: Third Party requests require an approval level one band higher than the manager approving the attached ATT471 form (maximum Level E)

07/0801

Retention Requirement
Receiver - 9 Yrs

AT&T PROPRIETARY (Restricted)
Solely for authorized persons having a need to know
Pursuant to Company instructions

SENT TO A/P
2/12/04

EXHIBIT
12

Pg 3

02181

Amount:	$1,500.00	Sequence Number:	6200948986
Account:	31172621	Capture Date:	07/26/2004
Bank Number:	07192382	Check Number:	11390100

DO NOT CASH WITHOUT BLUE / GREEN BACKGROUND – POSITIVE IDENTIFICATION REQUIRED

70-2382/719

AT&T

The Northern Trust Company
Chicago, IL 6071
Payable through Northern Trust Bank / DuPage, Oak Brook, IL
Account Number 31172621

Check No.	Payable Mo. Day Yr.
11390100	04|01|04

AP Payment

ONE THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS IN US DOLLARS

PAY TO THE ORDER OF

COMMUNITYS HEALTH FOUNDATION I
322 S 17TH ST
WILMINGTON NC 28401

$******1,500.00

PLEASE CASH PROMPTLY. VOID AFTER 180 DAYS

VENDOR NO.	INVOICE NO.	OTPC
483977		

Edward M. Durgin
Authorized Signature

⑈11390100⑈ ⑆071923828⑆03117262 2⑈ ⑈0000150000⑈

BANK OF AMERICA, NA CAR
945396001944 E6462 20 P14
07/26/04
6200948986

EXHIBIT
13

NORTH CAROLINA
Department of The Secretary of State

To all whom these presents shall come, Greetings:

I, ELAINE F. MARSHALL, Secretary of State of the State of North Carolina, do hereby certify the following and hereto attached to be a true copy of

ARTICLES OF INCORPORATION

OF

THE COMMUNITY'S HEALTH FOUNDATION, INC.

the original of which was filed in this office on the 18th day of April, 2001.

EXHIBIT

14

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Raleigh, this 18th day of April, 2001

Elaine F. Marshall

Secretary of State

Document Id: 210995157

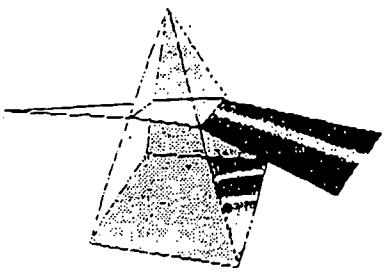
06759

2007-01489
Attachment 794-89

Date: 5/16/01 Time: 1:22:54 PM

From: IRS To: THOMAS E. WRIGHT

Fax Cover Page



Memphis Service Center
Internal Revenue Service
Memphis, Tennessee

To: THOMAS E. WRIGHT

Fax Number: 9103433339

From: TELE-TIN UNIT

Fax Number: (901) 546-3916

ubject: Per your request

Name of Applicant:

THE COMMUNITY`S HEALTH FOUNDATION, INC.

Employer Identification Number is:

56-2252434

Please be advised that it is against the law to use an employer identification number as a social security number or for anything other than business

66760

JR[redacted]8

This communication is intended for the sole use of the individual to whom it is addressed and may contain information that is privileged, confidential and exempt form disclosure under applicable law. If the reader of this communication is [illegible] recipient, you are hereby notified that any dissemination, distribution, or copying of the communication

Name: Community Health Foundation Account #: 1955 - 01

Date: 8/28/03

LOAN DOCUMENTATION CHECKLIST

_____	Membership Documentation		
_____	Membership Fee		
✓	Loan Application		
✓	Credit Report		
✓	Amortization Schedule		
_____	Debt-To-Income Analysis		
✓	Note and Disclosure Statement		
_____	Verification of Employment and Income		
_____	Vehicle Purchase Order/Bill of Sale		
_____	Title		
_____	Vehicle Inspection/Appraisal		
_____	Verification of Insurance (C/U as loss payee)		
_____	Notice to Co-signer	_____	Guarantor Agreement
_____	Share Deposit Requirement	_____	Share Pledge/Hold
_____	Credit Life/Credit Disability	_____	Payroll Deduction
_____	Copy of Loan Value (NADA/Kelly Book)		
_____	Payment Book		
_____	Exception – Memo to File:		

_____

_____

_____

_____

C/C Approving Officer Date

00761

LOANLINER

Application

5001915

Individual Credit: You must complete the **Applicant** section about yourself and the **Other** section about your spouse if:
1. you live in or the property pledged as collateral is located in a community property state (AK, AZ, CA, ID, LA, NM, NV, TX, WA, WI),
2. your spouse will use the account, or
3. you are relying on your spouse's income as a basis for repayment. If you are relying on income from alimony, child support, or separate maintenance, complete the **Other** section to the extent possible about the person on whose payments you are relying.

Joint Credit: If you are applying with another person, complete the **Applicant** and **Other** sections.

Guarantor: Complete the **Other** section if you are a guarantor on an account/loan.

Check below to indicate the type of account(s) and type of credit for which you are applying. Married Applicants may apply for a separate account.

☐ **LOANLINER® Account/Loan:** ☐ Individual ☐ Joint Amount Requested $10,000 Purpose/Collateral: Business Line
Including ATM/Debit Card Access to the Account if Available)

Repayment: ☐ Payroll Deduction ☐ Cash ☐ Military Allotment ☐ Automatic Payment

The Community Health Foundation

Applicant

NAME (Last - First - Initial): Wright Thomas E. | MOTHER'S MAIDEN NAME: Gibbs
OUNT NUMBER | SOCIAL SECURITY NUMBER: 238-92-6697
DRIVER'S LICENSE NUMBER / STATE: 3913771 | LIST AGES OF DEPENDENTS NOT LISTED BY OTHER APPLICANT (Exclude Self)
BIRTH DATE: 08/07/55 | HOME PHONE: 910 343-9842 | BUSINESS PHONE/ EXT.: 910 733-5754
PRESENT ADDRESS (Street - City - State - Zip): 322 S 17th St Wilmington NC 28401 | ☒ OWN ☐ RENT | YEARS AT THIS ADDRESS: 6 yrs
PREVIOUS ADDRESS (Street - City - State - Zip) | ☐ OWN ☐ RENT | YEARS AT THIS ADDRESS
COMPLETE FOR JOINT CREDIT, SECURED CREDIT OR IF YOU LIVE IN A COMMUNITY PROPERTY STATE:
☑ MARRIED ☐ SEPARATED ☐ UNMARRIED (Single - Divorced - Widowed)

Employment/Income

NAME AND ADDRESS OF EMPLOYER: NC General Assembly
TITLE/GRADE | START DATE | HOURS AT WORK
SUPERVISOR'S NAME: — | IF SELF EMPLOYED, TYPE OF BUSINESS: Legislator
NOTICE: ALIMONY, CHILD SUPPORT, OR SEPARATE MAINTENANCE INCOME NEED NOT BE REVEALED IF YOU DO NOT CHOOSE TO HAVE IT CONSIDERED.
EMPLOYMENT INCOME: $ 32,000.00 PER ____ ☐ NET ☐ GROSS | OTHER INCOME: $ ____ PER ____ SOURCE
MILITARY: IS DUTY STATION TRANSFER EXPECTED DURING NEXT YEAR? ☐ YES ☐ NO
WHERE | ENDING/SEPARATION DATE
PREVIOUS EMPLOYER NAME AND ADDRESS IF EMPLOYED LESS THAN FIVE YEARS | STARTING DATE | ENDING DATE

Other: ☐ Co-Applicant ☐ Spouse ☐ Guarantor

NAME (Last - First - Initial) | MOTHER'S MAIDEN NAME
ACCOUNT NUMBER | SOCIAL SECURITY NUMBER
DRIVER'S LICENSE NUMBER / STATE | LIST AGES OF DEPENDENTS NOT LISTED BY APPLICANT (Exclude Self)
BIRTH DATE | HOME PHONE ( ) | BUSINESS PHONE/ EXT. ( )
PRESENT ADDRESS (Street - City - State - Zip) | ☐ OWN ☐ RENT | YEARS AT THIS ADDRESS
PREVIOUS ADDRESS (Street - City - State - Zip) | ☐ OWN ☐ RENT | YEARS AT THIS ADDRESS
COMPLETE FOR JOINT CREDIT, SECURED CREDIT OR IF YOU LIVE IN A COMMUNITY PROPERTY STATE:
☐ MARRIED ☐ SEPARATED ☐ UNMARRIED (Single - Divorced - Widowed)

Employment/Income

NAME AND ADDRESS OF EMPLOYER
TITLE/GRADE | START DATE | HOURS AT WORK
SUPERVISOR'S NAME | IF SELF EMPLOYED, TYPE OF BUSINESS
NOTICE: ALIMONY, CHILD SUPPORT, OR SEPARATE MAINTENANCE INCOME NEED NOT BE REVEALED IF YOU DO NOT CHOOSE TO HAVE IT CONSIDERED.
EMPLOYMENT INCOME: $ ____ PER ____ ☐ NET ☐ GROSS | OTHER INCOME: $ ____ PER ____ SOURCE
MILITARY: IS DUTY STATION TRANSFER EXPECTED DURING NEXT YEAR? ☐ YES ☐ NO
WHERE | ENDING/SEPARATE
PREVIOUS EMPLOYER NAME AND ADDRESS IF EMPLOYED LESS THAN FIVE YEARS | STARTING DATE | ENDING DATE

00762

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TO ORDER: 1-800-356-5012

CONTINUED ON REVERSE SIDE

XXXXXXXXXXXXX,New,X.
NM-Wright`,Thomas,E.
322,South 17Th,ST,Wilmington,NC,28401.
SS-238926697,AGE-46.

BEACON 96 SCORE: 517 00038/00034/00020/00010
SERIOUS DELINQUENCY AND DEROGATORY PUBLIC RECORD OR COLLECTION FILED
AMOUNT OWED ON DELINQUENT ACCOUNTS
LENGTH OF TIME SINCE DEROGATORY PUBLIC RECORD OR COLLECTION IS TOO SHORT
PROPORTION OF BALANCES TO CREDIT LIMITS, TOO HIGH ON BANK/OTHER REVOLVING ACCTS

SSN ISSUED -68 STATE ISSUED-NC

* 122 EQUIFAX CREDIT INFORMATION SERVICES, P O BOX 740241,
,ATLANTA,GA,30374-0241,800/685-1111

*WRIGHT,THOMAS,EDWARD SINCE 01/14/76 FAD 10/02/01 FN-281
322,S 17TH,ST,WILMINGTON,NC,28401,TAPE RPTD 03/97
TELEPHONE NUMBER (910) 343-3339 SPEC 02/01
317,S 17TH,ST,WILMINGTON,NC,28401,DAT RPTD 03/97
PO,BOX 1654,,WILMINGTON,NC,28402,TAPE RPTD 04/94
BDS-08/00/1955,SSS-238-92-6697, SSN VER - Y
01 ES-STATE ASSEMBLYMAN,STATE OF NC
02 EF-INSTRUC,CAPE FEAR COMMUNITY COLLEGE
E2-INSTRUC,CAPE FEAR CUMMUNITY COLLEGE,WILMINGT,NC

*SUM-08/88-10/01,PR/OI-YES,FB-NO, ACCTS:11,HC$0-100K, 5-ONES, 1-FIVE, 1-EIGHT, 4-NINES.

****** PUBLIC RECORDS OR OTHER INFORMATION ******
04 04/01*COLL 01/01 815YC177 ~~ROMAC FIN FOR ALLTEL~~ FORMERLY
~~AMT:$173 BAL:~~$173 UNPAID DLA:07/00, I,6730541
05 01/96*LIEN 422VC59,116338,$8392,VF
06 01/96*LIEN 422VC59,116337,$9107,VF
07 10/92*LIEN 422VC59,100-145,$2254,VF
PAID
****

*INQS-VAN RU	155YC2208	10/02/01	LANDSAFE	180ZB06405	02/05/01
REGALMORTG	422FM1062	01/23/01	VAN RU	155YC5698	01/18/01
VIKING COL	613YC15527	05/16/00	CITIFINANC	801FP5099	03/20/00
SBA AREA 2	401VF549	03/03/00	PROD CRDT	456ZB00721	01/07/00
PROD CRDT	456ZB00721	11/01/99			

* FIRM/ID CODE	RPTD	OPND	H/C	TRM	BAL	P/D	CS	MR	ECOA	ACCOUNT NUMBER
LOANSRVCNT*190FM2521	10/01	02/98	100K	~~88~~	97K		I1	~~02~~	J	2773019119654
REAL ESTATE MORTGAGE										
CONVENTIONAL MORTGAGE										
BANKAMERIC*805BB2492	09/01	01/96	57K	5~~30~~	53K	6K+	I5	68	J	10015810483
30(08)60(04)90+(11) 08/01-I5,07/01-I5,06/01-I5										DLA 05/00
OI *422JA381	09/01	12/92	1	60	10	10	R9		I	

Current

PAID

00763

30(05)60(03)90+(06) 03/97-R5,02/97-R4,01/97-R3 DLA 10/96
CHARGED OFF ACCOUNT
AMOUNT IN H/C COLUMN IS CREDIT LIMIT
VIDIAN *163BB25312 09/01 10/97 0 44 1479 742 R9 I
30(03)60(03)90+(02) 09/00-R5,06/00-R3,05/00-R2 DLA 03/00
CHARGED OFF ACCOUNT
ACCOUNT CLOSED BY CREDIT GRANTOR
CAP 1 BANK*850BB1498 09/01 04/98 421 1547 1K+ R9 I
30(02)60(01)90+(04) 05/00-R5,04/00-R5,03/00-R5 DLA 05/99
CHARGED OFF ACCOUNT
CREDIT CARD
CITIFINAL *285FM19 06/01 02/98 100K 888 0 I1 11 J 3930001911965
30(01)60(00)90+(00) 09/00-I2 DLA 05/01
ACCOUNT TRANSFERRED OR SOLD
REAL ESTATE MORTGAGE
ALLTEL *155UT11 05/98 05/96 0 0 O9 I
PAID CHARGE OFF
BANKAMERIC*805BB2492 03/98 02/96 56K 15Y 0 I1 25 C 10016416561
PAID ACCOUNT/ZERO BALANCE
REAL ESTATE MORTGAGE
B OF HOVEN*180BB23439 03/96 06/93 0 0 R1 33 I
30(01)60(00)90+(00) 06/95-R2 DLA 09/95
PAID ACCOUNT/ZERO BALANCE
CLOSED ACCOUNT
BANKAMERIC*805BB2492 01/96 08/88 28K 332 0 I8 J 118060000627775
PAID ACCOUNT/ZERO BALANCE
AMERIC*805BB2492 01/96 02/93 17K 410 0 I1 35 I 1001022[redacted]2
PAID ACCOUNT/ZERO BALANCE&

END OF REPORT EQUIFAX AND AFFILIATES - 10/29/01 SAFESCANNED

00764

YTD	47,515.28	2,340.43	4,742.09	40,432.76

NC General Assembly — Thomas E Wright — 238926697

PAY PERIOD BEG. DATE	PAY PERIOD END DATE	CHECK DATE	SOCIAL SECURITY NUMBER	EXEMPTIONS		ADD. W/H		CHECK NUMBER
				FED	STATE	FED	STATE	
10/26/2001	11/1/2001	11/1/2001	238-92-6697	M 0	M 0			2039688

DESCRIPTION	HOURS	CURRENT EARNINGS	YTD EARNINGS	TAXES/DEDUCTIONS	CURRENT	YTD
Subsis Non-Tax		728.00	30,680.00	Check	809.20	34,442.64
Travel Non-Tax		81.20	3,754.22	Federal		978.54
Reg Earnings			11,625.80	OASDI		811.67
Exp Allowance			5,590.00	Medicare		189.83
Travel Taxable			14.44	NC State		597.55
				AD&D FSA		135.00
				CompDentPR		1,024.80
				Retirement Leg		1,205.10
				StateHlth PreT		2,979.04
				Deposit Advice		9,300.29

	EARNINGS	TAXES	DEDUCTIONS	NET PAY
CURRENT	809.20			809.20
YTD	51,664.46	2,577.59	5,343.94	43,742.93

SOUTH EAST COMMUNITY CREDIT UNION
P.O. Box 2677
Wilmington, NC 28402

LOANLINER.

Open-End Voucher and Security Agreement

BORROWER INFORMATION

BORROWER 1 NAME (LAST) Wright (FIRST) Community (INITIAL) Health ACCOUNT NUMBER 1955

ADDRESS 322. S. 17th St.

SOCIAL SECURITY NUMBER

CITY Wilmington STATE NC ZIP 28401

HOME TELEPHONE NUMBER

BORROWER 2 NAME (LAST) Thomas (FIRST) (INITIAL) ACCOUNT NUMBER

ADDRESS (IF DIFFERENT THAN BORROWER 1)

SOCIAL SECURITY NUMBER

BORROWER 1 EMPLOYER NAME

WORK TELEPHONE NUMBER

BORROWER 2 EMPLOYER NAME

WORK TELEPHONE NUMBER

NOTICE: YOU DON'T HAVE TO INCLUDE INCOME FROM CHILD SUPPORT, SEPARATE MAINTENANCE, OR ALIMONY UNLESS YOU WANT THE CREDIT UNION TO CONSIDER IT.

SOURCE OF OTHER INCOME

AMOUNT REQUESTED/PURPOSE $ 10,000

DATE 10/31/01

PLEASE CHECK ONE:
- [x] DEPOSIT IN ACCOUNT NUMBER:
- [ ] MAIL THE CHECK
- [ ] PICK UP THE CHECK

CHECK PAYABLE TO:

REPAYMENT METHOD:
- [ ] AUTOMATIC TRANSFER
- [ ] PAYROLL DEDUCTION
- [x] CASH PAYMENT
- [ ] MILITARY ALLOTMENT

DATE HIRED

GROSS MONTHLY SALARY $

DATE HIRED

GROSS MONTHLY SALARY $

OTHER MONTHLY INCOME $

WHAT YOU OWE

LIST ALL DEBTS OTHER THAN TO THIS CREDIT UNION (Attach additional sheet(s) if necessary.)

	PRESENT BALANCE	MONTHLY PAYMENT	CURRENT INTEREST RATE

SUBSEQUENT ELECTION FOR VOLUNTARY PAYMENT PROTECTION

You can now voluntarily elect to become insured with the coverage(s) checked below. In order for coverage to become effective you must meet all eligibility requirements stated in the Credit Insurance Application/Schedule. **A statement of insurability must be completed if you are adding coverage more than 30 days after the date of your advance.** Details of this insurance coverage are included in the Insurance Certificate which you received with your Credit Agreement. Ask us if you need a copy of the Insurance Certificate. By signing below, you agree to the terms of this insurance election and you authorize us to add the charges for the insurance to your outstanding balance each month. Your payment amount will increase or you will be required to make additional payments. Coverage election applies to the entire balance on this subaccount. Insurance rates are subject to change.

YOU ELECT THE FOLLOWING:	COST PER $100 OF YOUR MONTHLY LOAN BALANCE	NAME OF INSURED(S) (PLEASE PRINT)
[x] Single Credit Disability Insurance	$ .13	Rep. Thomas Wright
[ ]		
[x] Single Credit Life Insurance	$ .068	Rep. Thomas Wright
[ ] Joint Credit Life Insurance	$ .115	

REPAYMENT TERMS

DAILY PERIODIC RATE	ANNUAL PERCENTAGE RATE		OTHER FEES (Amount and Description)	NEW BALANCE THIS SUBACCOUNT
.043836	16.0 %	[x] FIXED [ ] VARIABLE	$	$ 10000.00

AMOUNT ADVANCED	PAYMENT AMOUNT	DATE DUE	PAYMENT FREQUENCY	LINE OF CREDIT LIMIT	REMAINING LIMIT
$ 7,500	$ 328.77	31st Monthly	Monthly	$ 10000.00	$ 2,500.00

FOR CREDIT UNION USE ONLY

SECURITY OFFERED [ ] CONSUMERS' CLAIMS AND DEFENSES — IF CHECKED, SEE REVERSE SIDE FOR NOTICE

THE ADVANCE IS SECURED BY YOUR SHARES, ALL PROPERTY SECURING OTHER PLAN ADVANCES AND LOANS RECEIVED IN THE PAST OR IN THE FUTURE, AND THE FOLLOWING PROPERTY:

PROPERTY/MODEL	YEAR	I.D. NUMBER	VALUE	KEY NUMBER

PLEDGE OF SHARES AND/OR DEPOSITS $ ACCOUNT NUMBER(S)

SIGNATURES

By signing below, by endorsing the proceeds check or by using the amount advanced and deposited into your share/share draft account you agree:
1. To make and be bound by the terms of this Security Agreement including the cross collateral clause;
2. The above information is true and correct and the Credit Union will rely on that information and your credit report to make a credit decision;
3. To make payments as disclosed above in accordance with the terms of your Plan.

X [signature] (SEAL) DATE 10/28/2001
BORROWER 1 SIGNATURE

X (SEAL) DATE
BORROWER 2 SIGNATURE

X (SEAL) DATE
SIGNATURE [ ] OWNER OF COLLATERAL (Other than a Borrower)

X (SEAL) DATE
SIGNATURE [ ] OWNER OF COLLATERAL (Other than a Borrower)

CUNA MUTUAL GROUP, 1980, 82, 84, 86, 90, 98, 2001, ALL RIGHTS RESERVED
TO ORDER: 1-800-356-5012

CREDIT UNION COPY

VXX041

00760

SECCU

RESOLUTION AND AGREEMENT FOR DEPOSIT & LENDING ACCOUNT

Community Health Foundation — 56-2252434

Name of Organization — EIN

Corporation	Government Entity	Sole Proprietorship
Unincorporated Association	Partnership	
Limited Liability Corporation	Limited Liability Partnership	Other

I, the undersigned, hereby certify to SECCU that I am the Secretary/Assistant Secretary (or as applicable, Proprietor, Authorized Manager or other Authorized Person) of the above named Organization duly organized and existing under the laws of the state of North Carolina; and that the following is a true copy of resolutions duly adopted by the Organization at a meeting held on _____ and have not been amended or rescinded:

called left Message

RESOLVED, that SECCU on and that deposit and lending account(s) be opened and mai any other applicable rules, regulations and fee schedule f

*Need Resolution Signed by Member organization

FURTHER RESOLVED, t be hereby authorized, on behalf of the Organization tion required by SECCU to open said accounts and to t s relating to the accounts that SECCU requires; to sign rs for the payment or withdrawal of money from sai f deposit, bonds, received loans or other instruments, ow CCU; to accept drafts, eptances, d other instruments payabl e of protest or dishonor of any check, note, bill, draft, or

*Call Danye for Notary

*Pager # 350-5921

Authorized Signature — Title

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

Received By _____ _____

Profit Center _____ State _____

EIN _____ _____

Acct# _____ Acct# _____ Acct# _____

Acct# _____ Acct# _____ Acct# _____

Acct# _____ Acct# _____ Acct# _____

Complete Applicable Section on Reverse

00767

SECCU

RESOLUTION AND AGREEMENT FOR DEPOSIT & LENDING ACCOUNT

Community Health Foundation — Name of Organization

56-2252434 — EIN

Corporation	Government Entity	Sole Proprietorship
Unincorporated Association	Partnership	
Limited Liability Corporation	Limited Liability Partnership	Other

I, the undersigned, hereby certify to SECCU that I am the Secretary/Assistant Secretary (or as applicable, Proprietor, Authorized Manager or other Authorized Person) of the above named Organization duly organized and existing under the laws of the state of North Carolina; and that the following is a true copy of resolutions duly adopted by the Organization at a meeting held on _____, and that such resolutions are in full force and effect and have not been amended or rescinded:

RESOLVED, that SECCU, is hereby designated as a depository institution for the Organization and that deposit and lending account(s) be opened and maintained with SECCU subject to its deposit account agreement and any other applicable rules, regulations and fee schedule for such accounts; and

FURTHER RESOLVED, that any ONE of the following persons (a "Designated Individual"), be hereby authorized, on behalf of the Organization, to execute any application, signature card or any other documentation required by SECCU to open said accounts and to take whatever other actions or enter into whatever other agreements relating to the accounts that SECCU requires; to sign checks, drafts, notes, bills, time deposits, instruments or other orders for the payment or withdrawal of money from said accounts; to endorse checks, instruments bills drafts certificates of deposit, bonds, received loans or other instruments, owned or held by the Organization for deposit or for collection by SECCU; to accept drafts, acceptances, and other instruments payable at SECCU; and to waive presentment, demand, protest, and notice of protest or dishonor of any check, note, bill, draft, or other instrument made, drawn or endorsed by the Organization:

Authorized Signature	Printed/Typed Name	Title

FOR BANK USE ONLY

Received By _____ Date _____

Profit Center _____ Bank No. _____ State _____

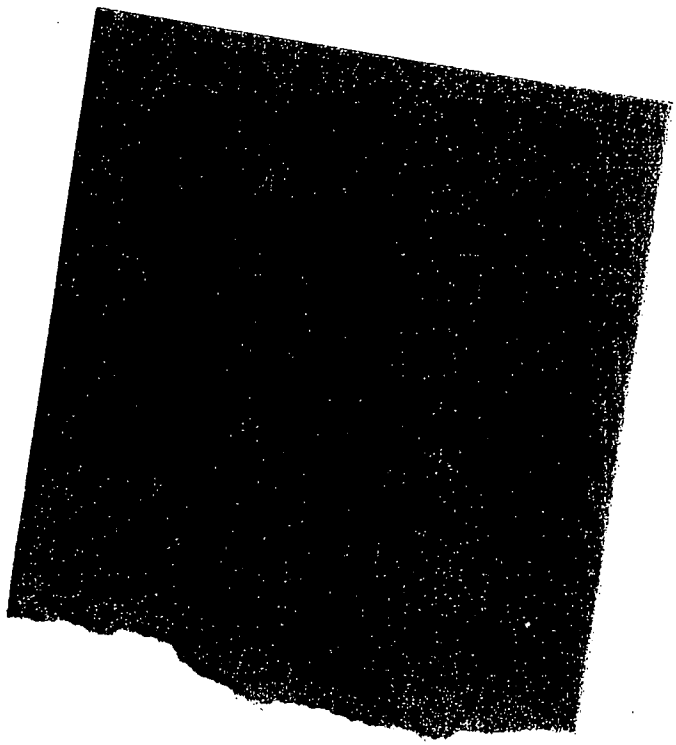
EIN _____	Acct# _____	Acct# _____
Acct# _____	Acct# _____	Acct# _____
Acct# _____	Acct# _____	Acct# _____
Acct# _____	Acct# _____	Acct# _____

Complete Applicable Section on Reverse

AMOUNT OF LOAN:	$41,000.00						
ANNUAL INTEREST RATE:	10.000000%						
PERIODIC INTEREST RATE:	0.038338%						
DAILY INTEREST RATE:	0.000438%						
NUMBER OF PAYMENTS:	42	MONTHLY					
AMOUNT OF PAYMENT:	$936.77						
LAST PAYMENT AMT:	$940.68						
DATE OF LOAN:	25AUG93						
PAYMENTS START ON:	10SEP93						
DAYS BEFORE FIRST PAYMENT:	31						
MEMBER PAY INSURANCE:	1	SINGLE LIFE/DI	LEVEL DATE YES				
TOTAL INTEREST:	$1,633.80						
TOTAL LIFE PREMIUM:	$132.78	AMOUNT COVERED BY LIFE	$40,000.00	TERM OF LIFE INS	42 MONTHS		
TOTAL DISABILITY PREMIUM	$401.86	AMOUNT COVERED BY DIS	$40,000.00	TERM OF DIS INS	42 MONTHS		
TOTAL PAYMENTS:	$43,735.39						
DISTRIBUTION METHOD:	1						
PAYMENT DAY NUMBER:	28						
PREMIUM DAY NUMBER:	31						
PROJECTED PAY OFF DAY:	WEDNESDAY						
PROJECTD PAY OFF DATE:	05FEB97						

DLP-021P A M O R T I Z A T I O N S C H E D U L E 00763

PAYMENT NUMBER	MTH/YR	YR	PAYMENT AMOUNT	LIFE PREMIUM	DISABILITY PREMIUM	INTEREST	PRINCIPAL	BALANCE



Name: Community Health Foundation Account #: 1955-02

Date: 8/28/03

LOAN DOCUMENTATION CHECKLIST

_____ Membership Documentation

_____ Membership Fee

_____ Loan Application

_____ Credit Report

_____ Amortization Schedule

_____ Debt-To-Income Analysis

_____ Note and Disclosure Statement

_____ Verification of Employment and Income

_____ Vehicle Purchase Order/Bill of Sale

_____ Title

_____ Vehicle Inspection/Appraisal

_____ Verification of Insurance (C/U as loss payee)

_____ Notice to Co-signer _____ Guarantor Agreement

_____ Share Deposit Requirement _____ Share Pledge/Hold

_____ Credit Life/Credit Disability _____ Payroll Deduction

_____ Copy of Loan Value (NADA/Kelly Book)

_____ Payment Book

_____ Exception – Memo to File:

_____

_____

_____

_____

C/C Approving Officer Date

00771

XXXXXXXXXXXX,New,X.
VM-Wright`,Thomas,E.
322,South 17Th,ST,Wilmington,NC,28401.
SSS-238926697,AGE-46.

BEACON 96 SCORE: 517 00038/00034/00020/00010
SERIOUS DELINQUENCY AND DEROGATORY PUBLIC RECORD OR COLLECTION FILED
AMOUNT OWED ON DELINQUENT ACCOUNTS
LENGTH OF TIME SINCE DEROGATORY PUBLIC RECORD OR COLLECTION IS TOO SHORT
PROPORTION OF BALANCES TO CREDIT LIMITS, TOO HIGH ON BANK/OTHER REVOLVING ACCTS

SSN ISSUED -68 STATE ISSUED-NC

* 122 EQUIFAX CREDIT INFORMATION SERVICES, P O BOX 740241,
,ATLANTA,GA,30374-0241,800/685-1111

*WRIGHT,THOMAS,EDWARD SINCE 01/14/76 FAD 10/02/01 FN-281
322,S 17TH,ST,WILMINGTON,NC,28401,TAPE RPTD 03/97
TELEPHONE NUMBER (910) 343-3339 SPEC 02/01
317,S 17TH,ST,WILMINGTON,NC,28401,DAT RPTD 03/97
PO,BOX 1654,,WILMINGTON,NC,28402,TAPE RPTD 04/94
BDS-08/00/1955,SSS-238-92-6697, SSN VER - Y
01 ES-STATE ASSEMBLYMAN,STATE OF NC
02 EF-INSTRUC,CAPE FEAR COMMUNITY COLLEGE
E2-INSTRUC,CAPE FEAR CUMMUNITY COLLEGE,WILMINGT,NC

*SUM-08/88-10/01,PR/OI-YES,FB-NO, ACCTS:11,HC$0-100K, 5-ONES, 1-FIVE, 1-EIGHT, 4-NINES.

****** PUBLIC RECORDS OR OTHER INFORMATION ******
04 04/01*COLL 01/01 815YC177 ~~ROMAC FIN FOR~~ ALLTEL FORMERLY
~~AMT:$173 BAL:~~$173 UNPAID DLA:07/00, I,6730541
05 01/96*LIEN 422VC59,116338,$8392,VF
06 01/96*LIEN 422VC59,116337,$9107,VF
07 10/92*LIEN 422VC59,100-145,$2254,VF
PAID
****

*INQS-VAN RU 155YC2208 10/02/01 LANDSAFE 180ZB06405 02/05/01
REGALMORTG 422FM1062 01/23/01 VAN RU 155YC5698 01/18/01
VIKING COL 613YC15527 05/16/00 CITIFINANC 801FP5099 03/20/00
SBA AREA 2 401VF549 03/03/00 PROD CRDT 456ZB00721 01/07/00
PROD CRDT 456ZB00721 11/01/99

*	FIRM/ID CODE	RPTD	OPND	H/C	TRM	BAL	P/D	CS	MR	ECOA	ACCOUNT NUMBER
LOANSRVCNT*	190FM2521	10/01	02/98	100K	~~888~~	97K		I1	~~02~~	J	2773019119654
	REAL ESTATE MORTGAGE										
	CONVENTIONAL MORTGAGE										
BANKAMERIC*	805BB2492	09/01	01/96	57K	530	53K	6K+	I5	68	J	1001581 3
	00(08)60(04)90+(11) 08/01-I5,07/01-I5,06/01-I5										DLA 05/00
I	*422JA381	09/01	12/92	1	60	10	10	R9		I	

Current

PAID

00772

30(05)60(03)90+(06) 03/97-R5,02/97-R4,01/97-R3 DLA 10/96
CHARGED OFF ACCOUNT
AMOUNT IN H/C COLUMN IS CREDIT LIMIT
IDIAN *163BB25312 09/01 10/97 0 44 1479 742 R9 I
30(03)60(03)90+(02) 09/00-R5,06/00-R3,05/00-R2 DLA 03/00
CHARGED OFF ACCOUNT
ACCOUNT CLOSED BY CREDIT GRANTOR
CAP 1 BANK*850BB1498 09/01 04/98 421 1547 1K+ R9 I
30(02)60(01)90+(04) 05/00-R5,04/00-R5,03/00-R5 DLA 05/99
CHARGED OFF ACCOUNT
CREDIT CARD
CITIFINAL *285FM19 06/01 02/98 100K 888 0 I1 11 J 3930001911965
30(01)60(00)90+(00) 09/00-I2 DLA 05/01
ACCOUNT TRANSFERRED OR SOLD
REAL ESTATE MORTGAGE
ALLTEL *155UT11 05/98 05/96 0 0 O9 I
PAID CHARGE OFF
BANKAMERIC*805BB2492 03/98 02/96 56K 15Y 0 I1 25 C 10016416561
PAID ACCOUNT/ZERO BALANCE
REAL ESTATE MORTGAGE
B OF HOVEN*180BB23439 03/96 06/93 0 0 R1 33 I
30(01)60(00)90+(00) 06/95-R2 DLA 09/95
PAID ACCOUNT/ZERO BALANCE
CLOSED ACCOUNT
BANKAMERIC*805BB2492 01/96 08/88 28K 332 0 I8 J 118060000627775
PAID ACCOUNT/ZERO BALANCE
KAMERIC*805BB2492 01/96 02/93 17K 410 0 I1 35 I 10010225562
PAID ACCOUNT/ZERO BALANCE&

END OF REPORT EQUIFAX AND AFFILIATES - 10/29/01 SAFESCANNED

NC General Assembly | Thomas E Wright | 238926697

PAY PERIOD BEG. DATE	PAY PERIOD END DATE	CHECK DATE	SOCIAL SECURITY NUMBER	EXEMPTIONS		ADD. W/H		CHECK NUMBER
				FED	STATE	FED	STATE	
10/19/2001	10/25/2001	10/25/2001	238-92-6697	M 0	M 0			2039126

DESCRIPTION	HOURS	CURRENT EARNINGS	YTD EARNINGS	TAXES/DEDUCTIONS	CURRENT	YTD
Subsis Non-Tax		728.00	29,952.00	Check	809.20	33,633.44
Travel Non-Tax		81.20	3,673.02	Federal		891.21
Reg Earnings			10,463.22	OASDI		734.77
Exp Allowance			5,031.00	Medicare		171.84
Travel Taxable			14.44	NC State		542.61
				AD&D FSA		121.50
				CompDentPR		922.32
				Retirement Leg		1,084.59
				StateHlth PreT		2,613.68
				Deposit Advice		8,417.72

	EARNINGS	TAXES	DEDUCTIONS	NET PAY
CURRENT	809.20			809.20
YTD	49,133.68	2,340.43	4,742.09	42,051.16

DEBT TO INCOME ANALYSIS WORKSHEET

NAME Thomas Wright

DATE 11/5/01

ACCOUNT# 1955

NEW PAYMENT AMOUNT
Monthly payment for the loan requested $ ~~328.~~ 395.88

MORTGAGE/RENT
Monthly payment for the mortgage or rent $ 8.88

ALL OTHER MONTHLY PAYMENTS
Auto payment(s) $ 530.

Credit card(s) $

Finance Companies $

Other payments _____ $

_____ $

_____ $

TOTAL MONTHLY DEBTS $ 1746.

GROSS MONTHLY INCOME
Salary $ 33,633.44 YTD / 10 mths.

Other _____ $

TOTAL GROSS MONTHLY INCOME $ 3363.44

$ 1746 (monthly debts) divided by $ 3363 (monthly gross income) = 52 % (D/I ratio)

If the Debt-to-income Ratio exceeds 45%, the loan exceeds the Credit Union's policy guidelines.

Gross Annual Income $ _____ x 2596 = $ _____
Maximum Unsecured Credit including present request

SOUTH EAST COMMUNITY CREDIT UNION
P.O. Box 2677
Wilmington, NC 28402

LOANLINER.

Open-End Voucher and Security Agreement

BORROWER INFORMATION

BORROWER 1 NAME (LAST) (FIRST) (INITIAL): Community Health Foundation
ACCOUNT NUMBER: 1955
AMOUNT REQUESTED/PURPOSE: $ 1500.00
DATE: 11/6/01
ADDRESS: 322 S. 17th St.
SOCIAL SECURITY NUMBER:
CITY: Wilmington STATE: NC ZIP: 28401
HOME TELEPHONE NUMBER:
PLEASE CHECK ONE:
☐ DEPOSIT IN ACCOUNT NUMBER: ☐ MAIL THE CHECK ☐ PICK UP THE CHECK
BORROWER 2 NAME (LAST) (FIRST) (INITIAL): ACCOUNT NUMBER:
CHECK PAYABLE TO:
ADDRESS (IF DIFFERENT THAN BORROWER 1): SOCIAL SECURITY NUMBER:
REPAYMENT METHOD:
☐ AUTOMATIC TRANSFER ☐ PAYROLL DEDUCTION
☐ CASH PAYMENT ☐ MILITARY ALLOTMENT
BORROWER 1 EMPLOYER NAME: WORK TELEPHONE NUMBER: DATE HIRED: GROSS MONTHLY SALARY: $
BORROWER 2 EMPLOYER NAME: WORK TELEPHONE NUMBER: DATE HIRED: GROSS MONTHLY SALARY: $
NOTICE: YOU DON'T HAVE TO INCLUDE INCOME FROM CHILD SUPPORT, SEPARATE MAINTENANCE, OR ALIMONY UNLESS YOU WANT THE CREDIT UNION TO CONSIDER IT.
SOURCE OF OTHER INCOME: OTHER MONTHLY INCOME: $

WHAT YOU OWE

LIST ALL DEBTS OTHER THAN TO THIS CREDIT UNION (Attach additional sheet(s) if necessary.)	PRESENT BALANCE	MONTHLY PAYMENT	CURRENT INTEREST RATE

SUBSEQUENT ELECTION FOR VOLUNTARY PAYMENT PROTECTION

You can now voluntarily elect to become insured with the coverage(s) checked below. In order for coverage to become effective you must meet all eligibility requirements stated in the Credit Insurance Application/Schedule. **A statement of insurability must be completed if you are adding coverage more than 30 days after the date of your advance.** Details of this insurance coverage are included in the Insurance Certificate which you received with your Credit Agreement. Ask us if you need a copy of the Insurance Certificate. By signing below, you agree to the terms of this insurance election and you authorize us to add the charges for the insurance to your outstanding balance each month. Your payment amount will increase or you will be required to make additional payments. Coverage election applies to the entire balance on this subaccount. Insurance rates are subject to change.

YOU ELECT THE FOLLOWING:	COST PER $100 OF YOUR MONTHLY LOAN BALANCE	NAME OF INSURED(S) (PLEASE PRINT)
☑ Single Credit Disability Insurance	$ .13	Rep T. Wright
☐		
☑ Single Credit Life Insurance	$ .068	Rep. T. Wright
☐ Joint Credit Life Insurance	$ .115	

REPAYMENT TERMS

DAILY PERIODIC RATE	ANNUAL PERCENTAGE RATE		OTHER FEES (Amount and Description)	NEW BALANCE THIS SUBACCOUNT
.0438356	16.0 %	☑ FIXED ☐ VARIABLE	$	$ 2500.00

AMOUNT ADVANCED	PAYMENT AMOUNT	DATE DUE	PAYMENT FREQUENCY	LINE OF CREDIT LIMIT	REMAINING LIMIT
$ 1500.00	$ 395.38	31st Monthly	Monthly	$ 10000.00	$ 980.27

FOR CREDIT UNION USE ONLY

SECURITY OFFERED ☐ CONSUMERS' CLAIMS AND DEFENSES — IF CHECKED, SEE REVERSE SIDE FOR NOTICE

THE ADVANCE IS SECURED BY YOUR SHARES, ALL PROPERTY SECURING OTHER PLAN ADVANCES AND LOANS RECEIVED IN THE PAST OR IN THE FUTURE, AND THE FOLLOWING PROPERTY:

PROPERTY/MODEL	YEAR	I.D. NUMBER	VALUE	KEY NUMBER

PLEDGE OF SHARES AND/OR DEPOSITS $ ACCOUNT NUMBER(S)

SIGNATURES

By signing below, by endorsing the proceeds check or by using the amount advanced and deposited into your share/share draft account you agree:
1. **To make and be bound by the terms of this Security Agreement including the cross collateral clause;**
2. **The above information is true and correct and the Credit Union will rely on that information and your credit report to make a credit decision;**
3. **To make payments as disclosed above in accordance with the terms of your Plan.**

X [signature] (SEAL) 11/6/2001
BORROWER 1 SIGNATURE DATE

X (SEAL)
BORROWER 2 SIGNATURE DATE

X (SEAL)
SIGNATURE ☐ OWNER OF COLLATERAL (Other than a Borrower) DATE

X (SEAL)
SIGNATURE ☐ OWNER OF COLLATERAL (Other than a Borrower) DATE

DCUNA MUTUAL GROUP, 1980, 82, 84, 86, 90, 98, 2001. ALL RIGHTS RESERVED
TO ORDER: 1-800-356-5012

CREDIT UNION COPY

VXX041

00176

THE COMMUNITY HEALTH FOUNDATIO
111 S. 17th ST
ALLENTOWN ID 000028421
DISTRDATE : 07/1988

AMOUNT OF LOAN:	$1,500.00					
ANNUAL INTEREST RATE:	11.000000000%					
PERIODIC INTEREST RATE:	0.010333333%					
DAILY INTEREST RATE.	0.000438356%					
NUMBER OF PAYMENTS:	1	MONTHLY				
AMOUNT OF PAYMENT:	$325.38					
LAST PAYMENT AMT.	$272.15					
DATE OF LOAN:	07/05/88					
PAYMENTS START ON:	08/05/88					
DAYS BEFORE FIRST PAYMENT:	31					
MEMBER PAY INSURANCE:	0	SINGLE LIFE/DI	LEVEL RATE INS			
TOTAL INTEREST:	$50.37					
TOTAL LIFE PREMIUM	$2.55	AMOUNT COVERED BY LIFE	$1,500.00	TERM OF LIFE INS	4 MONTHS	
TOTAL DISABILITY PREMIUM	$2.37	AMOUNT COVERED BY DIS	$1,500.00	TERM OF DIS INS	4 MONTHS	
TOTAL PAYMENTS:	$1,555.09					
DISTRIBUTION METHOD:	1					
PAYMENT DAY NUMBER:	28					
PREMIUM DAY NUMBER:	31					
PROJECTED PAY OFF DAY:	SUNDAY					
PROJECTD PAY OFF DATE:	08/01/93					

ZZPAY01X A M O R T I Z A T I O N S C H E D U L E

36777

PAYMENT NUMBER	MM/DD/YY	YR	PAYMENT AMOUNT	LIFE PREMIUM	DISABILITY PREMIUM	INTEREST	PRINCIPAL	BALANCE

Name: Community Health Foundation Account #: 1955-03

Date: 8/28/03

LOAN DOCUMENTATION CHECKLIST

_____	Membership Documentation		
_____	Membership Fee		
_____	Loan Application		
✓	Credit Report		
_____	Amortization Schedule		
_____	Debt-To-Income Analysis		
✓	Note and Disclosure Statement		
✓	Verification of Employment and Income		
_____	Vehicle Purchase Order/Bill of Sale		
_____	Title		
_____	Vehicle Inspection/Appraisal		
_____	Verification of Insurance (C/U as loss payee)		
_____	Notice to Co-signer	_____	Guarantor Agreement
_____	Share Deposit Requirement	_____	Share Pledge/Hold
_____	Credit Life/Credit Disability	_____	Payroll Deduction
_____	Copy of Loan Value (NADA/Kelly Book)		
_____	Payment Book		
_____	Exception – Memo to File:		

_____

_____

_____

_____ _____

C/C Approving Officer Date

Name: Community Health Foundation Account #: 1955-03

Date: 8/28/03

LOAN DOCUMENTATION CHECKLIST

_____	Membership Documentation		
_____	Membership Fee		
_____	Loan Application		
✓	Credit Report		
_____	Amortization Schedule		
_____	Debt-To-Income Analysis		
✓	Note and Disclosure Statement		
✓	Verification of Employment and Income		
_____	Vehicle Purchase Order/Bill of Sale		
_____	Title		
_____	Vehicle Inspection/Appraisal		
_____	Verification of Insurance (C/U as loss payee)		
_____	Notice to Co-signer	_____	Guarantor Agreement
_____	Share Deposit Requirement	_____	Share Pledge/Hold
_____	Credit Life/Credit Disability	_____	Payroll Deduction
_____	Copy of Loan Value (NADA/Kelly Book)		
_____	Payment Book		
_____	Exception – Memo to File:		

_____

_____

_____

_____

C/C Approving Officer Date

00779

:XXXXXXXXXXXX,New,X.
JM-Wright,Thomas,E.
:P 22,South 17Th,ST,Wilmington,NC,28401.
[. S-238926697,AGE-46.

BEACON 96 SCORE: 517 00038/00034/00020/00010
SERIOUS DELINQUENCY AND DEROGATORY PUBLIC RECORD OR COLLECTION FILED
AMOUNT OWED ON DELINQUENT ACCOUNTS
LENGTH OF TIME SINCE DEROGATORY PUBLIC RECORD OR COLLECTION IS TOO SHORT
PROPORTION OF BALANCES TO CREDIT LIMITS, TOO HIGH ON BANK/OTHER REVOLVING ACCTS

SSN ISSUED -68 STATE ISSUED-NC

* 122 EQUIFAX CREDIT INFORMATION SERVICES, P O BOX 740241,
,ATLANTA,GA,30374-0241,800/685-1111

*WRIGHT,THOMAS,EDWARD SINCE 01/14/76 FAD 10/02/01 FN-281
322,S 17TH,ST,WILMINGTON,NC,28401,TAPE RPTD 03/97
TELEPHONE NUMBER (910) 343-3339 SPEC 02/01
317,S 17TH,ST,WILMINGTON,NC,28401,DAT RPTD 03/97
PO,BOX 1654,,WILMINGTON,NC,28402,TAPE RPTD 04/94
BDS-08/00/1955,SSS-238-92-6697, SSN VER - Y
01 ES-STATE ASSEMBLYMAN,STATE OF NC
02 EF-INSTRUC,CAPE FEAR COMMUNITY COLLEGE
03 E2-INSTRUC,CAPE FEAR CUMMUNITY COLLEGE,WILMINGT,NC

*SUM-08/88-10/01,PR/OI-YES,FB-NO, ACCTS:11,HC$0-100K, 5-ONES, 1-FIVE, 1-EIGHT, 4-NINES.

****** PUBLIC RECORDS OR OTHER INFORMATION ******
04 04/01*COLL 01/01 815YC177 ~~ROMAC FIN FOR~~ ALLTEL FORMERLY
~~AMT:$173 BAL:~~$173 UNPAID DLA:07/00, I,6730541
05 01/96*LIEN 422VC59,116338,$8392,VF PAID
06 01/96*LIEN 422VC59,116337,$9107,VF
07 10/92*LIEN 422VC59,100-145,$2254,VF
****

*INQS-VAN RU 155YC2208 10/02/01 LANDSAFE 180ZB06405 02/05/01
REGALMORTG 422FM1062 01/23/01 VAN RU 155YC5698 01/18/01
VIKING COL 613YC15527 05/16/00 CITIFINANC 801FP5099 03/20/00
SBA AREA 2 401VF549 03/03/00 PROD CRDT 456ZB00721 01/07/00
PROD CRDT 456ZB00721 11/01/99

* FIRM/ID CODE	RPTD	OPND	H/C	TRM	BAL	P/D	CS	MR	ECOA	ACCOUNT NUMBER
LOANSRVCNT*190FM2521	10/01	02/98	100K	~~800~~	97K		I1	~~02~~	J	2773019119654
REAL ESTATE MORTGAGE										
CONVENTIONAL MORTGAGE										
BANKAMERIC*805BB2492	09/01	01/96	57K	~~530~~	53K	~~0K+~~	~~I5~~	68	J	10015810483
0(08)60(04)90+(11) 08/01-I5,07/01-I5,06/01-I5										DLA 05/00
*422JA381	09/01	12/92	1	60	10	10	R9		I	

Current

PAID

30(05)60(03)90+(06) 03/97-R5,02/97-R4,01/97-R3 DLA 10/96
CHARGED OFF ACCOUNT
AMOUNT IN H/C COLUMN IS CREDIT LIMIT
PAID
P [redacted]IDIAN *163BB25312 09/01 10/97 0 44 1479 742 R9 I
[redacted](03)60(03)90+(02) 09/00-R5,06/00-R3,05/00-R2 DLA 03/00
CHARGED OFF ACCOUNT
ACCOUNT CLOSED BY CREDIT GRANTOR
PAID
CAP 1 BANK*850BB1498 09/01 04/98 421 1547 1K+ R9 I
30(02)60(01)90+(04) 05/00-R5,04/00-R5,03/00-R5 DLA 05/99
CHARGED OFF ACCOUNT
CREDIT CARD
CITIFINAL *285FM19 06/01 02/98 100K 888 0 I1 11 J 3930001911965
30(01)60(00)90+(00) 09/00-I2 DLA 05/01
ACCOUNT TRANSFERRED OR SOLD
REAL ESTATE MORTGAGE
ALLTEL *155UT11 05/98 05/96 0 0 O9 I
PAID CHARGE OFF
BANKAMERIC*805BB2492 03/98 02/96 56K 15Y 0 I1 25 C 10016416561
PAID ACCOUNT/ZERO BALANCE
REAL ESTATE MORTGAGE
B OF HOVEN*180BB23439 03/96 06/93 0 0 R1 33 I
30(01)60(00)90+(00) 06/95-R2 DLA 09/95
PAID ACCOUNT/ZERO BALANCE
CLOSED ACCOUNT
BANKAMERIC*805BB2492 01/96 08/88 28K 332 0 I8 J 118060000627775
PAID ACCOUNT/ZERO BALANCE
BANKAMERIC*805BB2492 01/96 02/93 17K 410 0 I1 35 I 10010225562
[redacted]AID ACCOUNT/ZERO BALANCE&

END OF REPORT EQUIFAX AND AFFILIATES - 10/29/01 SAFESCANNED

NC General Assembly | Thomas E Wright | 238926697

PAY PERIOD BEG. DATE	PAY PERIOD END DATE	CHECK DATE	SOCIAL SECURITY NUMBER	EXEMPTIONS		ADD. W/H		CHECK NUMBER
				FED	STATE	FED	STATE	
10/5/2001	10/11/2001	10/11/2001	238-92-6697	M 0	M 0			2038537

DESCRIPTION	HOURS	CURRENT EARNINGS	YTD EARNINGS	TAXES/DEDUCTIONS	CURRENT	YTD
...is Non-Tax		728.00	28,496.00	Check	809.20	32,015.04
Travel Non-Tax		81.20	3,510.62	Federal		891.21
Reg Earnings			10,463.22	OASDI		734.77
Exp Allowance			5,031.00	Medicare		171.84
Travel Taxable			14.44	NC State		542.61
				AD&D FSA		121.50
				CompDentPR		922.32
				Retirement Leg		1,084.59
				StateHlth PreT		2,613.68
				Deposit Advice		8,417.72

	EARNINGS	TAXES	DEDUCTIONS	NET PAY
IRENT	809.20			809.20
YTD	47,515.28	2,340.43	4,742.09	40,432.76

SOUTH EAST COMMUNITY
CREDIT UNION
P.O. Box 2677
Wilmington, NC 28402

LOANLINER.

Open-End Voucher and Security Agreement

BORROWER INFORMATION

BORROWER 1 NAME (LAST) Community (FIRST) Health Foundation (INITIAL) — ACCOUNT NUMBER 1955. — AMOUNT REQUESTED/PURPOSE $ 980.27. — DATE 11/21/01

ADDRESS 322 S. 17th Street — SOCIAL SECURITY NUMBER

CITY Wilmington — STATE NC — ZIP 28401 — HOME TELEPHONE NUMBER

PLEASE CHECK ONE:
☐ DEPOSIT IN ACCOUNT NUMBER: ____
☐ MAIL THE CHECK ☐ PICK UP THE CHECK

BORROWER 2 NAME (LAST) Wright (FIRST) Thomas (INITIAL) — ACCOUNT NUMBER

CHECK PAYABLE TO: ____

ADDRESS (IF DIFFERENT THAN BORROWER 1) — SOCIAL SECURITY NUMBER

REPAYMENT METHOD:
☐ AUTOMATIC TRANSFER ☐ PAYROLL DEDUCTION
☐ CASH PAYMENT ☐ MILITARY ALLOTMENT

BORROWER 1 EMPLOYER NAME — WORK TELEPHONE NUMBER — DATE HIRED — GROSS MONTHLY SALARY $

BORROWER 2 EMPLOYER NAME — WORK TELEPHONE NUMBER — DATE HIRED — GROSS MONTHLY SALARY $

NOTICE: YOU DON'T HAVE TO INCLUDE INCOME FROM CHILD SUPPORT, SEPARATE MAINTENANCE, OR ALIMONY UNLESS YOU WANT THE CREDIT UNION TO CONSIDER IT. — SOURCE OF OTHER INCOME — OTHER MONTHLY INCOME $

WHAT YOU OWE

LIST ALL DEBTS OTHER THAN TO THIS CREDIT UNION (Attach additional sheet(s) if necessary.) — PRESENT BALANCE — MONTHLY PAYMENT — CURRENT INTEREST RATE

SUBSEQUENT ELECTION FOR VOLUNTARY PAYMENT PROTECTION

You can now voluntarily elect to become insured with the coverage(s) checked below. In order for coverage to become effective you must meet all eligibility requirements stated in the Credit Insurance Application/Schedule. **A statement of insurability must be completed if you are adding coverage more than 30 days after the date of your advance.** Details of this insurance coverage are included in the Insurance Certificate which you received with your Credit Agreement. Ask us if you need a copy of the Insurance Certificate. By signing below, you agree to the terms of this insurance election and you authorize us to add the charges for the insurance to your outstanding balance each month. Your payment amount will increase or you will be required to make additional payments. Coverage election applies to the entire balance on this subaccount. Insurance rates are subject to change.

YOU ELECT THE FOLLOWING:	COST PER $100 OF YOUR MONTHLY LOAN BALANCE	NAME OF INSURED(S) (PLEASE PRINT)
☑ Single Credit Disability Insurance	$ .13	
☐		
☑ Single Credit Life Insurance	$ .068	
☐ Joint Credit Life Insurance	$ .115	

REPAYMENT TERMS

DAILY PERIODIC RATE	ANNUAL PERCENTAGE RATE		OTHER FEES (Amount and Description)	NEW BALANCE THIS SUBACCOUNT
.043835%	16.0 %	☑ FIXED ☐ VARIABLE	$	$

AMOUNT ADVANCED	PAYMENT AMOUNT	DATE DUE	PAYMENT FREQUENCY	LINE OF CREDIT LIMIT	REMAINING LIMIT
$ 980.27	$ 438.35	31st Monthly	Monthly	$ 10000.00	$ 0.00

FOR CREDIT UNION USE ONLY

SECURITY OFFERED ☐ CONSUMERS' CLAIMS AND DEFENSES — IF CHECKED, SEE REVERSE SIDE FOR NOTICE

THE ADVANCE IS SECURED BY YOUR SHARES, ALL PROPERTY SECURING OTHER PLAN ADVANCES AND LOANS RECEIVED IN THE PAST OR IN THE FUTURE, AND THE FOLLOWING PROPERTY:

PROPERTY/MODEL	YEAR	I.D. NUMBER	VALUE	KEY NUMBER

PLEDGE OF SHARES AND/OR DEPOSITS $ — ACCOUNT NUMBER(S)

SIGNATURES

By signing below, by endorsing the proceeds check or by using the amount advanced and deposited into your share/share draft account you agree:
- To make and be bound by the terms of this Security Agreement including the cross collateral clause;
- The above information is true and correct and the Credit Union will rely on that information and your credit report to make a credit decision;
- To make payments as disclosed above in accordance with the terms of your Plan.

X ____ (SEAL) 11/21/2001
BORROWER 1 SIGNATURE / DATE

X ____ (SEAL)
BORROWER 2 SIGNATURE / DATE

X ____ (SEAL)
SIGNATURE ☐ OWNER OF COLLATERAL (Other than a Borrower) / DATE

X ____ (SEAL)
SIGNATURE ☐ OWNER OF COLLATERAL (Other than a Borrower) / DATE

UNA MUTUAL GROUP, 1980, 82, 84, 86, 90, 98, 2001, ALL RIGHTS RESERVED
ORDER: 1-800-356-5012

CREDIT UNION COPY

VXX041

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[illegible]

[illegible]

AMOUNT OF LOAN: 10,000.00

ANNUAL INTEREST RATE: 11.00000000%

PERIODIC INTEREST RATE: 0.03038035%

DAILY INTEREST RATE: 0.00084390%

NUMBER OF PAYMENTS: 59 MONTHLY

AMOUNT OF PAYMENT: $436.35

LAST PAYMENT AMT: $317.35

DATE OF LOAN: 08/03/00

FIRST PAYMENT DUE: 09/07/00

DAYS BEFORE FIRST PAYMENT: 31

MODEL FOR INSURANCE: 1 SINGLE LIFE/DIS LEVEL RATE INS

TOTAL INTEREST: $2,117.34

TOTAL LIFE PREMIUM: $107.52 AMOUNT DELIVERED BY LIFE $10,000.00 TERM OF LIFE INS 59 MONTHS

TOTAL DISABILITY PREMIUM $250.82 AMOUNT COVERED BY DIS $10,000.00 TERM OF D.I. INS 59 MONTHS

TOTAL PAYMENTS: $12,455.83

DISTRIBUTION METHOD: 1

PAYMENT DAY NUMBER: 28

PREMIUM DAY NUMBER: 31

PROJECTED PAY OFF DAY: SATURDAY

PROJECTD PAY OFF DATE: 08/26/05

[illegible] A M O R T I Z A T I O N S C H E D U L E

06784

PMNT NBER	[illegible] D.	PAYMENT AMOUNT	LIFE PREMIUM	DISABILITY PREMIUM	INTEREST	PRINCIPAL	BALANCE

The Community Foundation

MEMBER INFORMATION

Member/Owner Thomas Wright

Address 322 S. 17th

Wilm, NC 28401

Account No.

Phone: Home ( ) _____ Work ( ) _____ Date _____

E-mail: Home _____ Work _____

Type of Entity ☐ Corporation ☐ Partnership ☐ Living Trust
☐ Association Club ☒ Nonprofit Organization ☐ LLC (Limited Liability
☐ Sole Proprietorship ☐ Other _____ Corporation)

Other Name(s) _____

☒ Person(s) authorized to receive account information Thomas E. Wright

Is more than one signature required to transact business? ☒ No ☐ Yes — How Many? _____

AUTHORIZED SIGNERS

By signing this authorization, each of the signers jointly and severally certifies and agrees that the terms of the Certificate of Authority on the reverse side apply to the Account Owner listed above. The signers further acknowledge receipt of and agree to the terms of the Membership and Account Agreement, Account Card, Truth-in-Savings Rate and Fee Schedule, and Funds Availability Policy Disclosure, if applicable, as amended by the Credit Union from time to time.

Name	Title	Signature
[illegible]	Exec Dir.	Thomas E. Wright
		X
		X
		X

FOR CREDIT UNION USE ONLY ☐ See Account Card

Effective Date _____ Opened/App'd by _____ Member Verification _____

Reviewed Documentation _____

Copies Obtained:

☐ Corporate Resolution ☐ Certificate/Affidavit of Trust ☐ Partnership Agreement ☐ Other _____

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CERTIFICATE OF AUTHORITY

1. **Member/Owner.** The Member/Owner name shown on the front side is the complete and correct name of the Member/Owner. If applicable, all registered assumed names under which the Member/Owner does business are shown on the front side. Each corporate officer, partner or trustee, whichever is applicable, warrants that the corporation, partnership, or living trust has been duly formed and is currently existing.

2. **Authorized Signers.** The officers, authorized agents, or trustees, as applicable, signing on the front side (Signers) presently occupy the positions shown on the front side and are authorized to transact business on behalf of the Member/Owner. Each Signer agrees to notify the Credit Union in writing of any change in authority. Credit Union may request any other evidence of Signer's authority at any time.

3. **Authority.**

   a. Each Signer certifies and agrees that the Member/Owner's accounts will be governed by the terms set forth in the Membership and Account Agreement and Account Card, as amended from time to time.

   b. The Credit Union is directed to accept and pay without further inquiry any item, bearing the appropriate number of signatures as indicated on the front side, drawn against any of the Member/Owner's accounts. Unless otherwise indicated, any one Authorized Signer is expressly authorized to endorse all items payable to or owned by the Member/Owner for deposit with or collection by the Credit Union and to execute such other agreements and to perform any other transaction under the Agreement.

   c. The authority given to the Authorized Signers and Persons Authorized to Receive Account Information shall remain in full force until written notice of revocation is delivered to and received by the Credit Union at each location where an account is maintained. Any such notice shall not affect any items in process at the time notice is given. An authorized officer, trustee, or agent of the Member/Owner will notify the Credit Union of any change in the Member/Owner's composition, assumed business names, or any aspect of the entity affecting the deposit relationship between the Member/Owner and the Credit Union before any such change occurs. The Credit Union shall have no duty to inquire as to the powers and duties of any Signer and shall have no notice of any breach of fiduciary duties by any Signer unless the Credit Union has actual notice of wrongdoing.

   d. The Persons Authorized to Receive Account Information, if applicable, are authorized to receive from the Credit Union, either orally or in writing, any information related to the account. Those persons are not authorized to withdraw funds or issue checks/drafts against or make any transaction related to the account.

4. **Liability.** Member/Owner and each Signer agree to indemnify and hold Credit Union harmless of any claim or liability as a result of unauthorized acts of any Signer or former Signer or acts of any Signer upon which Credit Union relies prior to notice of any account change or change of Member/Owner. The Member/Owner agrees that the Credit Union shall not be liable for any losses due to the Member/Owner's failure to notify the Credit Union of such changes.

Committee to El[illegible]homas E. Wright
Contributions Not Disclosed
2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
AIA PAC		Bank of America 5071	$ 500.00	3/24/2000	2000 First Quarter Plus
Alexander	William	Bank of America 5071	$ 100.00	3/13/2000	2000 First Quarter Plus
Bone	Roger	Bank of America 5071	$ 250.00	3/24/2000	2000 First Quarter Plus
Crossland	Thomas	Bank of America 1059	$ 100.00	4/3/2000	2000 First Quarter Plus
DUKE ENERGY CORP PAC		Bank of America 5071	$ 500.00	3/23/2000	2000 First Quarter Plus
Duncan	Allyson	Bank of America 1059	$ 100.00	4/3/2000	2000 First Quarter Plus
Gore	Rex	Bank of America 5071	$ 100.00	3/22/2000	2000 First Quarter Plus
McCoy	John	Bank of America 1059	$ 100.00	4/3/2000	2000 First Quarter Plus
Mercer	Linwood	Bank of America 5071	$ 500.00	3/22/2000	2000 First Quarter Plus
NC ACADEMY OF TRIAL LAWYERS PAC		Bank of America 5071	$ 500.00	3/28/2000	2000 First Quarter Plus
NC ASSIST LIVING ASSOC. PAC		Bank of America 5071	$ 250.00	3/22/2000	2000 First Quarter Plus
NC Assn of Nurse Anesthetists PAC		Bank of America 5071	$ 200.00	3/10/2000	2000 First Quarter Plus
NC ASSOC OF LONG TERM CARE FACILITIES		Bank of America 5071	$ 300.00	3/22/2000	2000 First Quarter Plus
NC BEER AND WINE WHOLESALERS ASSOC. PAC		Bank of America 5071	$ 400.00	3/24/2000	2000 First Quarter Plus
NC DENTAL PAC		Bank of America 5071	$ 1,000.00	3/15/2000	2000 First Quarter Plus
NC DENTAL PAC		Bank of America 5071	$ 500.00	3/22/2000	2000 First Quarter Plus
NC HCFA PAC		Bank of America 5071	$ 500.00	3/22/2000	2000 First Quarter Plus
NC HOSPITAL ASSOC		Bank of America 5071	$ 1,000.00	3/15/2000	2000 First Quarter Plus
NC LUPAC		Bank of America 5071	$ 500.00	3/22/2000	2000 First Quarter Plus
NC MEDICAL SOCIETY		Bank of America 1059	$ 1,000.00	4/13/2000	2000 First Quarter Plus
NC REALTORS PAC		Bank of America 5071	$ 1,000.00	4/6/2000	2000 First Quarter Plus
NC STATE AFL-CIO COPE-PAC		Bank of America 1059	$ 100.00	5/10/2000	2000 First Quarter Plus
Plage	Robert	Bank of America 5071	$ 250.00	3/15/2000	2000 First Quarter Plus
Roff	Roger	Bank of America 5071	$ 1,000.00	4/6/2000	2000 First Quarter Plus
ROSEMAN	L.A.	Bank of America 5071	$ 250.00	3/15/2000	2000 First Quarter Plus
Snyder	Richard	Bank of America 1059	$ 100.00	4/3/2000	2000 First Quarter Plus
Sutton	William	Bank of America 5071	$ 100.00	3/13/2000	2000 First Quarter Plus
Taylor	Joseph	Bank of America 5071	$ 300.00	3/22/2000	2000 First Quarter Plus
WARWICK	Nurham	Bank of America 5071	$ 500.00	3/23/2000	2000 First Quarter Plus
Wright	Thomas	Bank of America 1059	$ 100.00	4/3/2000	2000 First Quarter Plus
Anderson	Anthony	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Bowden	Jimmy	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Clarida	Jimmy	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Cliette	Pat	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Dees	Doris	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Evans	J.B.	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
George	Eugene	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
George	Roosevelt	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
George	Sarah	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Gerald	Carvin	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Gerald	Paul	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Hayes	Raymond	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
High	James	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Hill	Nancy	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Hill	Dewey	Bank of America 1059	$ 100.00	5/10/2000	2000 Second Quarter

EXHIBIT
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Committee to Elect Thomas E. Wright
Contributions Not Disclosed
2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
Jenkins	Geraldine	Bank of America 1059	$ 100.00	4/21/2000	2000 Second Quarter
Jones	Anne	Bank of America 1059	$ 100.00	4/21/2000	2000 Second Quarter
KEEP CONLON ON COUNCIL		Bank of America 1059	$ 100.00	4/25/2000	2000 Second Quarter
Lawrence	David	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
McKenzie	Amon	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Mercer	Leo	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
METROLINA AREA RADIOLOGISTS FOR QUALITY IN		Bank of America 5071	$ 1,000.00	5/12/2000	2000 Second Quarter
Parker	Constance	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Phipps	William	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Powell	Tonya	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Recko	Marc	Bank of America 1059	$ 100.00	5/2/2000	2000 Second Quarter
Sands	Alexander	Bank of America 1059	$ 100.00	4/21/2000	2000 Second Quarter
Sasser	Rhone	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Simpson	Jereline	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Soles	R.C	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Spaulding	James	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Spaulding	John	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Stines	Suzette	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Timmons	Jo Ann	Bank of America 1059	$ 100.00	4/21/2000	2000 Second Quarter
Troy	Harold	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Troy	Ralph	Bank of America 1059	$ 100.00	5/2/2000	2000 Second Quarter
Tyler	R. Mitchel	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Webster	John	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Webster	Victoria	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
White	Robert	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Wright	Thomas	Bank of America 1059	$ 200.00	5/3/2000	2000 Second Quarter
AT&T PAC		Bank of America 5071	$ 500.00	11/6/2000	2000 Third Quarter Plus
BADDOUR FOR NC HOUSE		Bank of America 5071	$ 500.00	8/4/2000	2000 Third Quarter Plus
Cutting	Robert	Bank of America 5071	$ 200.00	8/4/2000	2000 Third Quarter Plus
McCaffray	Edmund	Bank of America 5071	$ 100.00	8/4/2000	2000 Third Quarter Plus
NC Anesthesiologists PAC		Bank of America 5071	$ 300.00	11/6/2000	2000 Third Quarter Plus
NC ASSN LONG TERM CARE FACS PAC		Bank of America 5071	$ 250.00	11/6/2000	2000 Third Quarter Plus
NC BANK PAC		Bank of America 5071	$ 250.00	8/4/2000	2000 Third Quarter Plus
NC ORTHOPAEDIC PAC		Bank of America 5071	$ 250.00	8/4/2000	2000 Third Quarter Plus
NCHBA BUILD PAC		Bank of America 5071	$ 1,000.00	10/17/2000	2000 Third Quarter Plus
BROWN & WILLIAMSTON TOBACCO CORP. EMP PAC		Bank of America 5071	$ 250.00	11/16/2000	2000 Fourth Quarter
CVS Corp Fed PAC		Bank of America 5084	$ 500.00	12/29/2000	2000 Fourth Quarter
GE COMPANY, PAC		Bank of America 5071	$ 500.00	11/6/2000	2000 Fourth Quarter
Hemingway	Jerome	Bank of America 1059	$ 100.00	12/7/2000	2000 Fourth Quarter
MICROSOFT CORP PAC		Bank of America 5071	$ 250.00	11/16/2000	2000 Fourth Quarter
Mottola	D	Bank of America 5071	$ 500.00	11/6/2000	2000 Fourth Quarter
NC DEMOCRATIC HOUSE PAC		Bank of America 5071	$ 500.00	11/16/2000	2000 Fourth Quarter
NC HOSPITAL ASSOC		Bank of America 5071	$ 500.00	11/16/2000	2000 Fourth Quarter
NC PORK COUNCIL		Bank of America 5071	$ 500.00	11/6/2000	2000 Fourth Quarter
OPTOMETRY PAC		Bank of America 5071	$ 500.00	11/16/2000	2000 Fourth Quarter

Committee to El[redacted]homas E. Wright
Contributions Not Disclosed
2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
Wilson	Lanny	Bank of America 5071	$ 1,000.00	11/6/2000	2000 Fourth Quarter
Cash Contributions		Bank of America 5071	$ 250.00	4/19/2001	2001 Mid Year Semi-Annual
Cash Contributions		Bank of America 5071	$ 800.00	5/18/2001	2001 Mid Year Semi-Annual
International Paper PAC (IP PAC)		Bank of America 5071	$ 500.00	1/26/2001	2001 Mid Year Semi-Annual
LAMB GROUP, INC.		Bank of America 5071	$ 1,500.00	1/29/2001	2001 Mid Year Semi-Annual
NOVARTIS EMPL GOOD GOVT FUND		Bank of America 5071	$ 200.00	4/18/2001	2001 Mid Year Semi-Annual
Cash Contributions		Bank of America 5071	$ 1,400.00	11/7/2001	2001 Year End Semi-Annual
Cash Contributions		Bank of America 5071	$ 500.00	11/23/2001	2001 Year End Semi-Annual
Alley	Zeb	Bank of America 5071	$ 250.00	4/2/2002	2002 First Quarter Plus
BELL SOUTH EMPLOYEES NC PAC		Bank of America 5071	$ 1,000.00	3/1/2002	2002 First Quarter Plus
Bone	Roger	Bank of America 5071	$ 200.00	4/2/2002	2002 First Quarter Plus
COMMITTEE FOR EDMISTEN		Bank of America 5071	$ 500.00	4/2/2002	2002 First Quarter Plus
GLAXOSMITHKLINE PAC		Bank of America 5071	$ 1,000.00	3/1/2002	2002 First Quarter Plus
Goodman	John	Bank of America 5071	$ 500.00	4/2/2002	2002 First Quarter Plus
HOUSE PAC		Bank of America 5071	$ 500.00	4/2/2002	2002 First Quarter Plus
JIM BLACK CAMPAIGN FUND		Bank of America 5071	$ 1,000.00	4/2/2002	2002 First Quarter Plus
MERCK PAC		Bank of America 5071	$ 1,000.00	3/22/2002	2002 First Quarter Plus
NC Amusement Machine Assoc. PAC Acct		Bank of America 5071	$ 1,000.00	4/9/2002	2002 First Quarter Plus
NC AUTO DEALERS PAC		Bank of America 5071	$ 500.00	4/2/2002	2002 First Quarter Plus
NC BEER/WINE WHOLESALERS PAC		Bank of America 5071	$ 500.00	4/9/2002	2002 First Quarter Plus
NC FIN. ASSOC. PAC		Bank of America 5071	$ 500.00	4/2/2002	2002 First Quarter Plus
NC HOSPITAL ASSN. PAC		Bank of America 5071	$ 2,000.00	4/2/2002	2002 First Quarter Plus
NC REALTORS PAC		Bank of America 5071	$ 500.00	4/2/2002	2002 First Quarter Plus
AIA PAC		Bank of America 1059	$ 250.00	5/29/2002	2002 Second Quarter
AMERICAN INTER. GROUP, INC. EMPLOY PAC		Bank of America 1059	$ 500.00	6/11/2002	2002 Second Quarter
AT&T PAC		Bank of America 5071	$ 500.00	5/6/2002	2002 Second Quarter
BANK OF AMERICA NC PAC		Bank of America 1059	$ 500.00	5/29/2002	2002 Second Quarter
CITIGROUP, INC. PAC		Bank of America 1059	$ 250.00	5/29/2002	2002 Second Quarter
COMMITTEE FOR EDMISTEN		Bank of America 1059	$ 500.00	6/11/2002	2002 Second Quarter
CREDIT UNION POLITICAL ACTION PAC		Bank of America 5071	$ 250.00	4/29/2002	2002 Second Quarter
DOMINION PAC		Bank of America 1059	$ 250.00	5/29/2002	2002 Second Quarter
DUKE ENERGY CORP. PAC- STATE		Bank of America 1059	$ 500.00	5/29/2002	2002 Second Quarter
ELI LILLY & CO. PAC		Bank of America 1059	$ 750.00	6/11/2002	2002 Second Quarter
JEFFERSON PILOT STATE GOOD GOV. COMM.		Bank of America 1059	$ 300.00	6/11/2002	2002 Second Quarter
JOHNSON&JOHNSON EMPLOY GOOD GOV FUND		Bank of America 1059	$ 500.00	6/11/2002	2002 Second Quarter
NC BANK PAC		Bank of America 5071	$ 600.00	4/29/2002	2002 Second Quarter
NC BEER & WINE WHOLESALERS ASSOC. PAC		Bank of America 1059	$ 250.00	5/29/2002	2002 Second Quarter
NC DENTAL PAC		Bank of America 5071	$ 500.00	5/21/2002	2002 Second Quarter
NC TRUCKING ASSOC. CGG		Bank of America 1059	$ 250.00	5/29/2002	2002 Second Quarter
VERIZON GOOD GOVT CLUB - NC		Bank of America 1059	$ 100.00	5/29/2002	2002 Second Quarter
VERIZON GOOD GOVT CLUB - NC		Bank of America 1059	$ 150.00	5/29/2002	2002 Second Quarter
NC DENTAL PAC		Bank of America 5071	$ 500.00	7/5/2002	2002 Interim
Cash Contributions		Bank of America 5071	$ 1,200.00	9/6/2002	2002 Third Quarter Plus
Cash Contributions		Bank of America 5071	$ 1,000.00	10/7/2002	2002 Third Quarter Plus
FOOD LION LLC, PAC		Bank of America 1059	$ 100.00	12/24/2002	2002 Fourth Quarter

Committee to Elect Thomas E. Wright
Contributions Not Disclosed
2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
Lofton	Wayne	Bank of America 5071	$ 3,000.00	11/4/2002	2002 Fourth Quarter
REAP		Bank of America 1059	$ 250.00	12/24/2002	2002 Fourth Quarter
Simpson	Cleveland	Bank of America 1059	$ 100.00	10/29/2002	2002 Fourth Quarter
Simpson	Jereline	Bank of America 1059	$ 100.00	10/29/2002	2002 Fourth Quarter
Sutton	William	Bank of America 5071	$ 100.00	10/23/2002	2002 Fourth Quarter
Thomas Wright Campaign		Bank of America 5071	$ 3,000.00	11/4/2002	2002 Fourth Quarter
Thomas Wright Campaign		Bank of America 1059	$ 1,050.00	11/29/2002	2002 Fourth Quarter
Abbott Laboratories		Bank of America 5071	$ 250.00	2/14/2003	2003 Mid Year Semi-Annual
NC Veterinary Medical Association		Bank of America 5071	$ 100.00	2/14/2003	2003 Mid Year Semi-Annual
Allstate Insurance Company PAC		Bank of America 5071	$ 250.00	10/15/2003	2003 Year End Semi-Annual
Cigna Corporation		Bank of America 5071	$ 150.00	10/15/2003	2003 Year End Semi-Annual
Cash Contributions		Bank of America 5071	$ 4,000.00	4/6/2004	2004 First Quarter Plus
Dameron	Allan	Bank of America 5071	$ 1,000.00	4/8/2004	2004 First Quarter Plus
Rudd	SR	Bank of America 5071	$ 1,000.00	4/8/2004	2004 First Quarter Plus
ALTRIA GROUP PAC		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
Bank of America PAC		Bank of America 5071	$ 1,000.00	5/5/2004	2004 Second Quarter
BELLSOUTH PAC		First Citizens Bank 5211	$ 500.00	4/23/2004	2004 Second Quarter
BLUE CROSS PAC		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
BUILD PAC		First Citizens Bank 5211	$ 1,000.00	4/23/2004	2004 Second Quarter
CAPA-PAC Carolina Asphalt Assoc. PAC		Bank of America 5071	$ 500.00	5/12/2004	2004 Second Quarter
CASH AMERICA PAC		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
Cash Contributions		Bank of America 5071	$ 600.00	6/22/2004	2004 Second Quarter
Causey	Brian	First Citizens Bank 5211	$ 150.00	4/23/2004	2004 Second Quarter
Causey	Sidney	First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
CITIZENS FOR HIGHER EDUCATION		First Citizens Bank 5211	$ 2,000.00	5/17/2004	2004 Second Quarter
COCA-COLA PAC		First Citizens Bank 5211	$ 250.00	4/23/2004	2004 Second Quarter
COREPAC		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
Davis	Chris	First Citizens Bank 5211	$ 125.00	4/23/2004	2004 Second Quarter
DAVITA INC. PAC		First Citizens Bank 5211	$ 500.00	4/23/2004	2004 Second Quarter
DOMINION PAC		First Citizens Bank 5211	$ 300.00	4/23/2004	2004 Second Quarter
Eckerd	Jack	First Citizens Bank 5211	$ 300.00	5/7/2004	2004 Second Quarter
ELI LILLY PAC		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
Eudy	Kenneth	First Citizens Bank 5211	$ 250.00	5/17/2004	2004 Second Quarter
Hines	David	First Citizens Bank 5211	$ 125.00	4/23/2004	2004 Second Quarter
INTL PAPER PAC		First Citizens Bank 5211	$ 500.00	4/23/2004	2004 Second Quarter
Kelly	David	First Citizens Bank 5211	$ 50.00	4/23/2004	2004 Second Quarter
McKim	Catherine	Bank of America 5071	$ 50.00	6/18/2004	2004 Second Quarter
Mills	Fred	First Citizens Bank 5211	$ 250.00	5/3/2004	2004 Second Quarter
Moore	Robert	First Citizens Bank 5211	$ 250.00	4/23/2004	2004 Second Quarter
NATIONWIDE PAC		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
NC Amusement Machine Assoc. PAC Acct		Bank of America 5071	$ 1,000.00	5/12/2004	2004 Second Quarter
NC BANK PAC		First Citizens Bank 5211	$ 800.00	5/3/2004	2004 Second Quarter
NC DENTAL PAC		First Citizens Bank 5211	$ 1,000.00	4/23/2004	2004 Second Quarter
NC FARM BUREAU PAC		First Citizens Bank 5211	$ 250.00	4/23/2004	2004 Second Quarter
NC HOSPITAL ASSN PAC		First Citizens Bank 5211	$ 1,000.00	5/3/2004	2004 Second Quarter

Committee to El[illegible]homas E. Wright
Contributions Not Disclosed
2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
NC ORTHOPAEDIC PAC		First Citizens Bank 5211	$ 500.00	5/17/2004	2004 Second Quarter
NC PORK COUNCIL PAC		First Citizens Bank 5211	$ 125.00	4/23/2004	2004 Second Quarter
NC PORK COUNCIL PAC		First Citizens Bank 5211	$ 250.00	5/17/2004	2004 Second Quarter
NC RPAC		First Citizens Bank 5211	$ 1,000.00	5/3/2004	2004 Second Quarter
NC STATE AFL-CIO COPE-PAC		First Citizens Bank 5211	$ 100.00	5/3/2004	2004 Second Quarter
NCAE PAC		First Citizens Bank 5211	$ 500.00	4/23/2004	2004 Second Quarter
NCAE PAC		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
NCHCFA PAC		First Citizens Bank 5211	$ 500.00	5/17/2004	2004 Second Quarter
NMRS NC STATE PAC		First Citizens Bank 5211	$ 250.00	5/3/2004	2004 Second Quarter
Norfolk Southern Corporation Good Govt Fund		Bank of America 5071	$ 100.00	5/19/2004	2004 Second Quarter
NOVARTIS PAC		First Citizens Bank 5211	$ 200.00	4/23/2004	2004 Second Quarter
OB-GYN Political Action & Education Comm		Bank of America 5071	$ 500.00	5/19/2004	2004 Second Quarter
PAC FOR MH-DD-SAS		First Citizens Bank 5211	$ 100.00	5/17/2004	2004 Second Quarter
Progress Energy Employees' Carolinas PAC		Bank of America 5071	$ 1,000.00	5/4/2004	2004 Second Quarter
REAP		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
RJR PAC		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
Thomas Wright Campaign		Bank of America 5071	$ 1,900.00	5/4/2004	2004 Second Quarter
Thomas Wright Campaign		Bank of America 5071	$ 1,000.00	6/2/2004	2004 Second Quarter
Thorpe	Bill	First Citizens Bank 5211	$ 50.00	4/23/2004	2004 Second Quarter
TIME WARNER PAC		First Citizens Bank 5211	$ 200.00	4/23/2004	2004 Second Quarter
VERIZON PAC		First Citizens Bank 5211	$ 175.00	4/23/2004	2004 Second Quarter
Bayer Corporation PAC		Bank of America 5071	$ 500.00	9/24/2004	2004 Third Quarter Plus
Ciardella	Margaret	First Citizens Bank 5211	$ 100.00	7/23/2004	2004 Third Quarter Plus
Davis	Allen	First Citizens Bank 5211	$ 250.00	8/19/2004	2004 Third Quarter Plus
Edwards	Melinda	First Citizens Bank 5211	$ 100.00	7/23/2004	2004 Third Quarter Plus
FRIENDS OF STAN WATSON		First Citizens Bank 5211	$ 250.00	7/23/2004	2004 Third Quarter Plus
Giddeons	Diane	First Citizens Bank 5211	$ 100.00	9/17/2004	2004 Third Quarter Plus
Grear	Peter	First Citizens Bank 5211	$ 50.00	7/23/2004	2004 Third Quarter Plus
Haddock	Nancy	First Citizens Bank 5211	$ 350.00	7/23/2004	2004 Third Quarter Plus
McCoy	Catrecia	First Citizens Bank 5211	$ 50.00	8/19/2004	2004 Third Quarter Plus
Morison	Roxie	First Citizens Bank 5211	$ 50.00	10/7/2004	2004 Third Quarter Plus
NCAE PAC		First Citizens Bank 5211	$ 1,000.00	7/23/2004	2004 Third Quarter Plus
SPRINT PAC		First Citizens Bank 5211	$ 500.00	8/19/2004	2004 Third Quarter Plus
Thomas Wright Campaign		Bank of America 5071	$ 3,000.00	9/17/2004	2004 Third Quarter Plus
Weston	Jonathan	First Citizens Bank 5211	$ 500.00	8/19/2004	2004 Third Quarter Plus
Young	David	First Citizens Bank 5211	$ 250.00	8/19/2004	2004 Third Quarter Plus
AETNA PAC		First Citizens Bank 5211	$ 150.00	11/24/2004	2004 Fourth Quarter
BELLSOUTH PAC		First Citizens Bank 5211	$ 500.00	11/24/2004	2004 Fourth Quarter
ELECTRICITIES PAC		First Citizens Bank 5211	$ 250.00	11/24/2004	2004 Fourth Quarter
Faison	Angela	First Citizens Bank 5211	$ 25.00	11/24/2004	2004 Fourth Quarter
MANUFACTURED HOUSING PAC		First Citizens Bank 5211	$ 250.00	11/24/2004	2004 Fourth Quarter
MERCK PAC		First Citizens Bank 5211	$ 250.00	11/24/2004	2004 Fourth Quarter
MICROSOFT PAC		First Citizens Bank 5211	$ 250.00	11/24/2004	2004 Fourth Quarter
NC AUTO DEALERS PAC		First Citizens Bank 5211	$ 500.00	11/24/2004	2004 Fourth Quarter
NC PORK COUNCIL		First Citizens Bank 5211	$ 125.00	11/24/2004	2004 Fourth Quarter

Committee to Elect Thomas E. Wright
Contributions Not Disclosed
2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
PIEDMONT NATURAL GAS PAC		First Citizens Bank 5211	$ 250.00	11/24/2004	2004 Fourth Quarter
Quattlebaum	Benjamin	First Citizens Bank 5211	$ 75.00	11/24/2004	2004 Fourth Quarter
Thomas Wright Campaign		Bank of America 5071	$ 2,000.00	10/29/2004	2004 Fourth Quarter
Thomas Wright Campaign		Bank of America 5071	$ 2,300.00	11/9/2004	2004 Fourth Quarter
Thomas Wright Campaign		Bank of America 5071	$ 1,500.00	11/24/2004	2004 Fourth Quarter
Thomas Wright Campaign		Bank of America 5071	$ 2,000.00	12/20/2004	2004 Fourth Quarter
Thomas Wright Campaign		Bank of America 5071	$ 600.00	12/23/2004	2004 Fourth Quarter
CIGNA PAC		First Citizens Bank 5211	$ 200.00	2/17/2005	2005 Mid Year Semi-Annual
Davis	Jared	First Citizens Bank 5211	$ 1,000.00	2/17/2005	2005 Mid Year Semi-Annual
FAM PAC		First Citizens Bank 5211	$ 500.00	2/17/2005	2005 Mid Year Semi-Annual
NCALA PAC		First Citizens Bank 5211	$ 500.00	2/17/2005	2005 Mid Year Semi-Annual
PFIZER PAC		First Citizens Bank 5211	$ 500.00	2/17/2005	2005 Mid Year Semi-Annual
Thomas Wright Campaign		Bank of America 5071	$ 1,000.00	2/17/2005	2005 Mid Year Semi-Annual
Allen	Sandra	Bank of America 5071	$ 50.00	12/21/2005	2005 Year End Semi-Annual
Bonnette	John	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
Bullock	Paula	Bank of America 5071	$ 50.00	12/21/2005	2005 Year End Semi-Annual
Cash America Inc PAC		Bank of America 5071	$ 500.00	11/18/2005	2005 Year End Semi-Annual
Chalfa	Rebecca	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
Chandler	Lorraine	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
Evans	Janet	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
Gray	Joanne	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
JM Family Ent PAC		Bank of America 5071	$ 1,000.00	11/18/2005	2005 Year End Semi-Annual
Kelly	Myra	Bank of America 5071	$ 50.00	12/21/2005	2005 Year End Semi-Annual
Lopp	Judy	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
Maree	Nancy	Bank of America 5071	$ 45.00	12/21/2005	2005 Year End Semi-Annual
Mehaffey	E	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
Murray	Timothy	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
Nelson	Gilma	Bank of America 5071	$ 50.00	12/21/2005	2005 Year End Semi-Annual
Ouellette	Richard	Bank of America 5071	$ 50.00	12/21/2005	2005 Year End Semi-Annual
Reardon	Diane	Bank of America 5071	$ 250.00	12/21/2005	2005 Year End Semi-Annual
Sito Chiropractic, PA		Bank of America 5071	$ 250.00	12/21/2005	2005 Year End Semi-Annual
Southeastern Healthcare		Bank of America 5071	$ 250.00	12/21/2005	2005 Year End Semi-Annual
Wall	Konette	Bank of America 5071	$ 50.00	12/21/2005	2005 Year End Semi-Annual
Williford	Peggy	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
Anesthesia Airways, PLLC		Bank of America 5071	$ 500.00	1/26/2006	2006 First Quarter Plus
Bagshaw	Mindy	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Bell South NC PAC		Bank of America 5071	$ 1,500.00	3/16/2006	2006 First Quarter Plus
Berger	Susan	Bank of America 5071	$ 25.00	1/26/2006	2006 First Quarter Plus
Blue Cross & Blue Shield of NC PAC		Bank of America 5071	$ 1,000.00	1/17/2006	2006 First Quarter Plus
Boyd	Babette	Bank of America 5071	$ 50.00	3/31/2006	2006 First Quarter Plus
Bristol Myers Squibb PAC		Bank of America 5071	$ 500.00	1/17/2006	2006 First Quarter Plus
Brock	Danny	Bank of America 5071	$ 2,000.00	3/2/2006	2006 First Quarter Plus
Browning	Jeanne	Bank of America 5071	$ 50.00	1/17/2006	2006 First Quarter Plus
Burger	Linda	Bank of America 5071	$ 25.00	1/26/2006	2006 First Quarter Plus
Camp	Dale	Bank of America 5071	$ 1,000.00	1/17/2006	2006 First Quarter Plus

Committee to E[redacted]homas E. Wright
Contributions Not Disclosed
2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
Caudle	Jeffery	Bank of America 5071	$ 1,150.00	1/17/2006	2006 First Quarter Plus
Clark	Yetta	Bank of America 5071	$ 125.00	3/31/2006	2006 First Quarter Plus
Coggin	Barbara	Bank of America 5071	$ 200.00	1/17/2006	2006 First Quarter Plus
Coley	Jeffery	Bank of America 5071	$ 40.00	1/17/2006	2006 First Quarter Plus
Collins	Margaret	Bank of America 5071	$ 25.00	1/26/2006	2006 First Quarter Plus
Combs	Jamie	Bank of America 5071	$ 200.00	1/17/2006	2006 First Quarter Plus
Coy	Jerry	Bank of America 5071	$ 200.00	1/17/2006	2006 First Quarter Plus
Dameron	Allan	Bank of America 5071	$ 1,000.00	3/16/2006	2006 First Quarter Plus
Dameron	Lydia	Bank of America 5071	$ 1,000.00	3/16/2006	2006 First Quarter Plus
Daniels	Windell	Bank of America 5071	$ 1,000.00	3/16/2006	2006 First Quarter Plus
Doyle	Rose	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Forbes	W. Ann	Bank of America 5071	$ 100.00	1/26/2006	2006 First Quarter Plus
Frye-Kryder	Sandra	Bank of America 5071	$ 30.00	1/26/2006	2006 First Quarter Plus
Gas Bill, Inc.		Bank of America 5071	$ 100.00	1/26/2006	2006 First Quarter Plus
Gray	R. Frank	Bank of America 5071	$ 250.00	1/17/2006	2006 First Quarter Plus
Griner	Richmond	Bank of America 5071	$ 30.00	1/17/2006	2006 First Quarter Plus
Haley	John	Bank of America 5071	$ 50.00	3/31/2006	2006 First Quarter Plus
Harp	Karen	Bank of America 5071	$ 50.00	1/17/2006	2006 First Quarter Plus
Harris	John	Bank of America 5071	$ 500.00	3/2/2006	2006 First Quarter Plus
Haynes	Brenda	Bank of America 5071	$ 50.00	1/26/2006	2006 First Quarter Plus
Headlee	Barbara	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Hilsman	Matthew	Bank of America 5071	$ 50.00	3/31/2006	2006 First Quarter Plus
Hodges	Jane	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Hoffmann-LaRoche PAC		Bank of America 5071	$ 500.00	1/17/2006	2006 First Quarter Plus
Hornberger	Carol	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Jenkins	Thomas	Bank of America 5071	$ 50.00	1/26/2006	2006 First Quarter Plus
Jordan	Erica	Bank of America 5071	$ 25.00	1/17/2006	2006 First Quarter Plus
JSM Nurse Anesthesia, PA		Bank of America 5071	$ 150.00	1/26/2006	2006 First Quarter Plus
Kane	Judy	Bank of America 5071	$ 25.00	1/26/2006	2006 First Quarter Plus
Kimball	Jimmy	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Kirkpatrick	Lisa	Bank of America 5071	$ 25.00	1/17/2006	2006 First Quarter Plus
KMB of NC, Inc		Bank of America 5071	$ 250.00	1/26/2006	2006 First Quarter Plus
Lawrance	Bruce	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Lee	Mary	Bank of America 5071	$ 250.00	1/17/2006	2006 First Quarter Plus
McGants	Gerry	Bank of America 5071	$ 500.00	1/17/2006	2006 First Quarter Plus
McVay	V. Billy	Bank of America 5071	$ 50.00	1/17/2006	2006 First Quarter Plus
Moore	Linda	Bank of America 5071	$ 250.00	1/17/2006	2006 First Quarter Plus
Morgan	Linda	Bank of America 5071	$ 50.00	1/26/2006	2006 First Quarter Plus
NC Dental PAC		Bank of America 5071	$ 500.00	3/16/2006	2006 First Quarter Plus
NC Home Builders PAC		Bank of America 5071	$ 1,000.00	1/17/2006	2006 First Quarter Plus
NC Realtors PAC		Bank of America 5071	$ 2,000.00	4/12/2006	2006 First Quarter Plus
Nitz	James	Bank of America 5071	$ 1,000.00	1/17/2006	2006 First Quarter Plus
Nitz	Lisa	Bank of America 5071	$ 1,000.00	1/17/2006	2006 First Quarter Plus
Novartis PAC		Bank of America 5071	$ 500.00	1/17/2006	2006 First Quarter Plus
Ouellette	Richard	Bank of America 5071	$ 50.00	1/26/2006	2006 First Quarter Plus

Committee to Elect Thomas E. Wright
Contributions Not Disclosed
2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
Owens	Janet	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Pendergrast	Walter	Bank of America 5071	$ 75.00	1/17/2006	2006 First Quarter Plus
Pierce	Susan	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Pojeski	Stephen	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Post	Moria	Bank of America 5071	$ 75.00	1/17/2006	2006 First Quarter Plus
Reynolds	Julie	Bank of America 5071	$ 200.00	1/17/2006	2006 First Quarter Plus
Reynolds	James	Bank of America 5071	$ 500.00	1/17/2006	2006 First Quarter Plus
Ruppe	Charles	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Safeway Chevrolet		Bank of America 5071	$ 1,000.00	1/26/2006	2006 First Quarter Plus
Sangiuliano	Linda	Bank of America 5071	$ 200.00	1/17/2006	2006 First Quarter Plus
Sheids	Colleen	Bank of America 5071	$ 50.00	1/17/2006	2006 First Quarter Plus
Smith	Michael	Bank of America 5071	$ 250.00	1/17/2006	2006 First Quarter Plus
Stein	Joan	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Stine	Peggy	Bank of America 5071	$ 50.00	1/17/2006	2006 First Quarter Plus
Stoter	Shanna	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Todd	BB	Bank of America 5071	$ 50.00	3/31/2006	2006 First Quarter Plus
Tripp	Lois	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Tyndal	Kristy	Bank of America 5071	$ 150.00	1/17/2006	2006 First Quarter Plus
Wilson	Jill	Bank of America 5071	$ 1,000.00	3/16/2006	2006 First Quarter Plus
Wilson	Lanny	Bank of America 5071	$ 1,000.00	3/16/2006	2006 First Quarter Plus
Yates	Teresa	Bank of America 5071	$ 75.00	1/26/2006	2006 First Quarter Plus
Alley	Zeb	Bank of America 5071	$ 250.00	5/30/2006	2006 Second Quarter
CitiGroup PAC		Bank of America 5071	$ 250.00	5/30/2006	2006 Second Quarter
Clark	G. Douglas	Bank of America 5071	$ 1,000.00	5/30/2006	2006 Second Quarter
Cloud	Randolph	Bank of America 5071	$ 250.00	5/30/2006	2006 Second Quarter
Coca-Cola Consolidated PAC		Bank of America 5071	$ 250.00	5/30/2006	2006 Second Quarter
Dinkins	Michael	Bank of America 5071	$ 100.00	5/30/2006	2006 Second Quarter
Drain	Allene	Bank of America 5071	$ 50.00	5/30/2006	2006 Second Quarter
Friends of Forestry PAC		Bank of America 5071	$ 500.00	5/30/2006	2006 Second Quarter
Friends of OT PAC		Bank of America 5071	$ 250.00	5/30/2006	2006 Second Quarter
Gramblicka	David	Bank of America 5071	$ 300.00	4/24/2006	2006 Second Quarter
Hunton & Williams PAC		Bank of America 5071	$ 250.00	5/30/2006	2006 Second Quarter
Lennon	Lawrence	Bank of America 5071	$ 50.00	5/30/2006	2006 Second Quarter
Matria Healthcare, Inc.		Bank of America 5071	$ 1,500.00	5/30/2006	2006 Second Quarter
Mottola	D	Bank of America 5071	$ 300.00	5/30/2006	2006 Second Quarter
NC Assoc of Auto Dealers PAC (NCAutoPAC)		Bank of America 5071	$ 500.00	5/30/2006	2006 Second Quarter
NC Association of Convenience Stores PAC		Bank of America 5071	$ 500.00	5/30/2006	2006 Second Quarter
NC Association of Educators PAC		Bank of America 5071	$ 500.00	5/30/2006	2006 Second Quarter
NP PAC		Bank of America 5071	$ 1,000.00	5/30/2006	2006 Second Quarter
Reeves	Venitta	Bank of America 5071	$ 2,000.00	5/30/2006	2006 Second Quarter
RJ Reynolds PAC		Bank of America 5071	$ 1,000.00	5/30/2006	2006 Second Quarter
Shepard	Leo	Bank of America 5071	$ 30.00	5/30/2006	2006 Second Quarter
Synder	Richard	Bank of America 5071	$ 100.00	4/24/2006	2006 Second Quarter
Taylor	Walker	Bank of America 5071	$ 50.00	4/24/2006	2006 Second Quarter
Taylor	Julie	Bank of America 5071	$ 200.00	5/30/2006	2006 Second Quarter

Committee to El[illegible]homas E. Wright
Contributions Not Disclosed
2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
Turner	Jeffery	Bank of America 5071	$ 100.00	5/30/2006	2006 Second Quarter
Walker	Kevin	Bank of America 5071	$ 2,000.00	5/30/2006	2006 Second Quarter
Bank of America PAC		Bank of America 5071	$ 500.00	8/25/2006	2006 Third Quarter Plus
BAYER PAC		Bank of America 5071	$ 250.00	10/6/2006	2006 Third Quarter Plus
Beach	Martin	Bank of America 5071	$ 50.00	10/6/2006	2006 Third Quarter Plus
Duke Energy State PAC		Bank of America 5071	$ 1,000.00	10/6/2006	2006 Third Quarter Plus
FBC Combined PAC		Bank of America 5071	$ 300.00	9/1/2006	2006 Third Quarter Plus
Glaxo Smith Kline PAC		Bank of America 5071	$ 1,500.00	10/6/2006	2006 Third Quarter Plus
Haddock	Nancy	Bank of America 5071	$ 250.00	8/25/2006	2006 Third Quarter Plus
JM Family Enterprises PAC		Bank of America 5071	$ 1,500.00	10/6/2006	2006 Third Quarter Plus
Marshburn	Carl	Bank of America 5071	$ 1,000.00	9/15/2006	2006 Third Quarter Plus
Nationwide Carolina Political Participation Fund		Bank of America 5071	$ 500.00	10/6/2006	2006 Third Quarter Plus
NC Academy of Trial Lawyers		Bank of America 5071	$ 500.00	10/6/2006	2006 Third Quarter Plus
NC Dental PAC		Bank of America 5071	$ 750.00	9/1/2006	2006 Third Quarter Plus
REAP		Bank of America 5071	$ 200.00	8/14/2006	2006 Third Quarter Plus
Wyeth Good Government Fund		Bank of America 5071	$ 1,000.00	10/6/2006	2006 Third Quarter Plus
Assoc for Home and Hospice Care PAC		Bank of America 5071	$ 300.00	11/6/2006	2006 Fourth Quarter
Bill Faison for House		Bank of America 5071	$ 1,000.00	11/6/2006	2006 Fourth Quarter
CSX PAC		Bank of America 5071	$ 250.00	11/6/2006	2006 Fourth Quarter
Drive Committee PAC		Bank of America 5071	$ 750.00	11/6/2006	2006 Fourth Quarter
Eli Lilly PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
Engineers PAC of NC		Bank of America 5071	$ 400.00	11/6/2006	2006 Fourth Quarter
Enterprise Rent A Car PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
EP PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
Feezor	Allen	Bank of America 5071	$ 100.00	11/6/2006	2006 Fourth Quarter
GE PAC		Bank of America 5071	$ 750.00	11/6/2006	2006 Fourth Quarter
International Paper PAC (IP PAC)		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
Lorillard PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
Manufactured Housing PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
Mottola	D	Bank of America 5071	$ 300.00	11/6/2006	2006 Fourth Quarter
NC AHU PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
NC Assoc of Convenience Stores PAC		Bank of America 5071	$ 250.00	11/6/2006	2006 Fourth Quarter
NC Auto Dealer PAC (NC AUTO PAC)		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
NC Bank PAC		Bank of America 5071	$ 800.00	11/6/2006	2006 Fourth Quarter
NC Beer & Wine Wholesalers Assn PAC		Bank of America 5071	$ 1,500.00	11/6/2006	2006 Fourth Quarter
NC Chiropractic PAC		Bank of America 5071	$ 1,000.00	11/6/2006	2006 Fourth Quarter
NC Medical Society Federal PAC		Bank of America 5071	$ 1,000.00	11/6/2006	2006 Fourth Quarter
NC PGA PAC		Bank of America 5071	$ 300.00	11/6/2006	2006 Fourth Quarter
NC Pork Council PAC		Bank of America 5071	$ 250.00	11/6/2006	2006 Fourth Quarter
NC State Optrometric Society PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
NC Time Warner PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
Novartis PAC		Bank of America 5071	$ 750.00	11/6/2006	2006 Fourth Quarter
OB GYN PAC		Bank of America 5071	$ 250.00	11/6/2006	2006 Fourth Quarter
PAC for MH-DD-SAS		Bank of America 5071	$ 100.00	11/6/2006	2006 Fourth Quarter
Resident Lenders of NC PAC		Bank of America 5071	$ 300.00	11/6/2006	2006 Fourth Quarter

Committee to Elect Thomas E. Wright
Contributions Not Disclosed
2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
Simpson	Cleveland	Bank of America 5071	$ 250.00	11/6/2006	2006 Fourth Quarter
Southeastern Radiology Org PAC		Bank of America 5071	$ 2,000.00	11/6/2006	2006 Fourth Quarter
Wachovia PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
TOTAL			$ 185,000.00		
Checks Made Payable to Community's Health Foundation		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	
At&T		Bank of America 5071	$ 1,500.00	7/26/2004	
AstraZeneca Pharmaceuticals, LP		Bank of America 5071	$ 2,400.00	8/11/2004	
Anheuser-Busch Companies, Inc.		Bank of America 5071	$ 5,000.00	8/11/2004	
TOTAL			$ 8,900.00		
TOTAL CONTRIBUTIONS NOT DISCLOSED			$ 193,900.00		

POLITICAL COMMITTEE DISCLOSURE REPORT

RECEIVED
MAY 23 2000
CAMPAIGN REPORTING

RECEIVED
MAY 23 2000
CAMPAIGN REPORTING
Hand-Delivered

Name of Committee: Thomas Wright Campaign Comm	SBOE ID Number: 2209800
Address of Committee: PO Box 1654	Type of Report: 1st Quarter
City: Wilmington State: NC ZIP: 28402	Period Covered From: Jan. 2000 To: 4-14-00

Type of Committee (check one)

☑ Candidate Campaign ☐ PAC ☐ Party ☐ Referendum ☐ Individual

Treasurer Name Thomas Wright Phone Number (optional) _____

Street Address PO Box 1654

City/State/Zip Wilmington, NC 28402-1654

Assistant Treasurer Name _____ Phone Number (optional) _____

Street Address _____

City/State/Zip _____

Custodian of Books Name _____ Phone Number (optional) _____

Street Address _____

City/State/Zip _____

Depository Bank of America

Address Wilmington NC

Account Number(s) [redacted]

VERIFICATION BY OATH OR AFFIRMATION

State North Carolina

County Wake

Being duly sworn, I depose (affirm) and say that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Signature of Appointed Treasurer

Subscribed and sworn (affirmed) to before me, this 23 day of May, 19 2000.

Seal

SANDRA M. SHANAHAN NOTARY PUBLIC WAKE COUNTY, NC

Notary Public

My commission expires 11/10/2003

Is this an amendment? ____ yes ____ no

NCSBOE/CR/D (may be copied)

EXHIBIT 16A

GhostPDF—www.ghostpro.com

DETAILED SUMMARY PAGE OF RECEIPTS AND DISBURSEMENTS

NAME OF COMMITTEE: Thomas Wright Campaign Committee	SBOE ID Number: 2209800

	Total this Period	This Election
Cash on Hand January 1, ~~19~~ 2000	XXXXXXXXXXX	8595.06 ~~13,300.00~~
Cash on Hand at Beginning of Reporting Period	11,550.00	XXXXXXXXXXX
Receipts		
1. Contributions From:		
(a) Individuals other than Political Committees		
(i) Itemized	-0-	-0- ~~6500.00~~
(ii) Unitemized	-0-	-0-
(iii) Total	-0-	-0- ~~6500.00~~
(b) Political Party Committees	-0-	-0-
(c) Other Political Committees (such as PACs)	~~1,000.00~~ 1000.00	~~1000.00~~ 2350.00
(d) Total Contributions	~~12,550.00~~ 12,550.00	~~12,550.00~~ 8850.00
2. Loan Proceeds	-0-	-0-
3. Interest Earned on Bank Accounts	-0-	-0-
4. Refunds	-0-	-0-
5. Total Receipts	~~12,550.00~~ 1000.00 12,550.00	~~1,000.00~~ 8850.00
Disbursements		
6. Operating Expenditures	6,232.85	~~6,025.85~~ 10,252.91
7. Contributions to Candidates/Political Committees	-0-	-0- ~~875.00~~
8. Coordinated Party Expenditures	-0-	-0-
9. Loan Repayments	-0-	-0-
10. Total Disbursements	~~6,232.85~~ 6,232.85	~~6,025.85~~ 11,127.91
Cash on Hand at End of Reporting Period	~~6,317.21~~ 6317.15	~~6,317.21~~ 6,317.21
Debts and Obligations owed TO the Committee		
Debts and Obligations owed BY the Committee		

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Use separate form for each category of the summary

ITEMIZED RECEIPTS

Name of Committee (in full) Thomas Weight Campaign Committee

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Blue Cross Blue Shield PAC Durham NC 7400000		Dec 1999	5000
Full Name, Mailing Address & Zip Code: Bank of America PAC 600 Peachtree St Suite 1500 Atlanta, GA 30308 7100009	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $ 500 00	Dec 1999	500 00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $.	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period

TOTAL OF RECEIPTS THIS PAGE $ 1000 00

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LOAN PROCEEDS

Name of Committee (in full)				
Source of Loan Full Name, Address and Zip Code Total Amount of Loan $	Job Title or Profession Employer's Name or Specific Field	Date loan begins/ends	Amount of Endorsement	Rate of Interest Security Pledged
Source of Loan Full Name, Address and Zip Code Total Amount of Loan $	Job Title or Profession Employer's Name or Specific Field	Date loan begins/ends	Amount of Endorsement	Rate of Interest Security Pledged
TOTAL OF LOAN PROCEEDS THIS PAGE			$ -0-	

LOAN REPAYMENTS

Name of Committee (in full)				
Full Name, Address and Zip Code	Date of Repayment	Original Loan Date	Amount of Repayment	Balance of Loan
Full Name, Address and Zip Code	Date of Repayment	Original Loan Date	Amount of Repayment	Balance of Loan
TOTAL OF LOAN REPAYMENTS THIS PAGE			$ -0-	

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ITEMIZED DISBURSEMENTS

Name of Committee (in full): Thomas Wright Campaign Committee

Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Cumulis Broadcasting 721 Mkt. St Suite 201 Wilmington, NC 28401	Advertisment Election Sum to Date $240.00	dec 1999 Jan 2000	240.00
US Postal Service Wilmington, NC. 28401	Stamps & PO Box Rental Election Sum to Date $264.00	Jan 2000	264.00
AT&T Communications Bell South mobility Wilmington, NC 28412	mobile telephone. Election Sum to Date $	January 2000	320.00
Style Furniture NO 4th STREET Wilmington, NC 28401	Office Furniture. Election Sum to Date $780.00	February 2000	780.00
Office Salvage Furniture 3918 Market Street Wilmington, NC 28405	Desks / Exec chairs TABLES Election Sum to Date $ 637.00	February, 2000	637.00
Fennells Florist Wilmington, NC 28401	Bereavement Flowers Fruit Baskets Election Sum to Date $ 1,933.00	Feb 2000	296.00
Office Depot Oleander DR. Wilmington. NC	Digital Camera Election Sum to Date $ 243.60	Feb 2000	243.60
TOTAL OF DISBURSEMENTS THIS PAGE			$ 2,780.60

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ITEMIZED DISBURSEMENTS

Name of Committee (in full): Thomas Dwight Campaign Committee.

Full Name, Address and Zip Code	Purpose of Disbursement / Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Noni Simmons Realtor 2901 Chestnut St Wilmington, NC 28401	Facility Rental 815 N. 4th Street Election Sum to Date $ 1000.00	February 2000	1,000.00
Full Name, Address and Zip Code Bell South Raleigh, NC —	Purpose of Disbursement Telephone Service Office Bldg Election Sum to Date $ 2744.00 ~~564.00~~	Date (month, day, year) February, 2000	Amount of each Disbursement this period 564.00
Full Name, Address and Zip Code Global Computer Supplies Suwanee GA. 30024	Purpose of Disbursement Printer Color Election Sum to Date $ 1,080.05	Date (month, day, year) Feb. 2000	Amount of each Disbursement this period 1,080.05
Full Name, Address and Zip Code Port City Signs 1703 Castle St. Wilmington NC 28403	Purpose of Disbursement Banner Sign 1 Election Sum to Date $ 218.20	Date (month, day, year) Feb 2000	Amount of each Disbursement this period 218.20
Full Name, Address and Zip Code Office MAX Mkt. Street Wilmington NC 28412	Purpose of Disbursement Dot matrix Printer Election Sum to Date $ ~~983.00~~	Date (month, day, year) Feb 2000	Amount of each Disbursement this period 383.10
Full Name, Address and Zip Code New Hanover County Board of Elections 24 N 3rd Street Wilmington NC 28401	Purpose of Disbursement Filing Fee Election Sum to Date $ 207.00	Date (month, day, year) Jan 2000	Amount of each Disbursement this period 207.00
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period

TOTAL OF DISBURSEMENTS THIS PAGE $ 3,469.25

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POLITICAL COMMITTEE DISCLOSURE REPORT

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JUL 14 2000
CAMPAIGN REPORTING

Name of Committee	SBOE ID Number
Thomas Wright Campaign Committee	220,800
Address of Committee	**Type of Report**
P O Box 1654	2nd Quarter
City / State / ZIP	**Period Covered**
Wilmington NC 28402	From 4-15-00
	To June 30, 2000

Type of Committee (check one)

☑ Candidate Campaign ☐ PAC ☐ Party ☐ Referendum ☐ Individual

Treasurer Name Thomas Wright Phone Number (optional) _____

Street Address PO Box 1654

City/State/Zip Wilmington, NC 28402-1654

Assistant Treasurer Name _____ Phone Number (optional) _____

Street Address _____

City/State/Zip _____

Custodian of Books Name _____ Phone Number (optional) _____

Street Address _____

City/State/Zip _____

Depository Bank of America

Address Wilmington, NC

Account Number(s) [redacted]

VERIFICATION BY OATH OR AFFIRMATION

State North Carolina

County Wake

Being duly sworn, I depose (affirm) and say that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Signature of Appointed Treasurer

Subscribed and sworn (affirmed) to before me, this 13th day of July, 2000.

Seal

Meredith L Morris
Notary Public
My commission expires Nov. 16, 2002

Is this an amendment? ____ yes ____ no

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DETAILED SUMMARY PAGE OF RECEIPTS AND DISBURSEMENTS

NAME OF COMMITTEE	SBOE ID Number 220980

	Total this Period	This Election
Cash on Hand January 1, 19 ____	XXXXXXXXXXX	
Cash on Hand at Beginning of Reporting Period	6,025 85	XXXXXXXXXXX
Receipts		
1. Contributions From:		
(a) Individuals other than Political Committees		
(i) Itemized		
(ii) Unitemized		
(iii) Total		
(b) Political Party Committees	-0-	-0-
(c) Other Political Committees (such as PACs)		
(d) Total Contributions	43,925 53	56,475 53
2. Loan Proceeds	-0-	-0-
3. Interest Earned on Bank Accounts	-0-	-0-
4. Refunds	-0-	-0-
5. Total Receipts	43,925 53	56,475 53
Disbursements		
6. Operating Expenditures	33,480 30	39,506 15
7. Contributions to Candidates/Political Committees	250 00	-0-
8. Coordinated Party Expenditures	-0-	-0-
9. Loan Repayments	-0-	-0-
10. Total Disbursements	33,730 30	39,756 15
Cash on Hand at End of Reporting Period	16,492 44	16,492 44
Debts and Obligations owed TO the Committee		
Debts and Obligations owed BY the Committee		

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CAMPAIGN REPORTING

POLITICAL COMMITTEE DISCLOSURE REPORT

Name of Committee	SBOE ID Number
Thomas Wright Campaign Committee	220980O
Address of Committee	**Type of Report**
PO Box 1654	2nd Quarter
City / State / ZIP	**Period Covered**
Wilmington NC 28402	From 04-15-2000
	To June 30, 2000

Type of Committee (check one)

☑ Candidate Campaign ☐ PAC ☐ Party ☐ Referendum ☐ Individual

Treasurer Name THOMAS E. WRIGHT Phone Number (optional) _____

Street Address PO Box 1654

City/State/Zip Wilmington, NC 28402

Assistant Treasurer Name _____ Phone Number (optional) _____

Street Address _____

City/State/Zip _____

Custodian of Books Name Treasurer Phone Number (optional) _____

Street Address _____

City/State/Zip _____

Depository Bank of America

Address Wilmington, NC

Account Number(s) [redacted]

VERIFICATION BY OATH OR AFFIRMATION

State North Carolina

County Wake

Being duly sworn, I depose (affirm) and say that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Signature of Appointed Treasurer

Subscribed and sworn (affirmed) to before me, this 18th day of July, 2000.

Seal

Meredith L Norris
Notary Public
My commission expires NOV. 16, 2002

Is this an amendment? ____ yes ____ no

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DETAILED SUMMARY PAGE OF RECEIPTS AND DISBURSEMENTS

NAME OF COMMITTEE	SBOE ID Number
	220980

	Total this Period	This Election
Cash on Hand January 1, 19 ____	XXXXXXXXXXX	~~6,492.44~~
Cash on Hand at Beginning of Reporting Period	~~6,025.85~~ 6319.15	XXXXXXXXXXX
Receipts		
1. Contributions From:		
(a) Individuals other than Political Committees	14,300	20,800
(i) Itemized	~~21,000.00~~	~~21,000.00~~
(ii) Unitemized	8,225.53	8,225.53
(iii) Total 22,525.53	~~29,225.53~~	~~29,225.53~~ 29,025.53
(b) Political Party Committees	-0-	-0-
(c) Other Political Committees (such as PACs) *	~~21,400~~ ~~14,700.00~~	~~23,750~~ ~~52,775.53~~
(d) Total Contributions	43,925.53	~~56,775.53~~
2. Loan Proceeds	-0-	-0-
3. Interest Earned on Bank Accounts	-0-	-0-
4. Refunds	-0-	-0- ~~52,775.53~~
5. Total Receipts	43,925.53	~~56,775.53~~
Disbursements	34,164.70	44,417.61
6. Operating Expenditures	~~35,980.30~~	~~39,506.15~~
7. Contributions to Candidates/Political Committees	250.00	~~-0-~~ 1125
8. Coordinated Party Expenditures **	~~250.00~~ -0-	-0-
9. Loan Repayments	-0-	-0- ~~45,542.61~~
10. Total Disbursements 34,414.70	~~35,730.30~~	~~39,506.15~~ ~~45,542.61~~
Cash on Hand at End of Reporting Period ~~16,492.44~~ 15,827.98	16,492.44	~~16,492.44~~ 15827.98
Debts and Obligations owed TO the Committee ***	Poll Workers - need itemization	
Debts and Obligations owed BY the Committee		

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Page 1 of _____
For Line Number _____
Use separate form for each category of the summary

ITEMIZED RECEIPTS

Name of Committee (in full): Thomas Wright Campaign

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Daniel Gottovi 116 Martin Station Lane Wilmington NC 28409	Physician Internal medicine 1000.00	April 2000	1000.00
W. Travis Porter 2106 Wiltshire Dr. Durham NC, 27604	attorney corp. law 500.00	April 2000	500.00
NC Association of Pharmacists 702 N. Person St Raleigh, NC 27604 13001	PAC 500.00	April 2000	500.00 *
Gerry McCants 5004 Bluegrass Ct. Wilmington, NC 28403	Publisher Magazine 250.00	April 2000	250.00
Zeb D. Alley PO Box 12803 Raleigh, NC 27605	attorney Business law 500.00	April 2000	500.00
House PAC - 2700 Sanders Rd Prospect Heights, IL 60070 91000	PAC 500	April 2000	500.00 *
NC Automobile Dealers Assn PAC PO Box 12167 Raleigh, NC 27605 18000	PAC 500	April 2000	500.00 *
TOTAL OF RECEIPTS THIS PAGE			$ 3,750.00

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ITEMIZED RECEIPTS

Name of Committee (in full)

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Bell South Employees PAC 1522 Bell South Plaza 300 S. Brevard St Charlotte, NC 28202 1700002	PAC Election Sum to Date $ 750.00	April 2000	750.00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
RJR Political Action Comm PO Box 1718 9600004 Winston-Salem NC 28202	PAC Election Sum to Date $ 500.00	April 2000	500.00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Jim Black Campaign Fund 114 S. Tryon St Charlotte, NC 28202 2203600	optometrist Election Sum to Date $ 4000.00	April 2000	4000.00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
N.C. Trucking Assoc. PAC PO Box 2977 Raleigh, NC 27602 1800043	PAC Election Sum to Date $ 200.00	April 2000	200.00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
DR. Michael E. Goins 5030 Randall pkwy. Wilmington, NC 28403	optometrist Election Sum to Date $ 200.00	April 2000	200.00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
OB-GYN Political Action Cmte PAC 101 Bethesda Dr Greenville, NC 27834 1300014	PAC Election Sum to Date $ 200.00	April 2000	200.00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
~~Charles~~ Delores Warren PO Box 3891 Wilmington, NC 28406	Retired educators Election Sum to Date $ 200.00	March 2000	200.00

TOTAL OF RECEIPTS THIS PAGE $ 6,050.00

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ITEMIZED RECEIPTS

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Name of Committee (in full)

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Joseph A Tonjagamfortune 4118 Plaintain Terrene Peachtree, GA 30269 F	Corp. Officer Pharmacy 200 00	April 2000	200 00
William & Frances McMillan 2200 Deepwood Dr Wilmington, NC 28405 F	Physician Pediatrics 200 00	F March 2000	200 00
Employees State PAC C/O L PO Box 1510 Raleigh, NC 27602	PAC 500 00	F March 2000	500 00 *
Sprint Corp. Mid-Atlantic Region PAC ~~PO Box~~ 434 Fayetteville St Raleigh NC 27602	PAC 250 00	April 2000	250 00 *
NC Medical Society PAC PO Box 25834 Raleigh, NC 27611	PAC 2000 00	April 2000	2000 00 *
Paul G. Butler, JR. PO Box 985 Elizabethtown, NC 28337	Exec. Director Business Development 1000 00	April 2000	1000 00
Mr & Mrs James Crawford Jr 505 College St Oxford, NC 27565 F	Legislator 500 00	April 2000	500 00
TOTAL OF RECEIPTS THIS PAGE			$ 4,650 00

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Name of Committee (in full)

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Gregory & Sharon Pittillo 6620 Pheasant Pines Ct. Wilmington, NC 28403 F	Retired Election Sum to Date $ 1000 00	April 2000	1000 00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Henry & Sylvia Miller F PO Box 2046 Wilmington, NC 28402	Builder Miller Construction Election Sum to Date $ 1000 00	April 2000	1000 00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
CPAC of NC 720 W. Hargett St. Raleigh, NC 27603 13000 1	PAC Election Sum to Date $ 500 00	April 2000	500 00 *
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
First Union - NC Employees Good Govt. Fund 7100004	PAC Election Sum to Date $ 500 00	April 2000	500 00 *
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
M. Guy Rahling 11 Dupont Circle, NW Suite 300 Washington, DC 20063	Attorney Business law Election Sum to Date $ 500 00	April 2000	500 00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
William L. Joyner, MD 2004 Oyster Catcher Dr. Hampstead, NC 28443	Physician Family Medicine Election Sum to Date $ 500 00	April 2000	500 00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
7100004 American General Corp PAC 1101 Pennsylvania Ave. NW Washington, DC 20004-2514	PAC Election Sum to Date $ 500 00	April 2000	500 00 *

TOTAL OF RECEIPTS THIS PAGE $ 4,500 00

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ITEMIZED RECEIPTS

OCT 1

Name of Committee (in full)

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Dupont Pharmaceuticals PAC 1600057 Chestnut Run, WR-2066 Wilmington, DE 19805	PAC 250.00	April 2000	250.00 *
John & Lucy Bode PO Box 6338 Raleigh, NC 27628 F	Attorney Corp. Law 1000.00	April 2000	1000.00
Sandra Kemp 2406 N Ridge Ave Tifton, GA 31793	Businesswoman Sales 1000.00	April 2000	1000.00
C. Alex Kemp PO Box 7710 Tifton GA 31793 31002 16	Attorney Business law 1000.00	April 2000	1000.00
Southeastern Radio 1600057 PAC 1329 Robeson St. Fayetteville, NC 28305	PAC 2000.00	April 2000	2000.00 *
Coca-Cola Employee PAC 1600019 P.O.Box 31487 Charlotte, NC 28231	PAC 150.00	April, 2000	150.00 *
REAP PAC 1700057 POBox 1495 Raleigh NC 27602	PAC 700.00	April 2000	700.00 *
TOTAL OF RECEIPTS THIS PAGE			$ 6,100.00

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ITEMIZED RECEIPTS

OCT

Name of Committee (in full)

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Sidney & Susan Comdon 6705 Piedmont Pl. Wilmington, NC 28411 F	Job Title or Profession: Employer's Name or Specific Field: Election Sum to Date $ 250.00	April 2000	250.00
R. Mitchell Tyler P.O. BOX 222 HAKE HAMMOCK NC 28450	Job Title or Profession: Retired Educator Employer's Name or Specific Field: Election Sum to Date $ 125.00	April 2000	125.00
Melvin D. Gerald 11403 Allendee Dr. Mitchellville, MD 20721	Job Title or Profession: Physician Employer's Name or Specific Field: Election Sum to Date $ 125.00	April 2000	125.00
Velma S. Haley 4367 Tom Sessions Rd Whiteville, NC 28472	Job Title or Profession: Retired Educator Employer's Name or Specific Field: Teacher Election Sum to Date $ 200.00	April 2000	200.00
Rev. Thomas Oscar Blanks F 5280 Hallsboro Rd. N. Clarkton, NC 28433	Job Title or Profession: Ret. Educator Employer's Name or Specific Field: Election Sum to Date $ 200.00	April 2000	200.00
Joseph Stanley 565 Main St. Whiteville, NC 28472	Job Title or Profession: Business man Employer's Name or Specific Field: Clothing Store Election Sum to Date $ 200.00	April 2000	200.00
Beverly M. Agnew PhD 211 Wilson Pt. Rd. New Bern, NC 28562	Job Title or Profession: Legislator Employer's Name or Specific Field: Election Sum to Date $ 500.00	April 2000	500.00
TOTAL OF RECEIPTS THIS PAGE			$ 1,600.00

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ITEMIZED RECEIPTS

OCT

Name of Committee (in full)

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Nation wide PAC 1400007 one Nationwide Plz. 1-32-09 Columbus, Oh. 43216	PAC 750	April 2000	750 00 *
Jack Eckerd 100 N. STARCREST Dr. Clearwater Fla. 33758	CRD PHARMACY 500 00	April 1 2000	500 00
Blue Cross Blue Shield PAC 1400009 P.O. Box 2291 Durham, NC 27702-2291	PAC 500 00	April 2000	500 00 *
Bradbur for NC House 7201703 PO Box 916 Goldsboro, NC 27533	Legislator 2500 00	April 1/May 2000	2500 00 *
The Committee for Responsible Govt. PAC 1700001 P.O Box 26666 Richmond, VA. 23261	PAC 200 00	April 2000	200 00 *
Hank Estep 3500 Nebassa Court Wilmington, NC 28409	Physician 250 00	April 2000	250 00
Frye PAC 1300013 PO Box 99629 Raleigh, NC 27624	PAC 300 00	April 2000	300 00 *
TOTAL OF RECEIPTS THIS PAGE			$ 5,000 00

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ITEMIZED RECEIPTS

OCT

Name of Committee (in full)

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Chauffeurs Teamsters & Helpers Local 391 18000 01 PO Box 25405 Greensboro, NC 27425	PAC Election Sum to Date $ 200.00	April 2000	200.00 *
Thomas Wright III PO Box 1630 Wilmington, NC 28402	CFO – Employer's Name or Specific Field: Chemical Corp Election Sum to Date $ 200.00	April 2000	200.00
Eugene Merritt Jr. 2122 Fowler St. Wilmington, NC 28403	Developer Employer's Name or Specific Field: Election Sum to Date $ 500.00	April 2000	500.00
Pepsico PAC G6000004	PAC Employer's Name or Specific Field: Election Sum to Date $ 150.00	April 2000	150.00 *
NC State AFL-CIO Pac PO Box 10805 18000 41 Raleigh, NC 27605	PAC Employer's Name or Specific Field: Election Sum to Date $ 200.00	April 2000	200.00 *
T. Craig Wright 390 Walter Todd Rd. Clarendon, NC 28432	Attorney Employer's Name or Specific Field: Election Sum to Date $ 200	April 2000	200.00
Engineers for Better Gov't 18000 61 111 N Boylan Ave. Raleigh, NC 27603	PAC Employer's Name or Specific Field: Election Sum to Date $ 200.00	April 2000	200.00 *
TOTAL OF RECEIPTS THIS PAGE			$ 1,650.00

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ITEMIZED RECEIPTS

OCT 1

Name of Committee (in full)

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Jefferson-Pilot State Govt PAC P.O. Box 21008 Greensboro, NC 27420 14000	PAC 250 00	April 2000	250 00
ANSPAC - NC Society Anesthesiologist - PAC PO Box 98629 Raleigh, NC 27624 130000	PAC 500 00	April 2000	500 00 *
NRA - Political Victory Fund 99000 11250 Waples Mill Rd. Fairfax, VA 22030-2400	PAC 1000 00	May 2000	1000 00 *
H. David Sutain 1523 Ambrake Jones Dr. Wilmington, NC 28405	Developer 500 00	April 2000	500 00
Optimum Choice of Florida Chiropractic PAC 130003 4 Taft Ct. Rockville MD 20850 [redacted]	PAC 150 00	April 2000	150 00 *
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
TOTAL OF RECEIPTS THIS PAGE			$ 2,400 00

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OCT - 1

For Line Number ____
Use separate forms for each category of the summary

ITEMIZED DISBURSEMENTS

Name of Committee (in full): Thomas Wright Campaign Committee

Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
SEA Communications, Inc Wilmington, NC.	Radio ADs	April 2000	1,770,00 640 00
	Election Sum to Date $ 2,410		
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Cumulus Broadcasting Wilmington, NC	Radio Ads 2912	April/May 2000	2,434 00 238 00
	Election Sum to Date $ ~~2,672 00~~		
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Kiss Radio	Radio Ads	April 2000	312 00
	Election Sum to Date $ 312 00		
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
WAAV Radio	Ads	April 2000	634 00
	Election Sum to Date $ 634 00		
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Port City Signs 1719 Castle Street Wilmington NC 28401	Campaign Signs 40 3,175 50	April 2000	683 70 1968 00 1,207 50
	Election Sum to Date [illegible]		
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
N H Count Democratic Party $ 02/1200	Advertisement	April 2000	250 00 **
	Election Sum to Date $ 250 00		
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Seaboard Chapter ARI ~~Souvenir Book~~ Wilmington, NC	Souvier Booklet	April 2000	50 00
	Election Sum to Date $ 50 00		

TOTAL OF DISBURSEMENTS THIS PAGE $ 9,503 50

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OCT

ITEMIZED DISBURSEMENTS

Name of Committee (in full): Thomas Wright Campaign Committee

Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Pender Post Burgaw, NC	Newspaper Ad. Election Sum to Date $ 308.20	April 2000	308.20
Wilmington Journal 50 7th Street Wilmington, NC 28401	Newpaper Ad Election Sum to Date $ 630.00	April 2000	630.00
The news Reporter Whiteville NC	Newspaper Ad Election Sum to Date $ 189.28	April 2000 May 2000	42.28 147.00
Star News paper Wilmington NC 28401	Newpaper Ad. Election Sum to Date $ 1,933.07	April, 2000	1,933.07
WWAY TV3 Wilmington, NC	Air time for advertisment Election Sum to Date $ 697.00	April, 2000	697.00
On Location Production Wilmington NC	Production work for commercials Election Sum to Date $ 1,775.00	April, 2000	1775.00
Alpha Graphics Wilmington NC	Printing Cost Election Sum to Date $ 4,008.32	April/May 2000	800.00 931.28 1,791.85 382.13 1625.56 / 160.56

TOTAL OF DISBURSEMENTS THIS PAGE $ 9,600.67
9601.67

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ITEMIZED DISBURSEMENTS

OCT 31

Name of Committee (in full): Thomas Wright Campaign Committee

Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Office Depot Oleander Dr. Wilmington, NC 28401	Copies 140.20 Election Sum to Date $ 396.60	April 2000	396.60
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
WNCR Radio Chadbourn, NC	Radio Ad's Election Sum to Date $ 525.00	April 2000	525.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
~~Verizon~~ Bellsouth WILMINGTON, NC CHARLOTTE	Telephones 4440.32 Election Sum to Date $ 1696.32	April may	1,696.32 48.10 48.10
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Enterprise Rental Wilmington, NC 28401	~~Van~~ Van Rental Election Sum to Date $ 563.63	April/May 2000	563.63 281.81 281.82
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Harold Troy Whiteville, NC 2	Fund Raising cost Election Sum to Date $ 221.50	April 2000	221.50
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Bank of America WILMINGTON, NC	Bank Charge Deposit Stamp Miscellaneous charges 63.35 Election Sum to Date $ 63.35	April 2000	21.00 25.50 5.00 11.85
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Ethel Fields Cooksey Delco, NC	Fund raiser cookeley Election Sum to Date $ 800.00	April 2000	800.00
TOTAL OF DISBURSEMENTS THIS PAGE			$ 4,266.41

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For Line Number ____

Use separate forms for each category of the summary

OCT

ITEMIZED DISBURSEMENTS

Name of Committee (in full) Thomas Wright Campaign Committee

Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
James Hofton Wilmington, NC	Fish Fry	April 28, 2000	500.00
	Election Sum to Date $ 500.00		
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Dilsey's Restaurant Rocky Point, NC	Fund raiser Reception	April 2000	350.00
	Election Sum to Date $ 350.00		
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Carolyn Lee Catering Wilmington NC	Catering	~~April~~ May 2000.00	220.00
	Election Sum to Date $ 220.00		
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Lawrence Bewley Raleigh NC	Fund raiser	April 2000	1,233.33
	Election Sum to Date $ 1,233.33		
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
MR Joes Logos College Rd. Wilmington NC	Tee Shirts	April 2000	530.00
	Election Sum to Date $ 530.00		
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Charles Bowe Wilmington NC	Tent for Fish Fry	April 2000	40.00
	Election Sum to Date $ 40.00		
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Al Richardson AAV Video Productions N 13 ~~th~~ 1st Wilmington NC 28401	photography	May -2000	649.00
	Election Sum to Date $ 649.00		
TOTAL OF DISBURSEMENTS THIS PAGE			$ 3,522.33

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ITEMIZED DISBURSEMENTS

OCT 01

Name of Committee (in full): Thomas Wright Campaign Committee

Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
John Barts Raleigh NC	Art work & paints Election Sum to Date $ 735.00	may 2000	735.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Eleanor Simmons Wilmington NC 28401	utilities on Bldg Election Sum to Date $ 3827	April 2000	3827
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Thomas Wright Wilmington	Reimbursement Deposit on Bldg Election Sum to Date $ 500.00	April 2000	500.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Poll workers * Incomplete info.	Poll workers @100 Each Election Sum to Date $ 3775.00	May 2, 2000	3,775.00 **
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Diane Emerson Raleigh, NC	Reimbursement postage & printing cost. Election Sum to Date $ 1,124.72	May, 2000	1,124.72
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
	Election Sum to Date $		
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
	Election Sum to Date $		

TOTAL OF DISBURSEMENTS THIS PAGE $ 6,172.72

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OCT 1

ITEMIZED DISBURSEMENTS

Name of Committee (in full) Thomas Wright Campaign Committee

Full Name, Address and Zip Code	Purpose of Disbursement / Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Copy Cat Printshop Wilmington, NC	campaign literature / 66440	May 2000	664 40
Full Name, Address and Zip Code	Purpose of Disbursement / Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement / Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement / Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement / Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement / Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement / Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period

TOTAL OF DISBURSEMENTS THIS PAGE $ 664 40

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POLITICAL COMMITTEE DISCLOSURE REPORT

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CAMPAIGN REPORTING

Name of Committee: Thomas Wright Campaign Committee	SBOE ID Number: 2209800
Address of Committee: P. O. Box 1654	Type of Report: 3rd Quarter
City: Wilmington State: NC ZIP: 28402	Period Covered: 7-1-00
	From: June 30, 2000
	To: October 21, 2000

Type of Committee (check one)

☑ Candidate Campaign ☐ PAC ☐ Party ☐ Referendum ☐ Individual

Treasurer Name: candidate Phone Number (optional):

Street Address: 322 S 17th St.

City/State/Zip: Wil. NC 28401

Assistant Treasurer Name: Phone Number (optional):

Street Address:

City/State/Zip:

Custodian of Books Name: Phone Number (optional):

Street Address:

City/State/Zip:

Depository: Bank of America

Address: Wilmington, NC 28401

Account Number(s): [redacted]

VERIFICATION BY OATH OR AFFIRMATION

State: NC

County: Wake

Being duly sworn, I depose (affirm) and say that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Signature of Appointed Treasurer

Subscribed and sworn (affirmed) to before me, this 31 day of October, 19 2000

KATHRYN G. QUEEN NOTARY PUBLIC WAKE COUNTY, N.C.

Notary Public

My commission expires: 7/31/200

Is this an amendment? ____ yes ____ no

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DETAILED SUMMARY PAGE OF RECEIPTS AND DISBURSEMENTS

NAME OF COMMITTEE	SBOE ID Number
Thomas Wright Campaign Committee	220800

	Total this Period	This Election
Cash on Hand January 1, 19 ____	XXXXXXXXXXX 15,827.98	~~8595.00~~ ~~27,842.44~~
Cash on Hand at Beginning of Reporting Period	~~16,492.44~~	XXXXXXXXXXX
Receipts		
1. Contributions From:		
(a) Individuals other than Political Committees		23,100
(i) Itemized	2,300.00	~~23,300.00~~ 23
(ii) Unitemized	-0-	~~8,225.53~~ ~~31,525.53~~
(iii) Total	2,300.00	~~31,525.53~~
(b) Political Party Committees	-0-	-0-
(c) Other Political Committees (such as PACs)	9,100.00	32,850 ~~23,800.00~~
(d) Total Contributions	11,400.00	~~55,775.53~~ 64,175.53
2. Loan Proceeds	-0-	-0-
3. Interest Earned on Bank Accounts	-0-	-0-
4. Refunds	-0-	-0-
5. Total Receipts	11,400.00	~~55,775.53~~ ~~64,175.53~~
Disbursements		
6. Operating Expenditures	9,259.04	~~53,676.65~~ ~~48,765.19~~
7. Contributions to Candidates/Political Committees	-0-	~~250.00~~ 1125
8. Coordinated Party Expenditures	-0-	-0-
9. Loan Repayments	-0-	~~4,801.65~~
10. Total Disbursements	9,259.04	~~48,765.19~~
Cash on Hand at End of Reporting Period	~~16,633.40~~ 17,968.94	~~16,633.40~~ 17,968.94
Debts and Obligations owed TO the Committee		
Debts and Obligations owed BY the Committee		

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ITEMIZED RECEIPTS

Name of Committee (in full) Thomas Wright Campaign Committee

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Citi Group Inc. PAC 153 East 53rd St. New York, NY 10043 9400004	PAC Election Sum to Date $ 250	Sept. 2000	250.00
NC Fire PAC 2426 Millboro Rd. Franklinville, NC 27248 1800510	PAC Election Sum to Date $ 200.00	Sept. 2000	200.00
First Citizens Bank Combined PAC PO Box 27131 910018 Raleigh, NC 27611	PAC Election Sum to Date $ 200.00	Sept 12 2000	200.00
Tom Hughes Wilmington NC.	Business mgr Real Estate Election Sum to Date $ 200.00	August 2000	200.00
[redacted] Mary Sneeden PO Box 101 Wilmington NC 28402	Real Estate developer Election Sum to Date $ 200.00	August 24, 2000	200.00
W.C. Worsley Jr. PO Box 1227 Wrightsville Beach 28480	corp executive Petroleum business Election Sum to Date $ 450.00	Oct 2, 2000	250.00 200.00
Walter Worsley III Po Box 3227 Wilmington NC 28406	corp exec. petroleum Election Sum to Date $ 450.00	Oct 2 2000	200.00 250.00
TOTAL OF RECEIPTS THIS PAGE			$ 1,950.00

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ITEMIZED RECEIPTS

Name of Committee (in full)

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
NC Trucking Association PAC PO Box 2977 Raleigh NC 27602 1800043	PAC 350 00	oct 3 2000	150 00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Philip Morris Co. Inc. PAC 120 Park Ave, 10017 9600030 New York, NY 10017	PAC 100 00	Sept 22, 2000	100 00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Robert K. Huckabee III 5606 Keswick Ct. Wilmington NC. 28409	Businessman Ent Entertainment 1000 00	oct. 3 2000.	1000 00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
NC Medical Society PAC PO Box 25834 1300010 Raleigh, NC 27611	PAC 3000 00	Sept. 2000	1000 00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
NC Realtors PAC 333 Fayetteville, Ste 303 Raleigh, NC. 27601 1200004	PAC 1000 00	August 2000	1000 00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Hunton & Williams NC. PAC 1500007 PO Box 109 Raleigh, NC 27602	PAC 500 00	July 2000	500 00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
NC Dental PAC 2310 Myron Dr 1300007 Raleigh, NC. 27607	PAC 1500 00	July 2000	500 00
TOTAL OF RECEIPTS THIS PAGE			$ 4,250 00

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ITEMIZED RECEIPTS

Use separate form for each category of the summary

Name of Committee (in full)

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Nation wide PAC one nationwide Plz Columbus ohio 43216 1400007	PAC 1250.00	Sept 2000	500.00
NC Association of Convenience Stores PAC PO Box 226 1800015 Raleigh, NC 27602	PAC 500.00	Sept 2000	500.00
Merck PAC 9100035 601 Pennsylvania Ave. NW Washington, DC 20004	PAC 1000 500	Sept 2000	500.00
Concerned Associates Employees PAC 9200012 250 Computer Freeway Irving Texas 75062	PAC 500	Sept 7 2000	500.00
Employees State PAC CPAC 1700003 POBox 1510 Raleigh NC 27602	PAC 1000.00	Sept 2000	500.00
Pfizer PAC - State 235 E 42nd St New York NY 10017 9600006	PAC 150 400.00	Sept 20, 2000	400.00
[redacted] Household PAC 9100005 2700 Sanders Rd. Prospect Heights IL 60070	PAC 250 250	Sept 8, 2000	250
TOTAL OF RECEIPTS THIS PAGE			$ 3,150.00

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ITEMIZED RECEIPTS

Name of Committee (in full)

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Engineers for Better Govt. 111 N Boylan Ave Raleigh NC 27603 7100005	PAC / / 400.00	Sept 6 2000	200.00
First Union Employees PAC Charlotte, NC 28288 7100004	PAC / / 750.00	Sept 2000	250.00
Build PAC PO Box 99080 1200008 Raleigh, NC 27624	PAC / / 1000.00	Sept 2000	1000.00
Duke Energy Corp. 422 South Church St. Charlotte NC 28202 7700004	PAC / / 500.00	Oct 6, 2000	500.00
Norfolk Southern Corp PAC Three Commercial Pl. Norfolk, VA 23510 9000005	PAC / / 200.00		100.00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period

TOTAL OF RECEIPTS THIS PAGE $ 2050.00

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LOAN PROCEEDS

Name of Committee (in full)				
Source of Loan Full Name, Address and Zip Code Total Amount of Loan $	Job Title or Profession Employer's Name or Specific Field	Date loan begins/ends	Amount of Endorsement	Rate of Interest Security Pledged
Source of Loan Full Name, Address and Zip Code Total Amount of Loan $	Job Title or Profession Employer's Name or Specific Field	Date loan begins/ends	Amount of Endorsement	Rate of Interest Security Pledged
TOTAL OF LOAN PROCEEDS THIS PAGE			**$**	

LOAN REPAYMENTS

Name of Committee (in full)				
Full Name, Address and Zip Code	Date of Repayment	Original Loan Date	Amount of Repayment	Balance of Loan
Full Name, Address and Zip Code	Date of Repayment	Original Loan Date	Amount of Repayment	Balance of Loan
TOTAL OF LOAN REPAYMENTS THIS PAGE			**$**	

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ITEMIZED DISBURSEMENTS

Name of Committee (in full) Thomas Wright Campaign Committee

Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Bellsouth Charlotte NC	telephone Election Sum to Date $ 310.75 / 870.42	July - Oct 2000 oc	870.42
Thomas Simmons Chestnut St. Wilmington, NC 28401	Rent for facility 815 N. 4th Street Wilmington NC 28401 Election Sum to Date $ 3738.00 / 3,700.00	May - Dec F	3,700.00
CP&L Raleigh	utility for Hdqts 815 N. 4th St. Election Sum to Date $ 584.00	July - Oct.	584.00
City of Wilmington	Utility Service Election Sum to Date $ 360.00	July - Oct	360.00
Cumulis Broadcasting Wilmington, NC	Radio Ad. Election Sum to Date $ 378	July 2000	800.00
Capitol Travelons Raleigh NC 27601	Air Fare to/from NATL mtng Election Sum to Date $	July 2000	382.00
Thomas Wright 328 SE 17th Street Wilmington, NC	Reimbursement Hotel Cost to Denver Convention NA. Election Sum to Date $ 1681.62	August 2000	1,181.62

TOTAL OF DISBURSEMENTS THIS PAGE $ 7,878.04

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ITEMIZED DISBURSEMENTS

Name of Committee (in full) Thomas Wright Campaign Committee			
Full Name, Address and Zip Code TRAVEL Specialists 5240 Oleander Dr. Wilmington NC 28412	Purpose of Disbursement Airfare to LA. for Democratic Convention Election Sum to Date $ 1,381.00	Date (month, day, year) August 2000	Amount of each Disbursement this period 1,381.00
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
TOTAL OF DISBURSEMENTS THIS PAGE			$ 1381.00

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Page _____ of _____
For Line Number _____
Use separate forms for each category of the summary

ITEMIZED DISBURSEMENTS

Name of Committee (in full)			
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
TOTAL OF DISBURSEMENTS THIS PAGE			$

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DEBTS AND OBLIGATIONS

Name of Committee (in full)				
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
TOTAL OF DEBTS AND OBLIGATIONS THIS PAGE			**$**	

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POLITICAL COMMITTEE DISCLOSURE REPORT

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FEB 13 2001
CAMPAIGN REPORTING

Name of Committee: Thomas Wright Campaign Committee	SBOE ID Number: 2209800
Address of Committee: PO Box 1654	Type of Report: 4th Quarter
City: Wilmington State: NC ZIP: 28401	Period Covered From: Oct 21, 2001 To: Dec 31, 2001

Type of Committee (check one)

☑ Candidate Campaign ☐ PAC ☐ Party ☐ Referendum ☐ Individual

Treasurer Name Thomas Wright Phone Number (optional) _____

Street Address PO Box 1654

City/State/Zip Wilmington NC 28402 1654

Assistant Treasurer Name _____ Phone Number (optional) _____

Street Address _____

City/State/Zip _____

Custodian of Books Name _____ Phone Number (optional) _____

Street Address _____

City/State/Zip _____

Depository Bank of America

Address Wilmington NC

Account Number(s) [redacted]

VERIFICATION BY OATH OR AFFIRMATION

State NC

County Wake

Being duly sworn, I depose (affirm) and say that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Signature of Appointed Treasurer

Subscribed and sworn (affirmed) to before me, this 13th day of February, 19 2001.

Seal

Notary Public

My commission expires 11-14-03

Is this an amendment? ____ yes ____ no

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DETAILED SUMMARY PAGE OF RECEIPTS AND DISBURSEMENTS

NAME OF COMMITTEE	SBOE ID Number
Thomas Wright Committee	22 09800

	Total this Period	This Election
Cash on Hand January 1, 19 ____	XXXXXXXXXXX	8595.06
Cash on Hand at Beginning of Reporting Period	~~18,633.40~~ 17,968.44	XXXXXXXXXXX
Receipts		
1. Contributions From:		
(a) Individuals other than Political Committees		
(i) Itemized	~~5,500.00~~ 3250.00	~~28,800.00~~ 26,350.00
(ii) Unitemized	-0-	8,225.53
(iii) Total	~~5,500.00~~ 3250.00	~~37,025.53~~ 34,575.53
(b) Political Party Committees	-0-	-0-
(c) Other Political Committees (such as PACs)	250.00	~~24,150.00~~ 35,100.00
(d) Total Contributions	5,500.00	~~60,975.53~~ 69,675.53
2. Loan Proceeds	-0-	-0-
3. Interest Earned on Bank Accounts	-0-	-0-
4. Refunds	-0-	-0-
5. Total Receipts	5,500.00	~~60,975.53~~ 69,675.53
Disbursements		
6. Operating Expenditures	4,337.00	~~43,092.19~~ 58,013.65
7. Contributions to Candidates/Political Committees	-0-	-0- 1625
8. Coordinated Party Expenditures	-0-	-0-
9. Loan Repayments	-0-	-0-
10. Total Disbursements	4,337.00	~~43,092~~ 59,138.65
Cash on Hand at End of Reporting Period	~~19,883.40~~ 19,131.94	~~19,883.40~~ 19,131.94
Debts and Obligations owed TO the Committee		
Debts and Obligations owed BY the Committee		

NCSBOE/CR/S (may be copied)

ITEMIZED RECEIPTS

Name of Committee (in full): Thomas Wright Campaign Committee

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Allan P Jones Cleveland Tennessee	optometrist self 250.00	oct. 9, 2000	250.00
Allstate Insurance Co PAC northBrook, IL, 60062	PAC 9400007 —	november 2000	250.00
Thomas M. Stoeckinger 3640 Barrow Woodlane Lexington Ky 40502	optometrist self. 250.00	oct. 2000	250.00
Mack B. Pearsall Box 7565 Rocky Mount NC 27804	Retired — 250.00	NOV. 2000	250.00
Thomas Pearsall Jr. Rocky Mount NC 27804	Business Executive self. 250.00	NOV. 2000	250.00
Mr & Mrs Bonnie Sanders George Sanders 22 Polo Rd. Charlotte NC 28270	Physician Self 250.00	NOV. 2000	250.00
Joe Stewart Raleigh, NC 27601	Campaign Manager Richard Moore campaign 2000.00	Dec. 2000	2000.00
TOTAL OF RECEIPTS THIS PAGE			$ 3,500.00

ITEMIZED RECEIPTS

Name of Committee (in full)
Thomas Wright Campaign Committee

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Richard Moore Committee - Raleigh NC	campaign committee / 1400002 / 2000.00	Dec. 2000	2000.00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
TOTAL OF RECEIPTS THIS PAGE			$ 2,000.00

NCSBOE/CR/C (may be copied)

LOAN PROCEEDS

Name of Committee (in full)				
Source of Loan Full Name, Address and Zip Code Total Amount of Loan $	Job Title or Profession Employer's Name or Specific Field	Date loan begins/ends	Amount of Endorsement	Rate of Interest Security Pledged
Source of Loan Full Name, Address and Zip Code Total Amount of Loan $	Job Title or Profession Employer's Name or Specific Field	Date loan begins/ends	Amount of Endorsement	Rate of Interest Security Pledged
TOTAL OF LOAN PROCEEDS THIS PAGE			$ -0-	

LOAN REPAYMENTS

Name of Committee (in full)				
Full Name, Address and Zip Code	Date of Repayment	Original Loan Date	Amount of Repayment	Balance of Loan
Full Name, Address and Zip Code	Date of Repayment	Original Loan Date	Amount of Repayment	Balance of Loan
TOTAL OF LOAN REPAYMENTS THIS PAGE			$ -0-	

ITEMIZED DISBURSEMENTS

Name of Committee (in full) Thomas Wright Campaign Comittee

Full Name, Address and Zip Code	Purpose of Disbursement / Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Comunis Broadcasting Burnt mill Rd. Wilmington NC 28409	Radio Ads	October 2000 November 2000	963 00
News Reporter Whiteville NC 28472	Purpose of Disbursement: News Paper Ad / Election Sum to Date $ 592.25	Date (month, day, year): October 2000 November 2000	Amount of each Disbursement this period: 403 00
WVOE Radio Chadbourn, NC	Purpose of Disbursement: Radio Ads / Election Sum to Date $	Date (month, day, year): October 2000 November 2000	Amount of each Disbursement this period: 240 00
Bell South Charlotte NC	Purpose of Disbursement: Telephone Service / Election Sum to Date $ 555.75	Date (month, day, year): Nov. December 2000	Amount of each Disbursement this period: 246 00
CP&L Raleigh NC	Purpose of Disbursement: utility Service / Election Sum to Date $ 669 00	Date (month, day, year): Nov-Dec 2000 JAN-2001	Amount of each Disbursement this period: 85 00
None	Purpose of Disbursement / Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
	Purpose of Disbursement / Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period

TOTAL OF DISBURSEMENTS THIS PAGE $ 1,937 00

ITEMIZED DISBURSEMENTS

Name of Committee (in full) Thomas Wyatt Campaign Committee

Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Bernice James 3502 Dutton Dr. Castle Hayne NC	Pollworking Election Sum to Date $ 100.00	NOV 4 2000	100.00
Robent Lee James 3502 Dutton Dr. Castle Hayne NC	Poll work Election Sum to Date $ 100.00	NOV 4, 2000	100.00
Lucy Canty 1605 Fourteen Ct Wilmington NC 28401	~~1605 Fourteen Ct~~ Poll work ~~Wilmington NC~~ Election Sum to Date $ 100.00	NOV 4, 2000	100.00
MARY NIXON 8524 Market St Wilmington NC	Pollwork Election Sum to Date $ 100.00	NOV 4, 2000	100.00
Dorthy George 620 S 6th St. Wilmington NC	Poll work Election Sum to Date $ 100.00	NOV 4, 2000	100.00
Minnie Atkinson 418 S 6th St Wilmington, NC.	Poll work Election Sum to Date $ 200.00	NOV, 4, 2000	100.00
Eleanor Spicer 209 Creekwood Dr Wilmington NC 28403	Pollwork Election Sum to Date $ 100	NOV 2000	100.00
TOTAL OF DISBURSEMENTS THIS PAGE			$ 700.00

NCSBOE/CR/E (may be copied)

ITEMIZED DISBURSEMENTS

Name of Committee (in full) Thomas Knight Campaign Committee

Full Name, Address and Zip Code	Purpose of Disbursement	Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Johnnie Thomas 520 Bellamy Alley Wilmington NC 28403	Pollwork	100.00	Nov. 4. 2000	100.00
Full Name, Address and Zip Code	Purpose of Disbursement	Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Yolanda Thomas 644-A Harnett St Wilmington, NC.	Pollwork	100.00	Nov 4, 2000	100.00
Full Name, Address and Zip Code	Purpose of Disbursement	Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Serita McMillian 816 N 4th St. Wilmington NC	Pollwork	100	Nov 4 2000	100.00
Full Name, Address and Zip Code	Purpose of Disbursement	Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Liz Yates 4707 #C Greentree Rd Wilmington, NC	Pollwork	100.00	Nov 4 2000	100.00
Full Name, Address and Zip Code	Purpose of Disbursement	Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Joe Hill 216 So 12th St Wilmington NC	Pollwork	100.00	Nov 4 2000	100.00
Full Name, Address and Zip Code	Purpose of Disbursement	Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Gwen Charles 1114 Stewart Circle Wilmington, NC	Pollwork	100.00	Nov. 4, 2000	100.00
Full Name, Address and Zip Code	Purpose of Disbursement	Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
John Fred Law PoBox 715 Wilmington 28402	Poll work Transportation	200	Nov 4 2000	100.00
TOTAL OF DISBURSEMENTS THIS PAGE				$ 700.00

NCSBOE/CR/E (may be copied)

ITEMIZED DISBURSEMENTS

Name of Committee (in full) Thomas Wright Campaign Committee

Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Brenda Smith 913 Campbell St Wilmington NC 28403	Pollwork Election Sum to Date $ 100.00	Nov 4 2000	100.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Delores Moore 615 Church St. Wilmington NC	Pollwork Election Sum to Date $ 100.00	Nov 4 2000	100.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Jessie Canty 520 Wright St Wilmington NC	Pollwork Election Sum to Date $ 100	Nov 4 2000	100.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Anna Bryss Moore	Pollwork Election Sum to Date $ 100	Nov 4 2000	100.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Betty Scavella 612 Queen St Wilmington NC	Poll work Election Sum to Date $ 200.00	Nov 4 2000	100.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Barbara Thrift PO Box 117 Rocky Point NC 28457	Poll work Election Sum to Date $ 100.00	Nov 4 2000	100.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Cornelia Campbell 305 S 7th St Wilmington NC	Poll work Election Sum to Date $ 200.00	Nov 4 2000	100.00
TOTAL OF DISBURSEMENTS THIS PAGE			$ 700.00

ITEMIZED DISBURSEMENTS

Name of Committee (in full) Thom Wright Campaign Committee

Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Anna Ortmann 106 Tanbridge Rd Wilmington NC 28405	Pollwork Election Sum to Date $ 100.00	Nov 4 2000	100.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Charlotte Leonard	Pollwork Election Sum to Date $ 100.00	Nov 4 2000	100.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
James Carmichael 801 Bladen St Wilmington NC 28401	Pollwork Election Sum to Date $ 100.00	Nov 4 2000	100.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
	Election Sum to Date $		
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
	Election Sum to Date $		
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
	Election Sum to Date $		
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
	Election Sum to Date $		

TOTAL OF DISBURSEMENTS THIS PAGE $ 300.00

NCSBOE/CR/E (may be copied)

POLITICAL COMMITTEE DISCLOSURE REPORT

Name of Committee	SBOE ID Number
Thomas Wright Committee	22 09800
Address of Committee	Type of Report
PO Box 1654	Mid year
City / State / ZIP	Period Covered
Wilmington NC 28402	From 01-01-01
	To 06-30-01

NOV 21 2002

Type of Committee (check one)

☑ Candidate Campaign ☐ PAC ☐ Party ☐ Referendum ☐ Individual

Treasurer Name _____ Phone Number (optional) _____

Street Address _____

City/State/Zip _____

Assistant Treasurer Name _____ Phone Number (optional) _____

Street Address _____

City/State/Zip _____

Custodian of Books Name _____ Phone Number (optional) _____

Street Address _____

City/State/Zip _____

Depository Bank of America

Address Oleander Dr. W. Wilmington NC 28405

Account Number(s) _____

VERIFICATION BY OATH OR AFFIRMATION

State _____

County _____

Being duly sworn, I depose (affirm) and say that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Signature of Appointed Treasurer

Subscribed and sworn (affirmed) to before me, this _____ day of _____, 19 _____.

Seal

Notary Public

My commission expires _____

Is this an amendment? ____ yes ____ no

NCSBOE/CR/D (may be copied)

EXHIBIT 16B

DETAILED SUMMARY PAGE OF RECEIPTS AND DISBURSEMENTS

NAME OF COMMITTEE	SBOE ID Number

	Total this Period	This Election	
Cash on Hand January 1, 19 ____	XXXXXXXXXXX	19,131.54	
Cash on Hand at Beginning of Reporting Period	19,131.54	0 XXXXXXXXXXX	
Receipts			
1. Contributions From:			
(a) Individuals other than Political Committees		31,500.00 ~~19,131.54~~	0
(i) Itemized	0		
(ii) Unitemized	0	8,225.53	0
(iii) Total	0	39,725.53	0
(b) Political Party Committees	0	0	0
(c) Other Political Committees (such as PACs)	0	24,850.00	0
(d) Total Contributions	~~NAN~~ 0	64,575.53	0
2. Loan Proceeds	0	0	0
3. Interest Earned on Bank Accounts	0	0	1
4. Refunds	0	0	0
5. Total Receipts	0	64,575.53	0
Disbursements			
6. Operating Expenditures	4,274.33	57,950.98	4274.33
7. Contributions to Candidates/Political Committees		0	
8. Coordinated Party Expenditures	0	0	
9. Loan Repayments	0	0	
10. Total Disbursements	4,274.33	57,550.98	4274.33
Cash on Hand at End of Reporting Period	14,857.61	14,857.61	
Debts and Obligations owed TO the Committee			
Debts and Obligations owed BY the Committee			

For Line Number ____
Use separate forms for each category of the summary

ITEMIZED DISBURSEMENTS

Name of Committee (in full) Thomas Wright Campaign Committee

Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
U.S. Postal Service Mailed Office Wilmington NC 28401	Postage Election Sum to Date $	01/15/01	3,100.00
Full Name, Address and Zip Code Bell South Charlotte NC	Purpose of Disbursement Phone Services & FAX Line Election Sum to Date $	Date (month, day, year) 2/6/01	Amount of each Disbursement this period 362.50
Full Name, Address and Zip Code metrocall paging service Tampa FLA.	Purpose of Disbursement Paging service Election Sum to Date $	Date (month, day, year) 03/12/01	Amount of each Disbursement this period 120.00
Full Name, Address and Zip Code Bell South mobility College Rd Wilmington NC	Purpose of Disbursement ~~telephone~~ service mobile Election Sum to Date $	Date (month, day, year) 03/5/01	Amount of each Disbursement this period 525.63
Full Name, Address and Zip Code City of Wilmington 120 N. 3rd Street Wilmington NC	Purpose of Disbursement Utility Service campaign office Election Sum to Date $	Date (month, day, year) ~~02/10/01~~ 02/10/01	Amount of each Disbursement this period 280.00
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
TOTAL OF DISBURSEMENTS THIS PAGE			$4,274.33

NCSBOE/CR/E (may be copied)

Page _____ of _____
For Line Number _____
Use separate form for each category of the summary

ITEMIZED RECEIPTS

Name of Committee (in full)			
Full Name, Mailing Address & Zip Code	Job Title or Profession Employer's Name or Specific Field Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession Employer's Name or Specific Field Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession Employer's Name or Specific Field Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession Employer's Name or Specific Field Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession Employer's Name or Specific Field Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession Employer's Name or Specific Field Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession Employer's Name or Specific Field Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
TOTAL OF RECEIPTS THIS PAGE			$

NCSBOE/CR/C (may be copied)

LOAN PROCEEDS

Name of Committee (in full)				
Source of Loan Full Name, Address and Zip Code Total Amount of Loan $	Job Title or Profession Employer's Name or Specific Field	Date loan begins/ends	Amount of Endorsement	Rate of Interest Security Pledged
Source of Loan Full Name, Address and Zip Code Total Amount of Loan $	Job Title or Profession Employer's Name or Specific Field	Date loan begins/ends	Amount of Endorsement	Rate of Interest Security Pledged
TOTAL OF LOAN PROCEEDS THIS PAGE			$	

LOAN REPAYMENTS

Name of Committee (in full)				
Full Name, Address and Zip Code	Date of Repayment	Original Loan Date	Amount of Repayment	Balance of Loan
Full Name, Address and Zip Code	Date of Repayment	Original Loan Date	Amount of Repayment	Balance of Loan
TOTAL OF LOAN REPAYMENTS THIS PAGE			$	

DEBTS AND OBLIGATIONS

Name of Committee (in full)				
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
TOTAL OF DEBTS AND OBLIGATIONS THIS PAGE			$	

NCSBOE/CR/DO (may be copied)

POLITICAL COMMITTEE DISCLOSURE REPORT

Name of Committee	SBOE ID Number
Thomas Wright Campaign Committee	2209800
Address of Committee	Type of Report
PO Box 1654	Year End Semi-Annual
City / State / ZIP	Period Covered
Wilmington NC 28401	From July 1, 2001
	To December 31, 2001

NOV 21

RECEIVED

JAN 30 2002

Type of Committee (check one)

☒ Candidate Campaign ☐ PAC ☐ Party ☐ Referendum ☐ Individual

Treasurer Name Thomas Wright Phone Number (optional) _____

Street Address PO Box 1654

City/State/Zip Wilmington NC 28402

Assistant Treasurer Name _____ Phone Number (optional) _____

Street Address _____

City/State/Zip _____

Custodian of Books Name _____ Phone Number (optional) _____

Street Address _____

City/State/Zip _____

Depository Bank of America

Address Wilmington, NC

Account Number(s) [redacted]

VERIFICATION BY OATH OR AFFIRMATION

State _____

County _____

Being duly sworn, I depose (affirm) and say that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Signature of Appointed Treasurer

Subscribed and sworn (affirmed) to before me, this _____ day of _____, 19 _____.

Seal

Notary Public

My commission expires _____

Is this an amendment? ____ yes ____ no

NCSBOE/CR/D (may be copied)

DETAILED SUMMARY PAGE OF RECEIPTS AND DISBURSEMENTS Amendment #1

NAME OF COMMITTEE	SBOE ID Number
Yeaton Semi Amnd	

	Total this Period	This Election	
Cash on Hand January 1, 19 ____	XXXXXXXXXXX	19131 54	
Cash on Hand at Beginning of Reporting Period	14,857 61	XXXXXXXXXXX	
Receipts			
1. Contributions From:			
(a) Individuals other than Political Committees			
(i) Itemized	2000 00	31,500 00	2000.1
(ii) Unitemized	0	8,225 53	0
(iii) Total	2000 00	29,725 53	2000.1
(b) Political Party Committees	0	[illegible]	0
(c) Other Political Committees (such as PACs)	700 00	34,850 00 [illegible]	700.1
(d) Total Contributions	2,700 00	64,575 53	2700.1
2. Loan Proceeds	0	0	
3. Interest Earned on Bank Accounts	0	0	
4. Refunds	0	[illegible]	
5. Total Receipts	2,700 00	64,485 19	2700.1
Disbursements			
6. Operating Expenditures	0	57,950 88	4274.31
7. Contributions to Candidates/Political Committees	0	0	
8. Coordinated Party Expenditures	0	0	
9. Loan Repayments	0	0	
10. Total Disbursements	0	62,225 31	4274.31
Cash on Hand at End of Reporting Period	17,557 61	17,557 61	
Debts and Obligations owed TO the Committee			
Debts and Obligations owed BY the Committee			

NCSBOE/CR/S (may be copied)

Page _____ of _____
For Line Number _____
Use separate form for each category of the summary

ITEMIZED RECEIPTS

Name of Committee (in full)

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
William M. Hinchey 433 Dogwood Terrace Easton, PA. 18042	Corp. Exec. Health care Testing 2000.00	Dec. 24 2001	2000.00
AT&P PAC 32 Ave. of the Americas New York, New York 10013	PAC Communications 500.00	Dec 15, 2001	500.00
Phillip Morris Companies Inc. Political Action Committee 120 Park Ave. 17th Floor New York, NY, 10017-5592	PAC 200	Dec 20, 2001	200.00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
TOTAL OF RECEIPTS THIS PAGE			$ 2700.00

NCSBOE/CR/C (may be copied)

LOAN PROCEEDS

Name of Committee (in full)				
Source of Loan Full Name, Address and Zip Code Total Amount of Loan $	Job Title or Profession Employer's Name or Specific Field	Date loan begins/ends	Amount of Endorsement	Rate of Interest Security Pledged
Source of Loan Full Name, Address and Zip Code Total Amount of Loan $	Job Title or Profession Employer's Name or Specific Field	Date loan begins/ends	Amount of Endorsement	Rate of Interest Security Pledged
TOTAL OF LOAN PROCEEDS THIS PAGE			$	

LOAN REPAYMENTS

Name of Committee (in full)				
Full Name, Address and Zip Code	Date of Repayment	Original Loan Date	Amount of Repayment	Balance of Loan
Full Name, Address and Zip Code	Date of Repayment	Original Loan Date	Amount of Repayment	Balance of Loan
TOTAL OF LOAN REPAYMENTS THIS PAGE			$	

ITEMIZED DISBURSEMENTS

Name of Committee (in full)			
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
TOTAL OF DISBURSEMENTS THIS PAGE			$

DEBTS AND OBLIGATIONS

Name of Committee (in full)				
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
TOTAL OF DEBTS AND OBLIGATIONS THIS PAGE			$	

POLITICAL COMMITTEE DISCLOSURE REPORT

Name of Committee	SBOE ID Number
Thomas Wright Campaign	2209800
Address of Committee	Type of Report
PO Box 1654	1st Quarter
City State ZIP	Period Covered
Wilmington NC 28402	From 01/01/02
	To 04/20/02

NOV 21

Type of Committee (check one)

☑ Candidate Campaign ☐ PAC ☐ Party ☐ Referendum ☐ Individual

Treasurer Name Thomas Wright Phone Number (optional) (910) 350-5421

Street Address PO Box 1654

City/State/Zip Wilmington, NC 28402

Assistant Treasurer Name _____ Phone Number (optional) _____

Street Address _____

City/State/Zip _____

Custodian of Books Name _____ Phone Number (optional) _____

Street Address _____

City/State/Zip _____

Depository _____

Address _____

Account Number(s) _____

VERIFICATION BY OATH OR AFFIRMATION

State _____

County _____

Being duly sworn, I depose (affirm) and say that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

_____
Signature of Appointed Treasurer

Subscribed and sworn (affirmed) to before me, this _____ day of _____, 19 _____.

Seal

_____
Notary Public
My commission expires _____

Is this an amendment? ____ yes ____ no

NCSBOE/CR/D (may be copied)

EXHIBIT 16C

DETAILED SUMMARY PAGE OF RECEIPTS AND DISBURSEMENTS

NAME OF COMMITTEE	SBOE ID Number
Thomas Weight Campaign Committee	220802

	Total this Period	This Election	
Cash on Hand January 1, 19__	XXXXXXXXXXX	1/13/94	
Cash on Hand at Beginning of Reporting Period	17,557.61	XXXXXXXXXXX	
Receipts			
1. Contributions From:			
(a) Individuals other than Political Committees			
(i) Itemized	—	33,500.00	2200.
(ii) Unitemized	—	8,225.53	0
(iii) Total	—	41,725.53	2000.0
(b) Political Party Committees	—	ø	
(c) Other Political Committees (such as PACs)	500.00	24,850.00	1200.
(d) Total Contributions	500.00	66,575.53	66575.5 3200.
2. Loan Proceeds	ø	ø	0
3. Interest Earned on Bank Accounts	ø	ø	
4. Refunds	ø	ø	0
5. Total Receipts	500.00	66,575.53	3200.
Disbursements			
6. Operating Expenditures		57,950.88	4274.
7. Contributions to Candidates/Political Committees		ø	0
8. Coordinated Party Expenditures		ø	0
9. Loan Repayments	ø	ø	0
10. Total Disbursements		62,225.31	4274.
Cash on Hand at End of Reporting Period	18057.61	18057.61	
Debts and Obligations owed TO the Committee			
Debts and Obligations owed BY the Committee			

NCSBOE/CR/S (may be copied)

Page ____ of ____
For Line Number ____
Use separate form for each category of the summary

ITEMIZED RECEIPTS

Name of Committee (in full)

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
RJR Political Affairs Committee PO Box 718 Winston Salem NC 27102	PAC	3/28/02	500.00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
TOTAL OF RECEIPTS THIS PAGE			$ 500.00

NCSBOE/CR/C (may be copied)

LOAN PROCEEDS

Name of Committee (in full)				
Source of Loan Full Name, Address and Zip Code Total Amount of Loan $	Job Title or Profession Employer's Name or Specific Field	Date loan begins/ends	Amount of Endorsement	Rate of Interest Security Pledged
Source of Loan Full Name, Address and Zip Code Total Amount of Loan $	Job Title or Profession Employer's Name or Specific Field	Date loan begins/ends	Amount of Endorsement	Rate of Interest Security Pledged
TOTAL OF LOAN PROCEEDS THIS PAGE			$	

LOAN REPAYMENTS

Name of Committee (in full)				
Full Name, Address and Zip Code	Date of Repayment	Original Loan Date	Amount of Repayment	Balance of Loan
Full Name, Address and Zip Code	Date of Repayment	Original Loan Date	Amount of Repayment	Balance of Loan
TOTAL OF LOAN REPAYMENTS THIS PAGE			$	

For Line Number ____
Use separate forms for each category of the summary

ITEMIZED DISBURSEMENTS

Name of Committee (in full)

Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period

TOTAL OF DISBURSEMENTS THIS PAGE $ 0

DEBTS AND OBLIGATIONS

Name of Committee (in full)

Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
TOTAL OF DEBTS AND OBLIGATIONS THIS PAGE				$ 0

Disclosure Report Cover Sheet

NOV 21

Please note that this cover sheet cannot be used to amend committee information such as the committee address; treasurer, assistant treasurer, or custodian of books information; or depository information. You must amend the Statement of Organization (CRO-2100) to make those kinds of committee changes.

1. Name of Committee or Fund			6. Date
Thomas Wright Campaign Committee			
2. Address			**7. ID Number**
P O Box 1654			2209800
3. City	**4. State**	**5. Zip**	**8. Phone**
Wilmington	N C.	28402	(910) 350-592

9. Type of Report	10. Period Covered		11. Amendment
2nd Quarter Report	Start	04-01-02	☐ Yes
	End	06-30-02	☐ No

12. Type of Committee or Fund (Check one)

- ☑ Candidate Campaign
- ☐ PAC
- ☐ Other Fund: _____
- ☐ Party
- ☐ Referendum
- ☐ Joint Fundraiser
- ☐ Soft Money Account
- ☐ "Booster Fund"
- ☐ Building Fund

13. Treasurer Name

Darryle Parker

14. Assistant Treasurer Name(s)

15. Custodian of Books Name

Darryle Parker

16. Bank/Depository/Credit Account Information

a. Name	b. Purpose	c. Code	d. Period Begin Balance
Bank of America	Campaign Funds		$ 18,057.61
			$
			$
			$
			$
			$

CERTIFICATION

I certify that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Signature of Appointed Treasurer or Candidate _____ Date _____

Detailed Summary

1. Name of Committee or Fund	2. Type of Report	3. ID Number
Thomas Wright Campaign Cmte	2nd Quarter	220980

Start of Election Cycle: January 1, 20____		Total this Period	Total this Election Cycle	
4) Cash on Hand at Start of Election Cycle			$ 19,131.54	
5) Cash on Hand at Start of Present Reporting Period		$ 18,057.54		
RECEIPTS				
6) Contributions from Individuals	(CRO-1210)	$ 4,025.00	$ 41,725.54	6025.0
7) Contributions from Political Party Committees	(CRO-1220)	$ 0	$ 25,225.54	0
8) Contributions from Other Political Committees 14,100.	(CRO-1230)	$ 12,100.00	$ 0 14100.0	15,500.
9) Loan Proceeds	(CRO-1410)	$ 0	$ 0	
10) Refunds and Reimbursements TO theCommittee	(CRO-1240)	$ 0	$ 0	
11) Other Receipt Sources	(CRO-1250)			
11a) Interest on Bank Accounts	(CRO-1250)	$ —	$ —	
11b) Contributions from Not-for-Profit Organizations	(CRO-1250)	$ 0	$ —	
11c) Outside Sources of Income	(CRO-1250)	$ 0	$ —	
12) "Goods and Services" Contributions	(CRO-1260)	$ 0	$ —	
13) Contributions based on Forgiven Loans	(CRO-1440)	$ 0	$	
14) 48-Hour Notice Reports Sum		$ —	$ —	
15) TOTAL RECEIPTS *(Add lines 6, 7, 8, 9, 10, 11a, 11b, 11c, 12, 13, and 14)*		$ 18,125.00	$ 92,176.58	21,325.0
EXPENDITURES				
16) Disbursements	(CRO-1310)			
16a) Operating Expenditures	(CRO-1310)	$ 0	$ 62,886.58	42
16b) Contributions to Candidates/Political Committees	(CRO-1310)	$ 0	$ 0	
16c) Coordinated Party Expenditures	(CRO-1310)	$ 0	$ 0	
17) Loan Repayments	(CRO-1320)	$ 0	$ 0	
18) Forgiven Loans	(CRO-1440)	$ 0	$ 0	
19) Refunds and Reimbursements FROM the Committee	(CRO-1320)	$ 0	$ 0	
20) In-Kind Contributions	(CRO-1510)	$ 0	$ 0	
21) TOTAL EXPENDITURES 0 *(Add lines 16a, 16b, 16c, 17, 18, 19, and 20)*		$ 36,182.61	$ 62,225.31	4274.3
22) Cash on Hand at End of Reporting Period *(For this Period, add lines 5 and 15 together, then subtract line 21)* *(For this Election Cycle, add lines 4 and 15 together, then subtract line 21)*		$ 36,182.61	$ 36,182.61	✓
Additional Information				
23) Non-Monetary Gifts Given to Committees	(CRO-1330)	$ 0		
24) Outstanding Loans (including ones from other campaigns)	(CRO-1430)	$ 0		
25) Debts and Obligations owed BY the Committee	(CRO-1610)	$ 0		
26) Debts and Obligations owed TO the Committee	(CRO-1620)	$ 0		
27) Parent Entity's Administrative Support	(CRO-1710)	$ 0		
28) Account Transfers	(CRO-1720)	$ 0		

Contributions from INDIVIDUALS

1. Name of Committee or Fund: Thomas Wright Campaign Committee

2. ID Number: 2209800

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	George Gaddy 234 Secrest DR Wrightsville, NC 28480	[redacted]	check	05/05/02	☐	☐	$ 500.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Retired				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Sidney Artie Causey JR. PO Box 88 Wilmington NC 28401	[redacted]	check	05/06/02	☐	☐	$ 500.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Sheriff Law Enforcement				☐	☐	$
	c. Employer's Name/Specific Field: New Hanover County Sheriff	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Paul Davis Bonly 2528 Independence Blvd Suite Two Hundred Wilmington, NC 28412	[redacted]	check	05/22/02	☐	☐	$ 300.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Architect				☐	☐	$
	c. Employer's Name/Specific Field: Bonly & Associates	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Bradford Sedgwick 7332 Cotesworth DR Wilmington NC 28405	[redacted]	check	05/20/02	☐	☐	$ 125.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Thomas H. Wright III PO Box 9009 Wilmington NC 28402	[redacted]	check	05/14/02	☐	☐	$ 500.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Retired				☐	☐	$
	c. Employer's Name/Specific Field: Wright Financial Corp	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

4. Total only this Page	$ 1925.00
5. Total of ALL CRO-1210 Pages (only show on last page)	$

(This line must be on line 6 of Detailed Summary Page CRO-1100)

Contributions from INDIVIDUALS

1. Name of Committee or Fund	2. ID Number
Thomas Wright Congressional Committee	2209800

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Mark Lanier 5041 Rivage Promenade Wilmington, NC 28412 (910) 452 3366	[redacted]	check	05/20/02	☐	☐	$ 500.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field: UNCW	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Brian Causey (910) PO Box 3872 367-9205 Wilmington NC 28406	[redacted]	check	05/20/02	☐	☐	$ 500.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Jerry F. Coy (910) Barbara M. Coy 392-6902 130 Devonshire Ln. Wilmington, NC 28409	[redacted]	check	05/03/02	☐	☐	$ 100.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Robert O. Hill JR. 2510 Trail's End Kinston, NC 28504 527 (252) 3263	SAME	check	05/08/02	☐	☐	$ 1000.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Proprietor.				☐	☐	$
	c. Employer's Name/Specific Field: Restaurant Business	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	~~NC Republican Party~~ ~~310 Fayetteville St Mall~~ ~~Raleigh NC 27601~~				☐	☐	$
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

4. Total only this Page	$ 2100.00
5. Total of ALL CRO-1210 Pages *(only show on last page)*	$ 4,025

(This line must be on line 6 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund: Thomas Wright Campaign Committee

2. ID Number: 2209800

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	NC Farm Bureau Federation Political Action Committee PO Box 27766 Raleigh NC 27611	[redacted]	check	05/17/02	☐	$ 250.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Sid Causey for Sheriff 1120 Upper Reach Dr. Wilmington NC 28409	[redacted]	check	05/06/2002	☐	$ 500.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: Campaign ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Bell South Employees PAC 1522 BellSouth Plaza Charlotte NC 28202	[redacted]	check	05/03/02	☐	$ 500.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Hunton & Williams North Carolina PAC PO Box 109 Raleigh NC 27602	[redacted]	check	05/06/02	☐	$ 500.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	CASH America International Inc, PAC 1600 W. 7th St Fort Worth, Tx 76102-2599	same	check	MAY/10/02	☐	$ 500.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☑ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

4. Total only this Page	$ 2250.00
5. Total of ALL CRO-1230 Pages *(only show on last page)* *(This line must be on line 8 of Detailed Summary Page CRO-1100)*	$

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund: Thomas Wright Campaign Committee

2. ID Number: 2209800

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
J.M. Family Enterprises PAC Inc 190 N.W. 12th Ave Deerfield Beach Fl. 33442	[redacted]	check	05/30/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☑ Federal ☑ State ☐ County: ____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Pfizer PAC - State 235 East 42nd. Ste. New York, NY 10017	[redacted]	check	04/25/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☑ Federal ☑ State ☐ County: ____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Vending Assoc. PAC PO Box 3154 Durham NC. 27705-6805	State	check	05/09/02	☐	$ 350.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: ____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Coca-Cola Consolidated Employee Committee P.O Box 31487 Charlotte NC 28231	State	check	05/02/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: ____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Pepsico Concerned Citizens Fund	State	check	05/06/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: ____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

4. Total only this Page	$ 2350.00
5. Total of ALL CRO-1230 Pages *(only show on last page)*	$

(This line must be on line 8 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund

2. ID Number

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Chiropractic PAC 41 So Talbert Blvd Lexington NC 27292	same	check	05/7/02	☐	$ 1000.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Progress Energy PAC PO Box 1570 Raleigh NC 27602	same	check	04/30/02	☐	$ 1000.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Nationwide Carolina Political Participation Fund One Nationwide Plaza Columbus OH 43216	same	check	5/02/02	☐	$ 1000.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
REAP PO Box 26566 Raleigh NC 27611	same	check	5/01/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NCHCFA PAC 5709 Bur Oak Cir. Raleigh NC 27612	same	check	5/15/02	☐	$ 2000.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		

4. Total only this Page	$ 4500.00
5. Total of ALL CRO-1230 Pages *(only show on last page)*	$
(This line must be on line 8 of Detailed Summary Page CRO-1100)	

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund

2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)

b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
save	check	05/03/02	☐	$ 3000.00
			☐	$
			☐	$
			☐	$

NC Realtors PAC
421 Fayetteville St Mall
suite 1109
Raleigh NC 27601

g. Type of Committee: ☐ Federal ☑ State ☐ County:

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)

b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
save	check	5/08/02	☐	$ 1000.00
			☐	$
			☐	$
			☐	$

NC Home Builders Assn
Build PAC
PO Box 99090
Raleigh, NC 27624

g. Type of Committee: ☐ Federal ☐ State ☐ County:

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)

b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
			☐	$
			☐	$
			☐	$
			☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County:

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)

b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
			☐	$
			☐	$
			☐	$
			☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County:

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)

b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
			☐	$
			☐	$
			☐	$
			☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County:

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

4. Total only this Page	$ 4,000.00
5. Total of ALL CRO-1230 Pages *(only show on last page)* *(This line must be on line 8 of Detailed Summary Page CRO-1100)*	$ 14,150.00

14,150.00

1. Name of Committee or Fund	2. ID Number
Thoms Wright Campaign Committee	2209800

3. Type of Disbursement *(Please use separate CRO-1310 forms for each type of Disbursements.)*

☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

5. Total only this Page	$
6. Total of ALL CRO-1310 Related Pages *(only show on last page)* *(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)* *(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)* *(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)*	$

Disclosure Report Cover Sheet

NOV 21

Please note that this cover sheet cannot be used to amend committee information such as the committee address; treasurer, assistant treasurer, or custodian of books information; or depository information. You must amend the Statement of Organization (CRO-2100) to make those kinds of committee changes.

1. Name of Committee or Fund			6. Date
Thomas Wright Campaign Committee			10/17/02
2. Address			7. ID Number
PO Box 1654			2209800
3. City	4. State	5. Zip	8. Phone
Wilmington	NC	28402	(910)3505721

9. Type of Report	10. Period Covered		11. Amendment
Third Quarter Plus	Start	08-25-02	☐ Yes
	End	10-19-02	☐ No

12. Type of Committee or Fund *(Check one)*

☑ Candidate Campaign ☐ Party ☐ Joint Fundraiser ☐ "Booster Fund"
☐ PAC ☐ Referendum ☐ Soft Money Account ☐ Building Fund
☐ Other Fund: _____

13. Treasurer Name

Darryle Parker
Thomas Wright

14. Assistant Treasurer Name(s)

15. Custodian of Books Name

16. Bank/Depository/Credit Account Information

a. Name	b. Purpose	c. Code	d. Period Begin Balance
Bank of America	Campaign Fund		$ 29,682.61
			$
			$
			$
			$
			$

CERTIFICATION

I certify that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Signature of Appointed Treasurer or Candidate — Date

Detailed Summary

1. Name of Committee or Fund	2. Type of Report	3. ID Number
	3rd Quarter	2209800

Start of Election Cycle: January 1, 20____		Total this Period	Total this Election Cycle	
4) Cash on Hand at Start of Election Cycle			$ 19,131.84	
5) Cash on Hand at Start of Present Reporting Period		$ 29,682.61		
RECEIPTS				
6) Contributions from Individuals	(CRO-1210)	$ 0	$ 45,725.53	6025.00
7) Contributions from Political Party Committees	(CRO-1220)	$ 0	$ 25,225.53	0
8) Contributions from Other Political Committees	(CRO-1230)	$ 0	$ 14,650.00	15,800.00
9) Loan Proceeds	(CRO-1410)	$ 0	$ 0	
10) Refunds and Reimbursements TO the Committee	(CRO-1240)	$ 0	$ 0	
11) Other Receipt Sources	(CRO-1250)			
11a) Interest on Bank Accounts	(CRO-1250)	$ 0	$ 6	
11b) Contributions from Not-for-Profit Organizations	(CRO-1250)	$ 0	$ 0	
11c) Outside Sources of Income	(CRO-1250)	$ 0	$ 0	
12) "Goods and Services" Contributions	(CRO-1260)	$ 0	$ 0	
13) Contributions based on Forgiven Loans	(CRO-1440)	$ 0	$ 0	
14) 48-Hour Notice Reports Sum		$	$ 0	
15) TOTAL RECEIPTS *(Add lines 6, 7, 8, 9, 10, 11a, 11b, 11c, 12, 13, and 14)*		$ ~~0.00~~	$ 85,701.06	21,425.00
EXPENDITURES				
16) Disbursements	(CRO-1310)			
16a) Operating Expenditures	(CRO-1310)	$ 6,770.20	$ 65,225.31	14,045.00
16b) Contributions to Candidates/Political Committees	(CRO-1310)	$ 1,250.00	$ 0	1250.00
16c) Coordinated Party Expenditures	(CRO-1310)	$ 0	$ 4000.00	4,000.00
17) Loan Repayments	(CRO-1420)	$ 0	$ 0	
18) Forgiven Loans	(CRO-1440)	$ 0	$ 0	
19) Refunds and Reimbursements FROM the Committee	(CRO-1320)	$ 0	$ 0	
20) In-Kind Contributions	(CRO-1510)	$ 0	$ 0	
21) TOTAL EXPENDITURES *(Add lines 16a, 16b, 16c, 17, 18, 19, and 20)*		$ 8,020.70	$ 69,225.31	19,295.00
22) Cash on Hand at End of Reporting Period *(For this Period, add lines 5 and 15 together, then subtract line 21)* *(For this Election Cycle, add lines 4 and 15 together, then subtract line 21)*		$ 21,661.91	$ 21,661.91	✓
Additional Information				
23) Non-Monetary Gifts Given to Committees	(CRO-1350)	$ 0		
24) Outstanding Loans (including ones from other campaigns)	(CRO-1430)	$ 0		
25) Debts and Obligations owed BY the Committee	(CRO-1610)	$ 0		
26) Debts and Obligations owed TO the Committee	(CRO-1620)	$ 0		
27) Parent Entity's Administrative Support	(CRO-1710)	$ 0		
28) Account Transfers	(CRO-1720)	$ 0		

Disbursements

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign committee	2209800

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursements.)
☑ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	NAACP State Chapter New Hanover Greensboro NC	Annual meeting Banquet speaker New Hanover Co.	[redacted]	check	10/ 1/02	$ 500.00 $ $
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	f. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum To Date $
	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	Marvin Lucas Campaign Fayetteville NC	contribution	[redacted]	check	09/03/02	$ 250.00 $ $
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	f. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum To Date $
	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	Shelly Willingham	contribution	[redacted]	check	09/03/02	$ 500.00 $ $
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	f. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum To Date $
	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	US Airways	Air Force ROTC Fellowship Lexington Ky	[redacted]	check	09/25/02	$ 1057.50 $ $
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	f. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum To Date $
	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	Port City Sign Works Castle St. Wilmington NC	yard signs	[redacted]	check	09/25/02	$ 3,919.20 $ $
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	f. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum To Date $

5. Total only this Page	$ 6220.70
6. Total of ALL CRO-1310 Related Pages (only show on last page) *(This line goes in line 16a of Detailed Summary Page CRO-1100 If Operating Expenses)* *(This line goes in line 16b of Detailed Summary Page CRO-1100 If Contrib to Candidates/Political Comm)* *(This line goes in line 16c of Detailed Summary Page CRO-1100 If Coordinated Party Expenditures)*	$ /

Disbursements

1. Name of Committee or Fund	2. ID Number

3. Type of Disbursement *(Please use separate CRO-1310 forms for each type of Disbursements.)*
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	Columbus County Democratic party. whiteville NC 28472	Rally	[redacted]	check	10/8/02	$ 500.00
						$
						$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	Thomas Wright 322 SE 17th Street Wilmington NC 28401	Postage Stamps for mailing	[redacted]	check	10/4/02	$ 1,300.00
		mail				$
						$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
						$
						$
						$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
						$
						$
						$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

5. Total only this Page	$ 1800.00
6. Total of ALL CRO-1310 Related Pages *(only show on last page)*	$ 80202.20

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disclosure Report Cover Sheet

Please note that this cover sheet cannot be used to amend committee information such as the committee address; treasurer, assistant treasurer, or custodian of books information; or depository information. You must amend the Statement of Organization (CRO-2100) to make those kinds of committee changes.

NOV 21

1. Name of Committee or Fund			6. Date
Thomas Wright Campaign Committee			
2. Address			7. ID Number
P. O. Box 1654			2209800
3. City	4. State	5. Zip	8. Phone
Wilmington	NC	28402	(910) 350-5921

9. Type of Report	10. Period Covered		11. Amendment
Interim Report	Start	07-01-02	☐ Yes
	End	08-24-02	☐ No

12. Type of Committee or Fund (Check one)

☑ Candidate Campaign ☐ Party ☐ Joint Fundraiser ☐ "Booster Fund"
☐ PAC ☐ Referendum ☐ Soft Money Account ☐ Building Fund
☐ Other Fund: _____

13. Treasurer Name: Darryle Parker

14. Assistant Treasurer Name(s):

15. Custodian of Books Name:

16. Bank/Depository/Credit Account Information

a. Name	b. Purpose	c. Code	d. Period Begin Balance
Bank of America	Campaign Fund		$ 36,182.61
			$
			$
			$
			$
			$

CERTIFICATION

I certify that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Signature of Appointed Treasurer or Candidate _____ Date _____

Detailed Summary

1. Name of Committee or Fund	2. Type of Report	3. ID Number
Thomas Wright Campaign Comittee	Interim 7/1/02-8/[illegible]/02	22 09800

Start of Election Cycle: January 1, 20____		Total this Period	Total this Election Cycle	
4) Cash on Hand at Start of Election Cycle			$ 19,131 94	
5) Cash on Hand at Start of Present Reporting Period		$ 36,182 61		
RECEIPTS				
6) Contributions from Individuals	(CRO-1210)	$ 0	$ 45,725 53	6025.00
7) Contributions from Political Party Committees	(CRO-1220)	$ 0	$ 25,225 53	0
8) Contributions from Other Political Committees	(CRO-1230)	$ 500 00	$ 14,850 00	15,800.00
9) Loan Proceeds	(CRO-1310)	$ 0	$ 0	
10) Refunds and Reimbursements TO theCommittee	(CRO-1240)	$ 0	$ 0	
11) Other Receipt Sources	(CRO-1250)			
11a) Interest on Bank Accounts	(CRO-1250)	$ 0	$ 0	
11b) Contributions from Not-for-Profit Organizations	(CRO-1250)	$ 0	$ 0	
11c) Outside Sources of Income	(CRO-1250)	$ 0	$ 0	
12) "Goods and Services" Contributions	(CRO-1260)	$ 0	$ 0	
13) Contributions based on Forgiven Loans	(CRO-1440)	$ 0	$ 0	
14) 48-Hour Notice Reports Sum		$	$	
15) TOTAL RECEIPTS *(Add lines 6, 7, 8, 9, 10, 11a, 11b, 11c, 12, 13, and 14)*		$ 500 00	$ 85,101 06	21,825.00
EXPENDITURES	(CRO-1310)			
16) Disbursements	(CRO-1310)	$ 3000 00	$ 62,225 31	72741.33
16a) Operating Expenditures	(CRO-1310)	$ 0	$ 0	
16b) Contributions to Candidates/Political Committees	(CRO-1310)	$ 4000 00	$ 0 4000.00	4000.00
16c) Coordinated Party Expenditures	(CRO-1420)	$ 0	$ 0	0
17) Loan Repayments	(CRO-1440)	$ 0	$ 0	0
18) Forgiven Loans	(CRO-1320)	$ 0	$ 0	0
19) Refunds and Reimbursements FROM the Committee	(CRO-1510)	$ 0	$ 0	0
20) In-Kind Contributions		$ 7000 00	$ 62,225 31	11,274.33
21) TOTAL EXPENDITURES *(Add lines 16a, 16b, 16c, 17, 18, 19, and 20)*		$ 29,682 61	$ 29,682 61	✓
22) Cash on Hand at End of Reporting Period *(For this Period, add lines 5 and 15 together, then subtract line 21)* *(For this Election Cycle, add lines 4 and 15 together, then subtract line 21)*				
Additional Information				
23) Non-Monetary Gifts Given to Committees	(CRO-1330)	$ 0		
24) Outstanding Loans (including ones from other campaigns)	(CRO-1430)	$ 0		
25) Debts and Obligations owed BY the Committee	(CRO-1610)	$ 0		
26) Debts and Obligations owed TO the Committee	(CRO-1620)	$ 0		
27) Parent Entity's Administrative Support	(CRO-1710)	$ 0		
28) Account Transfers	(CRO-1720)	$ 0		

Disbursements

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign Committee	2209800

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursements.)
☑ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Lawrence Bewley & Assoc Raleigh, NC	fundraiser Reimbursement fee		check	7-8-02	$3,000.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
NC House Democratic Caucus Raleigh NC 27601	contribution		check	7-8-02	$4,000.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

5. Total only this Page	$ 7000.00
6. Total of ALL CRO-1310 Related Pages (only show on last page) *(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)* *(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)* *(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)*	$ 7,000.00

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
New American Optimists, Non Federal, N.C. acct. PO Box 2069 Raleigh NC 27602-2069	[redacted]	check	4/24/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☑ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

4. Total only this Page	$ 500.00
5. Total of ALL CRO-1230 Pages *(only show on last page)*	$ 500.00
(This line must be on line 8 of Detailed Summary Page CRO-1100)	

Disclosure Report Cover Sheet

Please note that this cover sheet cannot be used to amend committee information such as the committee address; treasurer, assistant treasurer, or custodian of books information; or depository information. You must amend the Statement of Organization (CRO-2100) to make those kinds of committee changes.

1. Name of Committee or Fund			6. Date
Thomas Wright Campaign Committee			1/7/03
2. Address			7. ID Number
P.O. Box 1654			2209800
3. City	4. State	5. Zip	8. Phone
Wilmington	NC	28402	(910) 3505924

9. Type of Report	10. Period Covered		11. Amendment
4th Quarter	Start	10/20/02	☐ Yes
	End	12/31/02	☐ No

12. Type of Committee or Fund (Check one)

☑ Candidate Campaign ☐ Party ☐ Joint Fundraiser ☐ "Booster Fund"
☐ PAC ☐ Referendum ☐ Soft Money Account ☐ Building Fund
☐ Other Fund: _____

13. Treasurer Name

Darryle Parker

14. Assistant Treasurer Name(s)

15. Custodian of Books Name

RECEIVED
JAN 14 2003
PM Jan 10
N.C. BOARD OF ELECTIONS

16. Bank/Depository/Credit Account Information

a. Name	b. Purpose	c. Code	d. Period Begin Balance
Bank of America	Campaign Fund		$ 2,661.91
			$
			$
			$
			$
			$

CERTIFICATION

I certify that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Signature of Appointed Treasurer or Candidate — Date: 1/7/2003

C

Detailed Summary

1. Name of Committee or Fund	2. Type of Report	3. ID Number
Thomas Wright Campaign Committee	4th Quarter	2202800

Start of Election Cycle: January 1, 20____		Total this Period	Total this Election Cycle
4) Cash on Hand at Start of Election Cycle			$19,131.94
5) Cash on Hand at Start of Present Reporting Period		$21,661.91	
RECEIPTS			
6) Contributions from Individuals	(CRO-1210)	$1,250.00	$45,725.53
7) Contributions from Political Party Committees	(CRO-1220)	$3,000.00	$25,225.53
8) Contributions from Other Political Committees	(CRO-1230)	$30,100.00	$14,650.00
9) Loan Proceeds	(CRO-1410)	$ 0	$ 0
10) Refunds and Reimbursements TO theCommittee	(CRO-1240)	$ 0	$ 0
11) Other Receipt Sources	(CRO-1250)		
11a) Interest on Bank Accounts	(CRO-1250)	$ 0	$ 0
11b) Contributions from Not-for-Profit Organizations	(CRO-1250)	$ 0	$ 0
11c) Outside Sources of Income	(CRO-1250)	$ 0	$ 0
12) "Goods and Services" Contributions	(CRO-1260)	$ 0	$ 0
13) Contributions based on Forgiven Loans	(CRO-1440)	$ 0	$ 0
14) 48-Hour Notice Reports Sum		$ 0	$ 0
15) TOTAL RECEIPTS *(Add lines 6, 7, 8, 9, 10, 11a, 11b, 11c, 12, 13, and 14)*		$34,350.00	$85,701.06
EXPENDITURES			
16) Disbursements	(CRO-1310)		
16a) Operating Expenditures	(CRO-1310)	$11,601.00	$76,225.31
16b) Contributions to Candidates/Political Committees	(CRO-1310)	$500.00	$1750.00
16c) Coordinated Party Expenditures	(CRO-1310)	$ 0	$4,000.00
17) Loan Repayments	(CRO-1420)	$ 0	$ 0
18) Forgiven Loans	(CRO-1440)	$ 0	$ 0
19) Refunds and Reimbursements FROM the Committee	(CRO-1320)	$ 0	$ 0
20) In-Kind Contributions	(CRO-1510)	$ 0	$ 0
21) TOTAL EXPENDITURES *(Add lines 16a, 16b, 16c, 17, 18, 19, and 20)*		$12,101.04	$76,925.31
22) Cash on Hand at End of Reporting Period *(For this Period, add lines 5 and 15 together, then subtract line 21)* *(For this Election Cycle, add lines 4 and 15 together, then subtract line 21)*		$43,910.87	$43,910.87
Additional Information			
23) Non-Monetary Gifts Given to Committees	(CRO-1330)	$ 0	
24) Outstanding Loans (including ones from other campaigns)	(CRO-1430)	$ 0	
25) Debts and Obligations owed BY the Committee	(CRO-1610)	$ 0	
26) Debts and Obligations owed TO the Committee	(CRO-1620)	$ 0	
27) Parent Entity's Administrative Support	(CRO-1710)	$ 0	
28) Account Transfers	(CRO-1720)	$ 0	

Disbursements

1. Name of Committee or Fund	2. ID Number
Thomas Weight Campaign Committee	2209800

3. Type of Disbursement *(Please use separate CRO-1310 forms for each type of Disbursements.)*
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Cumulus Broadcasting, Inc DOX 687176 Milwaukee, Wi. 53268	Radio Ads		check	10/29/02	$ 1063.60
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
WVOE Radio Chadbourn, NC 28472	Radio Ads		check	10/31/02	$ 450.00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
North Whiteville Vol. Fire Dept. Whiteville NC 28472	rents for Reception		check	10/31/02	$ 250.00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
SNAP DRAGON Tee Shirts 1220 Dock Street (910) Wilmington, NC 28401 762-6054	Campaign Tee Shirts		check	11/05/02	$ 12280
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Alpha Graphics 317 S. College Rd Wilmington, NC 28403 (910) 392-0800	post cards		check	10/26/02	$ 314.71
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	$

5. Total only this Page	$ 2,206.31
6. Total of ALL CRO-1310 Related Pages *(only show on last page)* *(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)* *(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)* *(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)*	$

Disbursements

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign Committee	220980

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursements.)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Rev. F. E. Ragin 1109 McRae St Wilmington, NC (910) 762-0424	pollworker		check	11/05/02	$ 100.00
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Gloria Stokes (910) 4 Shipyard Walk 7635628 Wilmington NC 28401	pollworker		check	11/05/02	$ 100.00
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Earl Goodwin	pollworker		check	11/05/02	$ 100.00
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Debra Stokes 1003 SE 14th Street Wilmington, NC (910)343-3324	pollworker		check	11/05/02	$ 100.00
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
St. Phillip AME Church 815 N ~~6th~~ St. (910) Wilmington NC 28401 762353	meals for pollworkers		check	11/05/02	$ 130.00
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

5. Total only this Page	$ 530.00
6. Total of ALL CRO-1310 Related Pages (only show on last page) *(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)* *(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)* *(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)*	$

Disbursements

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign Committee	220980

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursement.)
☒ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Port City Sign Works 707 Castle Street (sw) Wilmington NC 28401 (9400)	yard signs stakes		check	11/06/02	$ 239.63
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Julia Salter 802 Wooster st Wilmington, NC 28401	pollworker		check	11/06/02	$ 100.00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Thomas Wright 3225 17th street Wilmington NC 28401	reimbursement		check	11/5/02	$ 500.00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Jack Barnes Campaign committee for NC House	contribution		check	10/29/02	$ 500.00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
US postal Service Wilmington NC 28401	postage mailing stamps		check	10/28/02	$ 236.00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date $

5. Total only this Page	$ 3525.63
6. Total of ALL CRO-1310 Related Pages (only show on last page) *(This line goes in line 16a of Detailed Summary Page CRO-1100 If Operating Expenses)* *(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)* *(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)*	$

Disbursements

1. Name of Committee or Fund	2. ID Number
Thomas Dwight Campaign Committee	2209800

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursements.)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
New Hanover Printing 3145 Shipyard Blvd Wilmington NC 28403	Printing of Postcards		check	11/25/02	$ 739 00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	
				$	

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Office Max ~~market st~~ 4915-D New Centre Dr Wilmington, NC 28405	office Exp/kit		check	11/27/02	$ 199 00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	
				$	

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Darryle Parker 5305 Arrow Ct. Wilmington NC 28412 (910) 799-0585	Phone service		check	12/27/02	$ 1000 00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	
				$	

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Thomas Wright 322 S 17th Street Wilmington NC 28401	postal Reimburse Stamps			11/05/02	$ 3000 00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	
				$	

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Cumulus Broadcasting Inc Box 682176 Milwaukee, WI 53268	Advertisement		check	10/31/02	$ 353 80
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	
				$	

5. Total only this Page	$ 5,288 80
6. Total of ALL CRO-1310 Related Pages (only show on last page) *(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)* *(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)* *(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)*	$ 11,601 04

Contributions from INDIVIDUALS

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign Committee	2209800

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount	j. If Amendment, choose change type:	k. Election Cycle Sum to Date
1	Rev. Alonzo Braggs PO Box 1227 Elizabethtown, NC 28337-1227 b. Job Title/Profession: Minister c. Employer's Name/Specific Field: Pastor		check	Nov 2, 2002	☐	☐	$ 50.00	☐ Add ☐ Delete	$
2	Charles Warren/ PO Box 3891 Wilmington, NC 28406 b. Job Title/Profession: Executive c. Employer's Name/Specific Field:		check	Nov 2, 2002	☐	☐	$ 100.00	☐ Add ☐ Delete	$
3	Robert H Cutting 408 Summer Rest Rd. Wilmington, NC 28405 b. Job Title/Profession: professor c. Employer's Name/Specific Field: UNCW		check	11/01/02	☐	☐	$ 50.00	☐ Add ☐ Delete	$
4	W. S. Morriss III PO Box 936 Aysta, GA 30903 b. Job Title/Profession: CEO c. Employer's Name/Specific Field:		check	10/15/02	☐	☐	$ 500.00	☐ Add ☐ Delete	$
5	Kenneth L. Eudy 319 East Jones St. Raleigh NC 27601 b. Job Title/Profession: Attorney c. Employer's Name/Specific Field:		check	10/20/02	☐	☐	$ 250.00	☐ Add ☐ Delete	$

4. Total only this Page	$ 950.00
5. Total of ALL CRO-1210 Pages (only show on last page) (This line must be on line 6 of Detailed Summary Page CRO-1100)	$

Contributions from INDIVIDUALS

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign Committee	2209800

3. Contributor	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
a. Full Name, Mailing Address & Phone (include city, state, & zip): Robert [redacted] Cutting, 403 Summer Rest Rd, Wilmington, NC 28405		check	11/4/02	☐	☐	$ 500.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $ 1000.00		

3. Contributor	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
a. Full Name, Mailing Address & Phone (include city, state, & zip): William B. Sullivan, 1901 Runnymead Rd., Winston Salem, NC 27104		check	10/18/02	☐	☐	$ 250.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
a. Full Name, Mailing Address & Phone (include city, state, & zip)				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
a. Full Name, Mailing Address & Phone (include city, state, & zip)				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
a. Full Name, Mailing Address & Phone (include city, state, & zip)				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

4. Total only this Page	$ 300.00
5. Total of ALL CRO-1210 Pages *(only show on last page)* *(This line must be on line 6 of Detailed Summary Page CRO-1100)*	$ 1,250.00

Contributions from POLITICAL PARTY COMMITTEES

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign Committee	2009 800

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Democratic Senatorial Campaign Committee. 430 So Capitol St SE. Washington, DC 20003		check	10/03/02	☐	$ 3,000.00
				☐	$
				☐	$

g. If Amendment, choose change type: ☐ Add ☐ Delete — h. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$

g. If Amendment, choose change type: ☐ Add ☐ Delete — h. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$

g. If Amendment, choose change type: ☐ Add ☐ Delete — h. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$

g. If Amendment, choose change type: ☐ Add ☐ Delete — h. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$

g. If Amendment, choose change type: ☐ Add ☐ Delete — h. Election Cycle Sum to Date: $

4. Total only this Page	$ 3,000.00
5. Total of ALL CRO-1220 Pages *(only show on last page)*	$ 3,000.00

(This line must be on line 7 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund: Thomas Wright Campaign Committee

2. ID Number: 2209800

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Hospital Association PAC PO Box 4449 Cary, NC 27519-4449		check	10/30/02	☐	$ 2000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Association Long Term Care Facilities CARE PAC 4010 Barrett Dr. Ste. 102 Raleigh NC 27609		check	10/30/02	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Resident Lenders of NC PAC 3328-C Bridges St Morehead City, NC 28557		check	10/28/02	☐	$ 300.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Association of Nurse Anesthetists PAC 1418 Aversboro Rd Garner, NC 27529		check	10/28/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C. Medical Society PAC PO Box 25834 Raleigh, NC 27611		check	10/28/02	☐	$ 2,000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

4. Total only this Page	$ 5,050.00
5. Total of ALL CRO-1230 Pages *(only show on last page)* *(This line must be on line 8 of Detailed Summary Page CRO-1100)*	$

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund: Thomas Weight Campaign Committee

2. ID Number: 2209800

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	NC. Bank Council PAC 2300 Rexwoods Dr. Suite 370 Raleigh NC 27607		check	10/15/02	☐	$ 500.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Bank of America PAC Charlotte NC 28202		check	10/20/02	☐	$ 500.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Kennedy, Covington, Lobdell & Hickman LLC PAC 431 Fayetteville Street Mall Raleigh, NC 27602		check	10/20/02	☐	$ 500.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	PIT PAC 702 N. Person St Raleigh NC 27604		check	10/25/02	☐	$ 300.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Microsoft Corp. PAC 16011 NE 36th Way Redmond, WA 98073		check	10/11/02	☐	$ 250.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

4. Total only this Page	$ 2050.00
5. Total of ALL CRO-1230 Pages *(only show on last page)*	$
(This line must be on line 8 of Detailed Summary Page CRO-1100)	

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign Committee	2209800

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
OB-GYN PAC of Eastern 101 Bethesda Dr. Greenville, NC 27834		check	10/20/02	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C. Orthopedic PAC PO Box 10707 Raleigh NC 27605		check	10/20/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Assoc. for home & hospice care of N.C. PAC 226 W. Millbrook Rd. Raleigh, NC 27609		check	10/20/02	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
The GlaxoSmithKline PAC F-138 Moore Dr. Research Triangle Park NC 27709		check	10/20/02	☐	$ 1000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C. Realtors PAC 421 Fayetteville St. Mall Ste Raleigh NC 27601		check	10/20/02	☐	$ 1000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

4. Total only this Page	$ 3,000.00
5. Total of ALL CRO-1230 Pages *(only show on last page)*	$
(This line must be an line 8 of Detailed Summary Page CRO-1100)	

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign Committee	2209800

	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
3. Contributor	NC Home Builders Assn Build PAC PO Box 94090 Raleigh, NC 27624		check	10/24/02	☐	$ 500.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	
3. Contributor	Progress Energy PAC PO Box 1510 Raleigh NC 27602		check	10/24/02	☐	$ 1,000.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	
3. Contributor	Citizens for Higher Education 10709 Bass Kettle Rd Raleigh NC 27614-9598		check	10/24/02	☐	$ 1,000.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	
3. Contributor	Merchants PAC of NC 601 St. Marys St. Raleigh, NC 27605		check	10/24/02	☐	$ 100.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	
3. Contributor	Sprint Corp. Mid-Atlantic PAC 434 Fayetteville St. Mall Suite 1600 Raleigh, NC 27601		check	10/15/02	☐	$ 500.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

4. Total only this Page	$ 3,100.00
5. Total of ALL CRO-1230 Pages *(only show on last page)*	$
(This line must be on line 8 of Detailed Summary Page CRO-1100)	

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund

2. ID Number: 220980

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Nationwide Carolina PAC One Nationwide Plaza Columbus, Oh. 43216		check	10/15/02	☐	$ 500.00
					☐	$
					☐	$
					☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: ____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Duke Energy Coop. PAC 422 So Church St. Charlotte, NC. 28202		check	10/10/02	☐	$ 750.00
					☐	$
					☐	$
					☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: ____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	NC. Assn of Insurance & Financial Advisors PAC. 875 Washington St. Suite 1 Raleigh, NC 27605		check	10/10/02	☐	$ 500.00
					☐	$
					☐	$
					☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: ____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	NC. Beer & Wine Wholesalers Assc. PAC. 210 Anderson St. Raleigh, NC. 27611		check	10/10/02	☐	$ 1,500.00
					☐	$
					☐	$
					☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: ____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	FCB combined PAC. PO Box 27131 Raleigh, NC 27611		check	10/20/02	☐	$ 250.00
					☐	$
					☐	$
					☐	$

g. Type of Committee: ☑ Federal ☐ State ☐ County: ____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

4. Total only this Page	$ 3,500.00
5. Total of ALL CRO-1230 Pages *(only show on last page)*	$

(This line must be on Line 8 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund

2. ID Number: 220980

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
1	The N.C. Chiropractic PAC 41 SQ. Talbert Blvd Lexington, NC 27292		check	10/20/02	☐	$ 1,000.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	
2	Credit Union PAC Greensboro NC		check	10/24/02	☐	$ 250.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	
3	Cash America International Inc PAC 1600 W 7th St. Fortworth, Tx 76102		check	10/22/02	☐	$ 500.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	
4	Engineers for Better Govt. 111 N. Boylan Ave. Raleigh, NC 27603		check	10/22/02	☐	$ 400.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	
5	Pfizer PAC 235 East 42nd St. New York, NY 10017		check	11/06/02	☐	$ 500.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

4. Total only this Page: $ 2,650.00

5. Total of ALL CRO-1230 Pages (only show on last page): $

(This line must be on line 4 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund

2. ID Number: 220980

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Wyeth Good Government Fund Five Giralda Farms Madison, NJ. 07940		check	11/06/02	☐	$500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
MCI Telecommunications Corp PAC 155 Juniper Creek Blvd Pinehurst, NC 28374		check	10/31/02	☐	$250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Wachovia N.C. employees good govt. fund 301 So College St Charlotte, NC 28288		check	11/06/02	☐	$750.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Norfolk Southern Corp Good Govt Fund. Three Commercial Place Norfolk VA. 23510		check	11/06/02	☐	$100.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Manufactured Housing PAC PO Box 58648 Raleigh, NC 27658		check	11/06/02	☐	$150.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

4. Total only this Page	$ 1,750.00
5. Total of ALL CRO-1230 Pages (only show on last page) (This line must be on line 8 of Detailed Summary Page CRO-1100)	$

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number
	2209800

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NOVARTIS Employee Good Govt Fund 701 Pennsylvania Ave. NW Suite 725 Washington, DC 20004		check	11/06/02	☐	$ 250.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Phillip Morris Companies PAC 120 Park Ave. New York, NY 10017		check	11/06/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Philip Morris Companies PAC 120 Park Ave New York, NY 10017		check	11/06/02	☐	$ 200.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Southeastern Radiology PAC 1329 Robeson St. Fayetteville, NC 28305		check	11/06/02	☐	$ 1000.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
AIA-PAC 115 W. Morgan St. Raleigh, NC 27601		check	11/06/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

4. Total only this Page	$ 2,000.00
5. Total of ALL CRO-1230 Pages *(only show on last page)*	$
(This line must be on line 8 of Detailed Summary Page CRO-1100)	

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number
	220980D

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C. Vending Assoc. PAC 3200 Crossdale Dr. Suite 603 Durham, NC 27705		check	11/06/02	☐	$ 350.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Eye PAC N.C. Society of Eye Physicians & Surgeons PO Box 99629 Raleigh, NC 27624		check	11/06/02	☐	$ 300.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Eastern Band of Cherokee Indians PO Box 455 Cherokee, NC 28719		check	11/06/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC BANK PAC PO Box 19999 Raleigh, NC 27619		check	10/25/02	☐	$ 600.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Assoc. of Convenience Stores PAC P.O. Box 226 Raleigh, NC 27602		check	11/06/02	☐	$ 300.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

4. Total only this Page	$ 2,050.00
5. Total of ALL CRO-1230 Pages *(only show on last page)* *(This line must be on line 8 of Detailed Summary Page CRO-1100)*	$

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund

2. ID Number 220980

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
ANNSPAC - NC Society ~~of~~ Anesthesiologist PO Box 28629 Raleigh, NC 27624		check	11/06/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: ____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Critical Health Systems ~~PAC~~ of NC PAC. 4761 Shreptone Ln. Raleigh, NC 27615		check	11/06/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: ____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
WAPAC 2513 Delaney Ave - Wilmington, NC 28403		check	11/06/02	☐	$ 1,000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: ____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
WAPAC 2513 Delaney Ave Wilmington, NC 28403		check	11/06/02	☐	$ 2,500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: ____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Academy of Trial Lawyers PAC PO Box 10918 Raleigh, NC 27605		check	11/22/02	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: ____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

4. Total only this Page $ 4,250.00

5. Total of ALL CRO-1230 Pages (only show on last page) $

(This line must be on line 8 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign Committee	2209800

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Alltel Action Alliance PO Box 625 Matthews, NC 28106		check	11/25/02	☐	$200.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

4. Total only this Page	$ 200.00
5. Total of ALL CRO-1230 Pages *(only show on last page)* *(This line must be on line 8 of Detailed Summary Page CRO-1100)*	$ 30,100.00

Late

Disclosure Report Cover Sheet

Please note that this cover sheet cannot be used to amend committee information such as the committee address; treasurer, assistant treasurer, or custodian of books information; or depository information. You must amend the Statement of Organization (CRO-2100) to make those kinds of committee changes.

1. Name of Committee or Fund			6. Date
Thomas Wright Campaign Committee			7/25/03
2. Address			7. ID Number
P. O. Box 1654			
3. City	4. State	5. Zip	8. Phone
Wilmington	NC	28402	(910) 3505921

9. Type of Report	10. Period Covered		11. Amendment
mid year	Start	01/01/03	☐ Yes
	End	05/30/03	☐ No

12. Type of Committee or Fund (Check one)

☑ Candidate Campaign ☐ Party ☐ Joint Fundraiser ☐ "Booster Fund"
☐ PAC ☐ Referendum ☐ Soft Money Account ☐ Building Fund
☐ Other Fund: _____

13. Treasurer Name

Darryle Parker

14. Assistant Treasurer Name(s)

RECEIVED
JUL 29 2003
PM unreadable
N.C. BOARD OF ELECTIONS

15. Custodian of Books Name

16. Bank/Depository/Credit Account Information

a. Name	b. Purpose	c. Code	d. Period Begin Balance
Bank America	Campaign Fund		$ 21,661 91
			$
			$
			$
			$
			$

CERTIFICATION

I certify that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Signature of Appointed Treasurer or Candidate — Date: 7/25/03

EXHIBIT 16D

Detailed Summary

1. Name of Committee or Fund	2. Type of Report	3. ID Number
Thomas Wright Campaign Cmte	Mid Year	2209800

Start of Election Cycle: January 1, 20____		Total this Period	Total this Election Cycle
4) Cash on Hand at Start of Election Cycle			$ 19,131.52
5) Cash on Hand at Start of Present Reporting Period		$ 21,661.91	
RECEIPTS			
6) Contributions from Individuals	(CRO-1210)	$ 0	$ 46,975.53
7) Contributions from Political Party Committees	(CRO-1220)	$ 0	$ 28,225.53
8) Contributions from Other Political Committees	(CRO-1230)	$ 0	$ 34,750.00
9) Loan Proceeds	(CRO-1410)	$ 0	$ 0
10) Refunds and Reimbursements TO theCommittee	(CRO-1240)	$ 0	$ 0
11) Other Receipt Sources	(CRO-1250)		
11a) Interest on Bank Accounts	(CRO-1250)	$ 0	$ 0
11b) Contributions from Not-for-Profit Organizations	(CRO-1250)	$ 0	$ 0
11c) Outside Sources of Income	(CRO-1250)	$ 0	$ 0
12) "Goods and Services" Contributions	(CRO-1260)	$ 0	$ 0
13) Contributions based on Forgiven Loans	(CRO-1440)	$ 0	$ 0
14) 48-Hour Notice Reports Sum		$ 0	$ 0
15) TOTAL RECEIPTS *(Add lines 6, 7, 8, 9, 10, 11a, 11b, 11c, 12, 13, and 14)*		$ 0	$ 108,951.06
EXPENDITURES			
16) Disbursements	(CRO-1310)		
16a) Operating Expenditures	(CRO-1310)	$ 0	$ 82,826.35
16b) Contributions to Candidates/Political Committees	(CRO-1310)	$ 0	$ 2,250.00
16c) Coordinated Party Expenditures	(CRO-1310)	$ 0	$ 4,000.00
17) Loan Repayments	(CRO-1420)	$ 0	$ 0
18) Forgiven Loans	(CRO-1440)	$ 0	$ 0
19) Refunds and Reimbursements FROM the Committee	(CRO-1320)	$ 0	$ 0
20) In-Kind Contributions	(CRO-1510)	$ 0	$ 0
21) TOTAL EXPENDITURES *(Add lines 16a, 16b, 16c, 17, 18, 19, and 20)*		$ 0	$ 89,076.35
22) Cash on Hand at End of Reporting Period *(For this Period, add lines 5 and 15 together, then subtract line 21)* *(For this Election Cycle, add lines 4 and 15 together, then subtract line 21)*		$ 21,661.91	$ 21,661.91
Additional Information			
23) Non-Monetary Gifts Given to Committees	(CRO-1330)	$ 0	
24) Outstanding Loans (including ones from other campaigns)	(CRO-1430)	$ 0	
25) Debts and Obligations owed BY the Committee	(CRO-1610)	$ 0	
26) Debts and Obligations owed TO the Committee	(CRO-1620)	$ 0	
27) Parent Entity's Administrative Support	(CRO-1710)	$ 0	
28) Account Transfers	(CRO-1720)	$ 0	

Disbursements

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign Committee	2209800

3. Type of Disbursement *(Please use separate CRO-1310 forms for each type of Disbursements.)*

☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

5. Total only this Page	$ 0
6. Total of ALL CRO-1310 Related Pages *(only show on last page)*	$

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Contributions from INDIVIDUALS

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign Committee	220980

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page	$ 0
5. Total of ALL CRO-1210 Pages *(only show on last page)*	$ 0

(This line must be on line 6 of Detailed Summary Page CRO-1100)

Contributions from POLITICAL PARTY COMMITTEES

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign Committee	22 09800

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$

g. If Amendment, choose change type: ☐ Add ☐ Delete — h. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$

g. If Amendment, choose change type: ☐ Add ☐ Delete — h. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$

g. If Amendment, choose change type: ☐ Add ☐ Delete — h. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$

g. If Amendment, choose change type: ☐ Add ☐ Delete — h. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$

g. If Amendment, choose change type: ☐ Add ☐ Delete — h. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$

g. If Amendment, choose change type: ☐ Add ☐ Delete — h. Election Cycle Sum to Date: $

4. Total only this Page	$
5. Total of ALL CRO-1220 Pages *(only show on last page)*	$

(This line must be on line 7 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign Committee	2209800

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

4. Total only this Page	$ 0
5. Total of ALL CRO-1230 Pages *(only show on last page)*	$ 0
(This line must be on line 8 of Detailed Summary Page CRO-1100)	

Disclosure Report Cover Sheet

Please note that this cover sheet cannot be used to amend committee information such as the committee address; treasurer, assistant treasurer, or custodian of books information; or depository information. You must amend the Statement of Organization (CRO-2100) to make those kinds of committee changes.

1. Name of Committee or Fund			6. Date
Committee to Elect Thomas E. Wright			1/29/04
2. Address			7. ID Number
P. O. Box 1654			2209800
3. City	4. State	5. Zip	8. Phone
Wilmington	NC	28402	1877/364-6586

9. Type of Report	10. Period Covered		11. Amendment
YEAR END Semi-ANNUAL	Start	7/30/03	☐ Yes
	End	12/30/03	☐ No

12. Type of Committee or Fund *(Check one)*

☑ Candidate Campaign ☐ Party ☐ Joint Fundraiser ☐ "Booster Fund"
☐ PAC ☐ Referendum ☐ Soft Money Account ☐ Building Fund
☐ Other Fund: _____

13. Treasurer Name

DARRYLE PARKER

14. Assistant Treasurer Name(s)

RECEIVED
FEB - 2 2004
N.C. BOARD OF ELECTIONS

15. Custodian of Books Name

16. Bank/Depository/Credit Account Information

a. Name	b. Purpose	c. Code	d. Period Begin Balance
Bank America	checking		$ 33,861.91
			$
			$
			$
			$
			$

CERTIFICATION

I certify that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Signature of Appointed Treasurer or Candidate — Date: 1/29/04

Detailed Summary

1. Name of Committee or Fund		2. Type of Report	3. ID Number
Committee to elect Thomas E. Wright		Year End Semi-Annual	209800
Start of Election Cycle: January 1, 20____		Total this Period	Total this Election Cycle
4) Cash on Hand at Start of Election Cycle			$ 19,131 91
5) Cash on Hand at Start of Present Reporting Period		$ 21,661 91	
RECEIPTS			
6) Contributions from Individuals	(CRO-1210)	$ 4,200 00	$ 46,975 53
7) Contributions from Political Party Committees	(CRO-1220)	$ ø	$ 28,225 53
8) Contributions from Other Political Committees	(CRO-1230)	$ 8,000 00	$ 34,750 00
9) Loan Proceeds	(CRO-1310)	$ ø	$ ø
10) Refunds and Reimbursements TO theCommittee	(CRO-1240)	$ ø	$ ø
11) Other Receipt Sources	(CRO-1250)		
11a) Interest on Bank Accounts	(CRO-1250)	$ ø	$ ø
11b) Contributions from Not-for-Profit Organizations	(CRO-1250)	$ ø	$ ø
11c) Outside Sources of Income	(CRO-1250)	$ ø	$ ø
12) "Goods and Services" Contributions	(CRO-1260)	$ ø	$ ø
13) Contributions based on Forgiven Loans	(CRO-1440)	$ ø	$ ø
14) 48-Hour Notice Reports Sum		$ ø	$ ø
15) TOTAL RECEIPTS *(Add lines 6, 7, 8, 9, 10, 11a, 11b, 11c, 12, 13, and 14)*		$ 12,200 00	$ 109,951 06
EXPENDITURES			
16) Disbursements	(CRO-1210)		
16a) Operating Expenditures	(CRO-1310)	$ ø	$ 82,826 35
16b) Contributions to Candidates/Political Committees	(CRO-1310)	$ ø	$ 2,250 00
16c) Coordinated Party Expenditures	(CRO-1310)	$ ø	$ 4,000 00
17) Loan Repayments	(CRO-1420)	$ ø	$ ø
18) Forgiven Loans	(CRO-1440)	$ ø	$ ø
19) Refunds and Reimbursements FROM the Committee	(CRO-1320)	$ ø	$ ø
20) In-Kind Contributions	(CRO-1510)	$ ø	$ ø
21) TOTAL EXPENDITURES *(Add lines 16a, 16b, 16c, 17, 18, 19, and 20)*		$ ø	$ 89,076 35
22) Cash on Hand at End of Reporting Period *(For this Period, add lines 5 and 15 together, then subtract line 21)* *(For this Election Cycle, add lines 4 and 15 together, then subtract line 21)*		$ 33,861 91	$ 33,861 91
Additional Information			
23) Non-Monetary Gifts Given to Committees	(CRO-1330)	$ ø	
24) Outstanding Loans (including ones from other campaigns)	(CRO-1430)	$ ø	
25) Debts and Obligations owed BY the Committee	(CRO-1610)	$ ø	
26) Debts and Obligations owed TO the Committee	(CRO-1620)	$ ø	
27) Parent Entity's Administrative Support	(CRO-1710)	$ ø	
28) Account Transfers	(CRO-1720)	$ ø	

Contributions from INDIVIDUALS

1. Name of Committee or Fund	2. ID Number
Committee to Elect Thomas K. Wright	2209800

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Linda V. Smith 220 Brascote Ln. Wilmington, NC 28412 910 793-4119		check	10/21/03	☐	☐	$ 125.00
	b. Job Title/Profession: Retired / Consultant				☐	☐	$
	c. Employer's Name/Specific Field: Business	j. If Amendment, choose change type: ☐ Add ☐ Delete			☐	☐	$
					☐	☐	$
							k. Election Cycle Sum to Date: $

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Mr. & Mrs. Bob McKoy 711 Valley Brook Rd. Wilmington, NC 28412 (910) 395-1430		check	10/30/03	☐	☐	$ 250.00
	b. Job Title/Profession: Pres. Wachovia				☐	☐	$
	c. Employer's Name/Specific Field: Network Realtime	j. If Amendment, choose change type: ☐ Add ☐ Delete			☐	☐	$
							k. Election Cycle Sum to Date: $

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Bradley J. Beverstle 3276 Camden Circle Wilmington, NC 28403 (910) 343-0505		check	10/30/03	☐	☐	$ 50.00
	b. Job Title/Profession: Sales				☐	☐	$
	c. Employer's Name/Specific Field: Real Estate	j. If Amendment, choose change type: ☐ Add ☐ Delete			☐	☐	$
							k. Election Cycle Sum to Date: $

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Linda A. Pearce 602 Wright St. Wilmington, NC 28401 (910) 763-0255		check	10/20/03	☐	☐	$ 25.00
	b. Job Title/Profession: Health Care				☐	☐	$
	c. Employer's Name/Specific Field: Eldercare Fee. Director	j. If Amendment, choose change type: ☐ Add ☐ Delete			☐	☐	$
							k. Election Cycle Sum to Date: $

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Beeth B. Todd 114 Mercer Ave Wilmington, NC. 28403 (910) 763-5943		check	10/21/03	☐	☐	$ 125.00
	b. Job Title/Profession: Educator				☐	☐	$
	c. Employer's Name/Specific Field: Retired	j. If Amendment, choose change type: ☐ Add ☐ Delete			☐	☐	$
							k. Election Cycle Sum to Date: $

4. Total only this Page	$ 575.00
5. Total of ALL CRO-1210 Pages *(only show on last page)*	$
(This line must be on line 6 of Detailed Summary Page CRO-1100)	

Contributions from INDIVIDUALS

1. Name of Committee or Fund: Committee to Elect Thomas E. Wright

2. ID Number: 2209800

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Ernest B. Fullwood P.O. Box 1557 Wilmington, NC 28402 (910) 256-3891		check	10/14/03	☐	☐	$ 250.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Judge				☐	☐	$
c. Employer's Name/Specific Field: Superior Court	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Alfred Thomas 4501 Prior Dr. #137 Wilmington, NC 28412 (910) 254-4690		check	10/20/03	☐	☐	$ 125.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: CFO				☐	☐	$
c. Employer's Name/Specific Field: New Hanover Community Health	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Abdul & Beverly Shareef 208 S. 13th Street Wilmington, NC 28401 (910) 763-0627		check	10/25/03	☐	☐	$ 100.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Carolyn F. Nowak 4229 Thursley Rd. Wilmington, NC 28412 (910) 395-1955		check	10/30/03	☐	☐	$ 250.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Sales				☐	☐	$
c. Employer's Name/Specific Field: Real Estate	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Allan R. Dameron 270-B Brunswick Ave, W. Holden Beach, NC 28462		check	10/29/03	☐	☐	$ 250.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Realtor				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

4. Total only this Page	$ 975.00
5. Total of ALL CRO-1210 Pages (only show on last page) *(This line must be on line 6 of Detailed Summary Page CRO-1100)*	$

Contributions from INDIVIDUALS

1. Name of Committee or Fund: committee to elect Thomas F. Wright

2. ID Number: 8209800

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	b. Job Title/Profession	c. Employer's Name/Specific Field	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount	j. If Amendment, choose change type:	k. Election Cycle Sum to Date
3. Contributor	S. R. Rudd JR. 210 Country Club Dr. Oak Island, NC 28465 910/278-[redacted]	Real Estate			check	10/30/03	☐	☐	$ 150.00	☐ Add ☐ Delete	$ 300.00
					check	11/30/03	☐	☐	$ 150.00		
							☐	☐	$		
							☐	☐	$		
3. Contributor	Winfred S. McCoy 117 Marshfield Dr. Wilmington, NC 28411	910 681-0508			check	10/29/03	☐	☐	$ 250.00	☐ Add ☐ Delete	$
							☐	☐	$		
							☐	☐	$		
							☐	☐	$		
3. Contributor	Linda J. Coite 4909 Shaftesbury Pl Wilmington, NC. 28409 (910) 392-5364	Sales Real Estate	Network Real Estate		check	10/30/03	☐	☐	$ 750.00	☐ Add ☐ Delete	$
							☐	☐	$		
							☐	☐	$		
							☐	☐	$		
3. Contributor	Kenneth & Shirley Weeden 4610 Bentley Dr. Wilmington, NC 28409 (910) 392-3592	Planning & Design Engineer	Weeden & Associates		check	10/30/03	☐	☐	$ 250.00	☐ Add ☐ Delete	$
							☐	☐	$		
							☐	☐	$		
							☐	☐	$		
3. Contributor	Dr. Roger L Grouse DDS 417 N. 7th Street Wilmington, NC 28401 (910) 762-5961	Dentist	Roger L Grouse DDS		check	10/30/03	☐	☐	$ 500.00	☐ Add ☐ Delete	$
							☐	☐	$		
							☐	☐	$		
							☐	☐	$		

4. Total only this Page: $ 2050.00

5. Total of ALL CRO-1210 Pages (only show on last page): $

(This line must be on line 6 of Detailed Summary Page CRO-1100)

Contributions from INDIVIDUALS

1. Name of Committee or Fund: Committee to Elect Thomas R. Wright

2. ID Number: 2209800

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	b. Job Title/Profession	c. Employer's Name/Specific Field	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount	j. If Amendment, choose change type:	k. Election Cycle Sum to Date
3. Contributor	Wilma a Windell Daniels 501 Edgewater Club Rd. Wilmington, NC 28405 (910) 686-9437	CEO & Director	Daniels Development		check	10/20/03	☐	☐	$ 250.00	☐ Add ☐ Delete	$
3. Contributor	Shirley M. Strongstaber 475 Hoover Rd. Hampstead, N.C. 28443 (910) 270-4697	Sales Exec.	Real Estate		check	11/5/03	☐	☐	$ 100.00	☐ Add ☐ Delete	$
3. Contributor	Paul D. Bowey 2528 Independence Blvd Suite Two Hundred Wilmington, NC. 28412 (910) 790-9901	Assoc CFO	Bowey Architects		check	11/12/03	☐	☐	$ 250.00	☐ Add ☐ Delete	$
3. Contributor							☐	☐	$	☐ Add ☐ Delete	$
3. Contributor							☐	☐	$	☐ Add ☐ Delete	$

4. Total only this Page: $ 600.00

5. Total of ALL CRO-1210 Pages (only show on last page): $ 4200.00

(This line must be on line 6 of Detailed Summary Page CRO-1100)

Contributions from POLITICAL PARTY COMMITTEES

1. Name of Committee or Fund	2. ID Number
committee to elect Thomas E. Wright	220980

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$

4. Total only this Page	$
5. Total of ALL CRO-1220 Pages *(only show on last page)* *(This line must be on line 7 of Detailed Summary Page CRO-1100)*	$ 0

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number
Committee to Elect Thomas K. Wright	22098 00

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
The GlaxoSmithKline PAC Five Moore Drive Research Triangle Park, NC 27709		check	8/30/03	☐	$ 1000 00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N. C. Nurses Association PAC		check	9/ /03	☐	$ 1000 00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Wilmington Anesthesiologists PA 1602 Physicians Dr ste, 104 Wilmington, NC 28401		check	10/20/03	☐	$ 4000 00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C RPAC #1 Hanover Place, Suite 109 Raleigh, N C 27601		check	10/13/03	☐	$ 500 00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Merck PAC 601 Pennsylvania Ave. NW North Building, Suite 1200 Washington, DC 20004		check	10/30/03	☐	$ 250 00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

4. Total only this Page	$ 6750 00
5. Total of ALL CRO-1230 Pages *(only show on last page)* *(This line must be on line 4 of Detailed Summary Page CRO-1100)*	$

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number
Committee to Elect Thomas K. Wright	2209800

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
AZ PAC 1800 Concord Pike PO Box 16438 Wilmington, DE 19850-5438		check	11/20/03	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☑ Federal ☐ State ☐ County: ____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NCNA PAC 968 Trinity Rd. Raleigh, NC 27607 (910) 816-9119		check	12/22/03	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: ____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
J.M. Family Enterprises Inc Political Action Committee 190 N.W. 12th Ave. Deerfield Beach Fl. 33442		check	12/22/03	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☑ Federal ☐ State ☐ County: ____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: ____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: ____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

4. Total only this Page	$ 1250.00
5. Total of ALL CRO-1230 Pages *(only show on last page)*	$ 8000.00
(This line must be on line 8 of Detailed Summary Page CRO-1100)	

Disbursements

1. Name of Committee or Fund	2. ID Number
Committee to Elect Thomas E. Wright	2209800

3. Type of Disbursement *(Please use separate CRO-1310 forms for each type of Disbursement)*

☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

5. Total only this Page $

6. Total of ALL CRO-1310 Related Pages *(only show on last page)* $

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disclosure Report Cover Sheet

Please note that this cover sheet cannot be used to amend committee information such as the committee address; treasurer, assistant treasurer, or custodian of books information; or depository information. You must amend the Statement of Organization (CRC-2100) to make those kinds of committee changes.

1. Name of Committee or Fund				6. Date
Thomas E. Wright, committee to Elect				4/26/04
2. Address				7. ID Number
P.O Box 1654				2209800
3. City	4. State	5. Zip		8. Phone
Wilmington	NC	28402		4-8773646585
9. Type of Report		10. Period Covered		11. Amendment
1st Quarter		Start End		☐ Yes ☐ No

12. Type of Committee or Fund (Check one)

☑ Candidate Campaign ☐ Party ☐ Joint Fundraiser ☐ "Booster Fund"
☐ PAC ☐ Referendum ☐ Soft Money Account ☐ Building Fund
☐ Other Fund:

13. Treasurer Name

14. Assistant Treasurer Name(s)

15. Custodian of Books Name

16. Bank/Depository/Credit Account Information

a. Name	b. Purpose	c. Code	d. Period Begin Balance
Bank America	checking		$ 42,461.94
			$
			$
			$
			$
			$

CERTIFICATION

I certify that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Thomas E. Wright
Signature of Appointed Treasurer or Candidate

4/26/04
Date

CRO-1000 NC State Board of Elections February 2002

RECEIVED
APR 26 2004

EXHIBIT
16E

Detailed Summary

1. Name of Committee or Fund		2. Type of Report	3. ID Number
Committee to elect Thomas E. Wright		First Quarter	2209800
Start of Election Cycle: January 1, 20__		Total this Period	Total this Election Cycle
4) Cash on Hand at Start of Election Cycle			$ 21,661 92
5) Cash on Hand at Start of Present Reporting Period		$ 33,861 92	
RECEIPTS			
6) Contributions from Individuals	(CRO-1210)	$ 1,100 92	$ 4200 00
7) Contributions from Political Party Committees	(CRO-1220)	$ 0	$ 0
8) Contributions from Other Political Committees	(CRO-1230)	$ 2,500 92	$ 8000 92
9) Loan Proceeds	(CRO-1410)	$ 0	$ 0
10) Refunds and Reimbursements TO the Committee	(CRO-1220)	$ 0	$ 0
11) Other Receipt Sources	(CRO-1430)		
11a) Interest on Bank Accounts	(CRO-1250)	$ 0	$ 0
11b) Contributions from Not-for-Profit Organizations	(CRO-1230)	$ 0	$ 0
11c) Outside Sources of Income	(CRO-1350)	$ 0	$ 0
12) "Goods and Services" Contributions	(CRO-1260)	$ 0	$ 0
13) Contributions based on Forgiven Loans	(CRO-1440)	$ 0	$ 0
14) 48-Hour Notice Reports Sum		$ 0	$ 0
15) TOTAL RECEIPTS *(Add lines 6, 7, 8, 9, 10, 11a, 11b, 11c, 12, 13, and 14)*		$ 42,461 92	$ 33,861 92
EXPENDITURES			
16) Disbursements	(CRO-1270)		
16a) Operating Expenditures	(CRO-4510)	$ 0	$ 0
16b) Contributions to Candidates/Political Committees	(CRO-4510)	$ 0	$ 0
16c) Coordinated Party Expenditures	(CRO-4520)	$ 0	$ 0
17) Loan Repayments	(CRO-1430)	$ 0	$ 0
18) Forgiven Loans	(CRO-1440)	$ 0	$ 0
19) Refunds and Reimbursements FROM the Committee	(CRO-1350)	$ 0	$ 0
20) In-Kind Contributions	(CRO-1510)	$ 0	$ 0
21) TOTAL EXPENDITURES *(Add lines 16a, 16b, 16c, 17, 18, 19, and 20)*		$ 0	$ 0
22) Cash on Hand at End of Reporting Period *(For this Period: add lines 5 and 15 together, then subtract line 21)* *(For this Election Cycle: add lines 4 and 15 together, then subtract line 21)*		$ 42,461 92	$ 33,861 92
Additional Information			
23) Non-Monetary Gifts Given to Committee	(CRO-1550)	$ 0	
24) Outstanding Loans (including loans from other campaigns)	(CRO-1430)	$ 0	
25) Debts and Obligations owed BY the Committee	(CRO-1810)	$ 0	
26) Debts and Obligations owed TO the Committee	(CRO-1810)	$ 0	
27) Parent Entity's Administrative Support	(CRO-1710)	$ 0	
28) Account Transfers	(CRO-1550)	$ 0	

Contributions from INDIVIDUALS

1. Name of Committee or Fund

2. ID Number

	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
3. Contributor	Rufus L. Edmisten 132 S. Salisbury Street Raleigh NC. 27601 919		check	3/5/04	☐	☐	$ 200.00
	b. Job Title/Profession: Attorney				☐	☐	$
	c. Employer's Name/Specific Field	f. If Amendment, choose change type: Add / Delete			☐	☐	$
					$	k. Election Cycle Sum to Date	
4. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Robert Charles Morrison 1833 Kings Landing Rd. Hampstead, NC. 28443 910 270-3683			3/19/04	☐	☐	$ 250.00
	b. Job Title/Profession: Consultant & Attorney				☐	☐	$
	c. Employer's Name/Specific Field	f. If Amendment, choose change type: Add / Delete			☐	☐	$
					$	k. Election Cycle Sum to Date	
5. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Roger W. Bone PO Box 28586 Raleigh, NC 27611 919 832-0207			2/25/04	☐	☐	$ 250.00
	b. Job Title/Profession: Lobbyist				☐	☐	$
	c. Employer's Name/Specific Field: Bone & Associates	f. If Amendment, choose change type: Add / Delete			☐	☐	$
					$	k. Election Cycle Sum to Date	
6. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Ernestine Dunham 1728 Wysong Ct. Raleigh, NC 27612 (919) 781-2749			2/25/04	☐	☐	$ 100.00
	b. Job Title/Profession: Manager				☐	☐	$
	c. Employer's Name/Specific Field: Secret Service Headquarters	f. If Amendment, choose change type: Add / Delete			☐	☐	$
					$	k. Election Cycle Sum to Date	
7. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	John B. McMillan 2230 Woodrow Dr. Raleigh, NC 27609 (919) 787-5699			2/25/04	☐	☐	$ 100.00
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	f. If Amendment, choose change type: Add / Delete			☐	☐	$
					$	k. Election Cycle Sum to Date	

4. Total only this Page $ 900.00

5. Total of ALL CRO-1210 Pages (last page) $

*This line must tie on line 6 of Detailed Summary Page CRO-1100

Contributions from INDIVIDUALS

1. Name of Committee or Fund							2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Timothy McDowell 908 Langford Rd Raleigh, NC 27609		check	2/25/04	☐	☐	$ 100.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
A. Hope Williams 718 Runnymead Rd. Raleigh, NC 27607 (919) 781-5467		check	2/25/04	☐	☐	$ 100.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession Gulf Restoration Director				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page	$ 200.00
5. Total of ALL CRO-1210 Pages (only enter on last page)	$ 1100.00

(This line might be on line 6 of Detailed Summary Page CRO-1180)

Contributions from OTHER POLITICAL COMMITTEES

Page 1 of 3

1. Name of Committee or Fund

2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC. R PAC #1 Hanover Place Suite 1109 Raleigh, NC 27601		check	3/5/04	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County:

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
PSNC Energy PAC 1312 Annapolis Dr. Suite 200 Raleigh NC 27608		check	2/25/04	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County:

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Assoc. Gen. Contrs of NC Carolinas PAC 226 Wimmerbrook Rd. Raleigh, NC 27609 (919) 848-3450		check	2/25/04	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County:

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
The NC. Financial Assoc. PAC PO Box 1949 Raleigh, NC 27602		check	2/25/04	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County:

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
United Transportation Union PAC 204 Forest Manor Dr. Garner, NC 27529		check	2/25/04	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County:

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

4. Total only this Page	$ 2000.00
5. Total of ALL CRO-1230 Pages (only show on last page)	$

* This line must be on line 8 of Detailed Summary Page CRO-1100

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund

2. ID Number

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	NC. Assoc. of Educators PAC 700 S. Salisbury St. Suite 228 NCAE Center Raleigh, NC 27611		check	2/25/04	☐	$ 2,000.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☑ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	N.C. Beer & Wine Wholesalers Assoc. PAC P.O. Box 25458 Raleigh, NC 27611 (919) 828-1161		check	2/25/04	☐	$ 6,000.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☑ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Bellsouth Employees NCPAC 1922 Bellsouth Plaza 300 South Brevard St. Charlotte, NC 28202		check	2/25/04	☐	$ 1000.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☑ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	R.J.R. Political Action Comm. 401 N. Main St. Winston-Salem, NC 27102		check	2/25/04	☐	$ 500.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☑ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	NC Assoc. of Nurse Anesthetists. PAC Greensboro NC.		check	2/25/04	☐	$ 250.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☑ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

4. Total only this Page	$ 7,750.00
5. Total of ALL CRO-1230 Pages (only shown on last page)	$

(Then give page number and Total(s) Summary Page CRO-1108)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund

2. ID Number

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Abbott Laboratories PAC 100 Abbott Park Rd. Abbott Park, IL 60064		check	2/20/04	☐	$ 250.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Office Pac - State 235 East 42nd street New York, NY 10017		check	2/25/04	☐	$ 500.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
					☐	$
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
					☐	$
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
					☐	$
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		

4. Total only this Page	$ 750.00
5. Total of ALL CRO-1230 Pages (only show on last page)	$ 7500.00

(This line must be equal to line K of Detailed Summary Page CRO-1100)

Contributions from POLITICAL PARTY COMMITTEES

1. Name of Committee or Fund

2. ID Number

	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
2. Contributor					☐	$
					☐	$
					☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date $		
1. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
					☐	$
					☐	$
					☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date $		
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
					☐	$
					☐	$
					☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date $		
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
					☐	$
					☐	$
					☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date $		
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
					☐	$
					☐	$
					☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date $		

4. Total only this Page $

5. Total of ALL CRO-1220 Pages (only show on last page) $

This line must be on the 7 of Detailed Summary Page CRO-1168

Disclosure Report Cover Sheet

Please note that this cover sheet cannot be used to amend committee information such as the committee address; treasurer, assistant treasurer, or custodian of books information; or depository information. You must amend the Statement of Organization (CRO-2100) to make those kinds of committee changes.

1. Name of Committee or Fund			5. Date
Thomas E. Wright Committee to Elect			July 12, 2004
2. Address			7. ID Number
P. O. Box 1654			2209800
3. City	4. State	6. Zip	8. Phone
Wilmington	NC	28402	1877 364 6585

9. Type of Report	10. Period Covered	11. Amendment
2nd Quarter	Start / End	☐ Yes ☐ No

12. Type of Committee or Fund (Check one)

☐ Candidate Campaign ☐ Party ☐ Joint Fundraiser ☐ "Booster Fund"
☐ PAC ☐ Referendum ☐ Soft Money Account ☐ Building Fund
☐ Other Fund:

13. Treasurer Name

14. Assistant Treasurer Name(s)

15. Custodian of Books Name

16. Bank/Depository/Credit Account Information

a. Name	b. Purpose	c. Code	d. Period Begin Balance
			$
			$
			$
			$
			$
			$

CERTIFICATION

I certify that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Signature of Appointed Treasurer or Candidate _____ Date _____

RECEIVED JUL 12 2004

Detailed Summary

1. Name of Committee or Fund	2. Type of Report	3. ID Number
Thomas F. Wright Campaign	2 Quarter	220980

Start of Election Cycle: January 1, 20___

		Total this Period	Total this Election Cycle
4) Cash on Hand at Start of Election Cycle:			$ 42,461.91
5) Cash on Hand at Start of Present Reporting Period		$ 42,461.91	
RECEIPTS			
6) Contributions from Individuals	(CRO-1220)	$	$ 5,300.00
7) Contributions from Political Party Committees	(CRO-1230)	$ 0	$ 0
8) Contributions from Other Political Committees	(CRO-1250)	$ 0	$ 15,500.00
9) Loan Proceeds	(CRO-1410)	$ 0	$ 0
10) Refunds and Reimbursements TO the Committee	(CRO-1240)	$ 0	$ 0
11) Other Receipt Sources	(CRO-1250)		
11a) Interest on Bank Accounts	(CRO-1250)	$ 0	$ 0
11b) Contributions from Not-for-Profit Organizations	(CRO-1250)	$ 0	$ 0
11c) Outside Sources of Income	(CRO-1250)	$ 0	$ 0
12) "Goods and Services" Contributions	(CRO-1260)	$ 0	$ 0
13) Contributions based on Forgiven Loans	(CRO-1440)	$ 0	$ 0
14) 48-Hour Notice Reports Sum		$ 0	$ 0
15) TOTAL RECEIPTS *(Add lines 6, 7, 8, 9, 10, 11a, 11b, 11c, 12, 13 and 14)*		$ 42,461.91	$ 42,461.91
EXPENDITURES			
16) Disbursements	(CRO-1210)		
16a) Operating Expenditures	(CRO-1310)	$ 0	$ 0
16b) Contributions to Candidates/Political Committees	(CRO-1910)	$ 0	$ 0
16c) Coordinated Party Expenditures	(CRO-1310)	$ 0	$ 0
17) Loan Repayments	(CRO-1470)	$ 0	$ 0
18) Forgiven Loans	(CRO-1440)	$ 0	$ 0
19) Refunds and Reimbursements FROM the Committee	(CRO-1320)	$ 0	$ 0
20) In-Kind Contributions	(CRO-1510)	$ 0	$ 0
21) TOTAL EXPENDITURES *(Add lines 16a, 16b, 16c, 17, 18, 19, and 20)*		$ 0	$ 0
22) Cash on Hand at End of Reporting Period *(For this Period, add lines 5 and 15 together, then subtract line 21)* *(For this Election Cycle, add lines 4 and 15 together, then subtract line 21)*		$ 42,461.91	$ 42,461.91
Additional Information			
23) Non-Monetary Gifts Given to Committees	(CRO-1530)	$ 0	
24) Outstanding Loans (Including ones from other campaigns)	(CRO-1430)	$ 0	
25) Debts and Obligations owed BY the Committee	(CRO-1610)	$ 0	
26) Debts and Obligations owed TO the Committee	(CRO-1620)	$ 0	
27) Parent Entity's Administrative Support	(CRO-1710)	$ 0	
28) Account Transfers	(CRO-1730)	$ 0	

Disbursements

1. Name of Committee or Fund: Thomas E. Wayne Campaign

2. ID Number: 220900

3. Type of Disbursement (Please use separate CRO-1310 Page for each type of Disbursement.)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp. for Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp. for Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp. for Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp. for Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp. for Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

5. Total only this Page: $

6. Total of ALL CRO-1310 Related Pages (only show on last page): $

(This line goes in line 16c of Detailed Summary Page CRO-1190 if Operating Expenses)
(This line goes in line 14b of Detailed Summary Page CRO-1199 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1199 if Coordinated Party Expenditures)

Contributions from INDIVIDUALS

1. Name of Committee or Fund	2. ID Number
Thomas E. Wright Campaign	22098 00

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
h. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page	$
5. Total of ALL CRO-1210 Pages (only shown on last page)	$

This line must be on line 6 of Detailed Summary Page CRO-1100

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund: Thomas E. Wright Campaign

2. ID Number: 2209800

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

4. Total only this Page: $

5. Total of ALL CRO-1230 Pages (only show on last page): $

(This line must be an End of Detailed Summary Page CRO-1108)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund: Thomas E. Wright Campaign

2. ID Number: 8209800

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)

b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
			☐	$
			☐	$
			☐	$
			☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County:

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

4. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)

b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
			☐	$
			☐	$
			☐	$
			☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County:

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

5. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)

b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
			☐	$
			☐	$
			☐	$
			☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County:

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

6. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)

b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
			☐	$
			☐	$
			☐	$
			☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County:

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

7. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)

b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
			☐	$
			☐	$
			☐	$
			☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County:

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

4. Total only this Page: $

5. Total of ALL CRO-1230 Pages (only show on last page): $

(This line must be on line A of Detailed Summary Page CRO-1100)

Contributions from POLITICAL PARTY COMMITTEES

1. Name of Committee or Fund: Thomas E. Wright Campaign

2. ID Number: 2209800

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
					☐	$
					☐	$
					☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date		$
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
					☐	$
					☐	$
					☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date		$
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
					☐	$
					☐	$
					☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date		$
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
					☐	$
					☐	$
					☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date		$
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
					☐	$
					☐	$
					☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date		$

4. Total only this Page: $

5. Total of ALL CRO-1220 Pages (only show on last page): $ 0

(This line must be on line 7 of Detailed Summary Page CRO-1180)

Disclosure Report Cover Sheet

Please note that this cover sheet cannot be used to amend committee information such as the committee address; treasurer, assistant treasurer, or custodian of books information; or depository information. You must amend the Statement of Organization (CRO-2100) to make those kinds of committee changes.

1. Name of Committee or Fund			5. Date
Thomas E Wright Campaign			10/25/04
2. Address			7. ID Number
P. O. Box 1654			220800
3. City	4. State	5. Zip	8. Phone
Wilmington	NC	28402	8772364585

9. Type of Report	10. Period Covered	11. Amendment
3rd Quarter Report	Start / End	☐ Yes ☐ No

12. Type of Committee or Fund (Check one)

☑ Candidate Campaign ☐ Party ☐ Joint Fundraiser ☐ "Booster Fund"
☐ PAC ☐ Referendum ☐ Soft Money Account ☐ Building Fund
☐ Other Fund:

13. Treasurer Name

14. Assistant Treasurer Name(s)

15. Custodian of Books Name

RECEIVED
OCT 25 2004
By: [illegible]
CAMPAIGN REPORTING

16. Bank/Depository/Credit Account Information

a. Name	b. Purpose	c. Code	d. Period Begin Balance
			$
			$
			$
			$
			$
			$

CERTIFICATION

I certify that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Signature of Appointed Treasurer or Candidate — Date: 10/25/04

Detailed Summary

1. Name of Committee or Fund	2. Type of Report	3. ID Number
Thomas Wyatt Carpenter	3 Quarterly	22097

Start of Election Cycle: January 1, 20____

		Total this Period	Total this Election Cycle
4) Cash on Hand at Start of Election Cycle			$ 21,667.91
5) Cash on Hand at Start of Present Reporting Period		$ 42,578.84	
RECEIPTS			
6) Contributions from Individuals	(CRO-1210)	$	$ 5,300.00
7) Contributions from Political Party Committees	(CRO-1220)	$	$
8) Contributions from Other Political Committees	(CRO-1230)	$ 10,650.00	$ 26,450.00
9) Loan Proceeds	(CRO-1410)	$	$
10) Refunds and Reimbursements TO the Committee	(CRO-1240)	$	$
11) Other Receipt Sources	(CRO-1310)		
11a) Interest on Bank Accounts	(CRO-1250)	$	$
11b) Contributions from Not-for-Profit Organizations	(CRO-1260)	$	$
11c) Outside Sources of Income	(CRO-1270)	$	$
12) "Goods and Services" Contributions	(CRO-1280)	$	$
13) Contributions based on Forgiven Loans	(CRO-1440)	$	$
14) 48-Hour Notice Reports Sum		$	$
15) TOTAL RECEIPTS *(Add lines 6, 7, 8, 9, 10, 11a, 11b, 11c, 12, 13, and 14)*		$ 53,111.91	$ 53,111.91
EXPENDITURES			
16) Disbursements	(CRO-1510)		
16a) Operating Expenditures	(CRO-1520)	$ 15,393.07	$
16b) Contributions to Candidates/Political Committees	(CRO-1530)	$	$
16c) Coordinated Party Expenditures	(CRO-1310)	$ 4,500.00	$
17) Loan Repayments	(CRO-1420)	$	$
18) Forgiven Loans	(CRO-1440)	$	$
19) Refunds and Reimbursements FROM the Committee	(CRO-1220)	$	$
20) In-Kind Contributions	(CRO-1310)	$	$
21) TOTAL EXPENDITURES *(Add lines 16a, 16b, 16c, 17, 18, 19, and 20)*		$ 15,393.07	$ 15,393.07
22) Cash on Hand at End of Reporting Period *(For this Period, add lines 5 and 15 together, then subtract line 21)* *(For this Election Cycle, add lines 4 and 15 together, then subtract line 21)*		$ 37,818.84	$ 37,818.84
Additional Information			
23) Non-Monetary Gifts Given to Committee	(CRO-1350)	$	
24) Outstanding Loans (including ones from other campaigns)	(CRO-1430)	$	
25) Debts and Obligations owed BY the Committee	(CRO-1610)	$	
26) Debts and Obligations owed TO the Committee	(CRO-1490)	$	
27) Parent Entity's Administrative Support	(CRO-1710)	$	
28) Account Transfers	(CRO-1920)	$	

Page 1 of 5

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund: Thomas Wright Campaign

2. ID Number: 2207800

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
3. Contributor	Manufactured Housing PAC PO Box 58648 Raleigh NC 27658		check	2/2/04	☐	$ 500.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
3. Contributor	NC Trucking Assoc PAC PO Box 2977 Raleigh, NC 27602		check	7/31/04	☐	$ 250.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
3. Contributor	Kona Org PAC 2522 Tarheel Blvd. Durham, NC 27713		check	8/15/04	☐	$ 250.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
3. Contributor	Credit Union PAC Greensboro NC.		check	8/20/04	☐	$ 250.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
3. Contributor	Smithfield's Inc PAC 49 Park Ave. 5th Floor New York, NY 10022		check	8/20/04	☐	$ 500.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

4. Total only this Page	$ 1750
5. Total of ALL CRO-1230 Pages (only show on last page)	$

(This line must be on Line 4 of Detailed Summary Page CRO-1100)

Page 3 of 5

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund: Thomas Wright Campaign

2. ID Number: 22 07800

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
A2 PAC 1800 Concord Pike Wilmington, DE 19850		check	9/29/04	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County:
h. If Amendment, choose change type: ☐ Add ☐ Delete
i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
[illegible] Nova Star NC Long Term Care PAC 4010 Barrett Dr Raleigh NC 27609		check	8/23/04	☐	$ 200.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County:
h. If Amendment, choose change type: ☐ Add ☐ Delete
i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
MCI Employees PAC 6 Concourse Pkwy NE Atlanta GA.		check	8/25/04	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County:
h. If Amendment, choose change type: ☐ Add ☐ Delete
i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County:
h. If Amendment, choose change type: ☐ Add ☐ Delete
i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County:
h. If Amendment, choose change type: ☐ Add ☐ Delete
i. Election Cycle Sum to Date: $

4. Total only this Page	$ 950.00
5. Total of ALL CRO-1230 Pages (only show on last page)	$

(This line must be on line 8 of Detailed Summary Page CRO-1160)

Page 2 of 5

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund: Thomas Wright Campaign

2. ID Number: 220980

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
3. Contributor	Pepsico PAC White Plains, NY 10604		check	9/25/04	☐	$ 500.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Total to Date	$	
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	FCB combined PAC PO Box 27131. Raleigh, NC 27611		check	9/31/04	☐	$ 200.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Total to Date	$	
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Allstate Insurance PAC 2775 Sanders Rd. suite A5 Northbrook, IL 60062		check	9/31/04	☐	$ 250.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Total to Date	$	
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
					☐	$
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Total to Date	$	
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
					☐	$
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Total to Date	$	

4. Total only this Page: $ 950.00

5. Total of ALL CRO-1230 Pages (only show on last page): $

(This total must be transferred to Line 6 of Detailed Summary Page CRO-1168)

Contributions from OTHER POLITICAL COMMITTEES

Page 4 of 5

1. Name of Committee or Fund | 2. ID Number

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
3. Contributor	NC Poultry Federation 4020 Rapvette Dr. Suite 102 Raleigh, NC 27609		check	8/09/04	☐	$ 500.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date	$
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	AT&T PAC 32 Ave. of the Americas New York, NY 10013		check	8/04/04	☐	$ 500.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date	$
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Kennedy Covington, Lobdell & Hickman LLC PAC acct. 4131 Fayetteville Street Mall Raleigh, NC 27601		check	8/13/04	☐	$ 500.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date	$
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Duke Energy Corp. PAC 422 S. Church Street Charlotte, NC 28202		check	8/18/04	☐	$ 500.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date	$
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	NC Academy of Trial Lawyers PAC PO Box 10918 Raleigh, NC 27605		check	8/20/04	☐	$ 500.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date	$

4. Total only this Page	$ 2500.00
5. Total of ALL CRO-1230 Pages (only show on last page)	$

(This line must be on line 3 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

Page 5 of 5

1. Name of Committee or Fund: Friends of Dan Wright Campaign Committee
2. ID Number: 2209800

3. Contributor (Name, Mailing Address & Phone)	a. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Progress Energy PAC PO Box 1510 Raleigh, NC 27601		check	8/13/04	☐	$ 4000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County
h. If Amendment, choose change type: ☐ Add ☐ Delete
i. Election Cycle Sum to Date: $

3. Contributor (Name, Mailing Address & Phone)	a. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Wilmington Anesthesiologist PAC 1602 Physicians Dr. 104 Wilmington, NC 28401		check	9/10/04	☐	$ 2,000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County
h. If Amendment, choose change type: ☐ Add ☐ Delete
i. Election Cycle Sum to Date: $

3. Contributor (Name, Mailing Address & Phone)	a. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C. Veterinary Medical Assoc. PAC 1611 Jones Franklin Rd. Raleigh, NC 27606		check	9/05/04	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County
h. If Amendment, choose change type: ☐ Add ☐ Delete
i. Election Cycle Sum to Date: $

3. Contributor (Name, Mailing Address & Phone)	a. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C. Dental PAC PO Box 4889 Cary, NC 27519		check	9/13/04	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County
h. If Amendment, choose change type: ☐ Add ☐ Delete
i. Election Cycle Sum to Date: $

3. Contributor (Name, Mailing Address & Phone)	a. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
REAP PAC P.O. Box 26966 Raleigh, NC 27611		check	9/20/04	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County
h. If Amendment, choose change type: ☐ Add ☐ Delete
i. Election Cycle Sum to Date: $

4. Total only this Page	$ 4,500.00
5. Total of ALL CRO-1230 Pages (only show on last page)	$ 10,650.00

Page 1 of 3

Disbursements

1. Name of Committee or Fund: Thomas White Campaign

2. ID Number: 2209800

Type of Disbursement: ☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. for Cand/Comm:	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
4. Payee	Julia Salter Wilmington, NC 28401			pollworker		check	7/20/04	$100.00
4. Payee	Deban Stokes Wilmington, NC 28401			pollworker		check	7/20/04	$100.00
4. Payee	James Toadvine Wilmington, NC 28401			pollworker		check	7/20/04	$100.00
4. Payee	Juanita Whitaker Wilmington, NC 28401			pollworker		check	7/20/04	$100.00
4. Payee	Port City Signworks 1703 castle Street Wilmington, NC 28401			yard signs			9/16/04	$1,373.00

If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Exp. To Date: $

5. Total only this Page: $1,773.00

6. Total of ALL CRO-1318 Related Pages (only show on last page): $

(This line goes to line 14a of Detailed Summary Page CRO-1180 if Operating Expenses)
(This line goes to line 14b of Detailed Summary Page CRO-1180 if Contrib to Candidates/Political Comm)
(This line goes to line 14c of Detailed Summary Page CRO-1180 if Coordinated Party Expenditures)

Page 2 of 3

Disbursements

1. Name of Committee or Fund: Turner Wyatt Campaign

2. ID Number: 220800

3. Type of Disbursement: ☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: Full Name, Mailing Address & Phone (include city, state, and zip)	c. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
AT&T Mobile Service Louisville Ky. 40290	phone service		check	9/15/04	$ 103.82
					$
					$

b. If Contribution to County Committee, specify: c. If Coordinated Party Exp, list Cand/Comm:

i. If Amendment, choose change type: ☐ Add ☐ Delete

j. Election Cycle Sum To Date: $

4. Payee: Full Name, Mailing Address & Phone (include city, state, and zip)	c. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Bell South Po Box 33009 Charlotte, NC 28243	phone service		check	9/16/04	$ 326.85
					$
					$

b. If Contribution to County Committee, specify: c. If Coordinated Party Exp, list Cand/Comm:

i. If Amendment, choose change type: ☐ Add ☐ Delete

j. Election Cycle Sum To Date: $

4. Payee: Full Name, Mailing Address & Phone (include city, state, and zip)	c. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
N.H.C. Democrat Party 2421 Willshire Ave Wilmington, NC 28402	rally August		check	9/11/04	$ 1,500
					$
					$

b. If Contribution to County Committee, specify: c. If Coordinated Party Exp, list Cand/Comm:

i. If Amendment, choose change type: ☐ Add ☐ Delete

j. Election Cycle Sum To Date: $

4. Payee: Full Name, Mailing Address & Phone (include city, state, and zip)	c. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Kinkos Printing Okendaga Dr. Wilmington, NC 28405	printing			10/8/04	$ 340.00
					$
					$

b. If Contribution to County Committee, specify: c. If Coordinated Party Exp, list Cand/Comm:

i. If Amendment, choose change type: ☐ Add ☐ Delete

j. Election Cycle Sum To Date: $

4. Payee: Full Name, Mailing Address & Phone (include city, state, and zip)	c. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Rendon Post News Burgaw NC	advertising			10/22/04	$ 1120
					$
					$

b. If Contribution to County Committee, specify: c. If Coordinated Party Exp, list Cand/Comm:

i. If Amendment, choose change type: ☐ Add ☐ Delete

j. Election Cycle Sum To Date: $

5. Total only this Page: $ 5,520.67

6. Total of ALL CRO-1310 Related Pages (only show on last page): $

(This line goes to line 14a of Detailed Summary Page CRO-1100 (Operating Expenses))
(This line goes to line 14b of Detailed Summary Page CRO-1100 (Contrib to Candidates/Political Comm))
(This line goes to line 14c of Detailed Summary Page CRO-1100 (Coordinated Party Expenditures))

Disbursements

1. Name of Committee or Fund: Thomas Wright Campaign

2. ID Number: 220780

3. Type of Statement: Quarterly Report; Contributions to Candidate/Political Committees; Contributions to Party Executive Committees; Contributions to Political Action Committees; Contributions to Referendum Committees; Contributions to Independent Expenditure Committees; Contributions to Political Party Committees; Contributions to Coordinated Party Expenditures

4. Page	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. for Cand/Comm:	d. Purpose	e. Amount Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount	i. If Amendment, choose change type: Add / Delete	j. Election Cycle Year To Date
4. Page	WWAY - TV 3 Wilmington NC 28401			Advertisement		check	6/17/04	$1,020.00		
4. Page	Cumulus Broadcasting Wilmington, NC 28402			Advertisement		check	6/28/04	$5,309.20		
4. Page	WWAY - TV 3 Wilmington, NC 28401			Advertisement		check	7/9/04	$1,150.00		
4. Page	River Landing Golf Club Wallace NC			[redacted]		check	9/12/04	$2,512.80		
4. Page	Glenn Stokes Wilmington, NC 28401			Pollworker		check	7/20/04	$100.00		

5. Total only this Page: $10,091.80

6. Total of ALL CBO-1318 Related Pages (only shown on last page): $15,329.07

(This line goes in line 14a of Detailed Summary Page CBO-1100 if Quarterly Expenses)
(This line goes in line 14b of Detailed Summary Page CBO-1100 if Contrib to Committees/Political Comm)
(This line goes in line 14c of Detailed Summary Page CBO-1100 if Coordinated Party Expenditures)

Disclosure Report Cover Sheet

Please note that this cover sheet cannot be used to amend committee information such as the committee address; treasurer, assistant treasurer, or custodian of books information; or depository information. You must amend the Statement of Organization (CRO-2100) to make those kinds of committee changes.

1. Name of Committee or Fund			6. Date
Thomas E. Wright Campaign			1/10/05
2. Address			7. ID Number
PO Box 1654			2209800
3. City	4. State	5. Zip	8. Phone
Wilmington [redacted]	NC	28402	(877) 364-6588

9. Type of Report	10. Period Covered	11. Amendment
4th Quarter Report	Start 10/25/04	☐ Yes
	End 12/31/04	☐ No

12. Type of Committee or Fund (Check one)

- ☑ Candidate Campaign
- ☐ PAC
- ☐ Other Fund: _____
- ☐ Party
- ☐ Referendum
- ☐ Joint Fundraiser
- ☐ Soft Money Account
- ☐ "Booster Fund"
- ☐ Building Fund

13. Treasurer Name

14. Assistant Treasurer Name(s)

RECEIVED JAN 12 2005

15. Custodian of Books Name

16. Bank/Depository/Credit Account Information

a. Name	b. Purpose	c. Code	d. Period Begin Balance
			$
			$
			$
			$
			$
			$

CERTIFICATION

I certify that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Signature of Appointed Treasurer or Candidate

1/10/05
Date

Detailed Summary

1. Name of Committee or Fund	2. Type of Report	3. ID Number
Thomas Wright Campaign	4th Quarter	2209800

Start of Election Cycle: January 1, 20____		Total this Period	Total this Election Cycle
4) Cash on Hand at Start of Election Cycle			$21,661.92
5) Cash on Hand at Start of Present Reporting Period		$37,818.84	
RECEIPTS			
6) Contributions from Individuals	(CRO-1210)	$ 2,150.00	$ 7,450.00
7) Contributions from Political Party Committees	(CRO-1220)	$ 0	$ 0
8) Contributions from Other Political Committees	(CRO-1230)	$ 25,250.00	$ 35,900.00
9) Loan Proceeds	(CRO-1310)	$ 0	$ 0
10) Refunds and Reimbursements TO theCommittee	(CRO-1240)	$ 0	$ 0
11) Other Receipt Sources	(CRO-1250)		
11a) Interest on Bank Accounts	(CRO-1250)	$ 0	$ 0
11b) Contributions from Not-for-Profit Organizations	(CRO-1250)	$ 0	$ 0
11c) Outside Sources of Income	(CRO-1250)	$ 0	$ 0
12) "Goods and Services" Contributions	(CRO-1260)	$ 0	$ 0
13) Contributions based on Forgiven Loans	(CRO-1440)	$ 0	$ 0
14) 48-Hour Notice Reports Sum		$ 0	$ 0
15) TOTAL RECEIPTS *(add lines 6, 7, 8, 9, 10, 11a, 11b, 11c, 12, 13, and 14)*		$ 65,218.84	$ 65,218.84
EXPENDITURES			
16) Disbursements	(CRO-1310)		
16a) Operating Expenditures	(CRO-1310)	$ 19,720.01	$ [illegible]
16b) Contributions to Candidates/Political Committees	(CRO-1310)	$ 0	$ 0
16c) Coordinated Party Expenditures	(CRO-1310)	$ 1,500.00	$ 3,000.00
17) Loan Repayments	(CRO-1420)	$ 0	$ 0
18) Forgiven Loans	(CRO-1440)	$ 0	$ 0
19) Refunds and Reimbursements FROM the Committee	(CRO-1320)	$ 0	$ 0
20) In-Kind Contributions	(CRO-1510)	$ 0	$ 0
21) TOTAL EXPENDITURES *(add lines 16a, 16b, 16c, 17, 18, 19, and 20)*		$ 21,220.01	$ 21,220.01
22) Cash on Hand at End of Reporting Period *(For this Period, add lines 5 and 15 together, then subtract line 21)* *(For this Election Cycle, add lines 4 and 15 together, then subtract line 21)*		$ 43,948.83	$ 43,948.83
Additional Information			
23) Non-Monetary Gifts Given to Committees	(CRO-1330)	$ 0	
24) Outstanding Loans (including ones from other campaigns)	(CRO-1430)	$ 0	
25) Debts and Obligations owed BY the Committee	(CRO-1610)	$ 0	
26) Debts and Obligations owed TO the Committee	(CRO-1620)	$ 0	
27) Parent Entity's Administrative Support	(CRO-1710)	$ 0	
28) Account Transfers	(CRO-1720)	$ 0	

Disbursements

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign	220980

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursements.)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Kinko's Printing Wilmington, NC	copying services		check	10/04	$ 478.30
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete
j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
New Hanover Democratic Party	Banquet tickets		check	10/04	$ 1,500.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete
j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Cingular Wireless Charlotte, NC	cellphone service		check	10/04	$ 206.30
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete
j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
WWAY TV-3 PO Box 2068 Wilmington, NC 28402	Advertising		check	10/04	$ 1,020.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete
j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
WWAY TV-3 PO Box 2068 Wilmington, NC 28402	Advertising		check	10/04	$ 255.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete
j. Election Cycle Sum To Date $

5. Total only this Page	$ 3,459.80
6. Total of ALL CRO-1310 Related Pages (only show on last page)	$

(This line goes in line 16a of Detailed Summary Page CRO-1100 If Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disbursements

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign	

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursements.)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (Include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Pender Post Burgaw, NC.	advertisment		check	10/04	$ 630 00
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete				j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (Include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Pender County Board of Elections Burgaw, NC	voters list		check	10/04	$ 25 00
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete				j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (Include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Snap Dragon Printing N Screening. 1316 Dock St. Wilm. NC	advertisment		check	10/04	$ 3,183 28
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete				j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (Include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
United House of Prayer 1220 Dawson St. Wilmington, NC 28401	meals election day		check	11/2/04	$ 247 00
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete				j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (Include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Carolyn Smith Wilmington, NC 28405	collumnation			11/2/04	$ 100 00
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete				j. Election Cycle Sum To Date $

5. Total only this Page $ 4,185 28

6. Total of ALL CRO-1310 Related Pages (only show on last page) $

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disbursements

1. Name of Committee or Fund	2. ID Number

3. Type of Disbursement *(Please use separate CRO-1310 forms for each type of Disbursements.)*
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Pamela Alexander Wilmington NC	pollworker		check	11/2/04	$ 100.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Harry Jones Wilmington, NC	pollworker		check	11/2/04	$ 100.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Gloria Stokes Wilmington, NC 28401	pollworker		check	11/2/04	$ 300.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Debra Stokes Wilmington NC 28401	pollworker		check	11/2/04	$ 100.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Nora Batts Wilmington, NC 28401	pollworker		check	11/2/04	$ 100.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

5. Total only this Page	$ 700.00
6. Total of ALL CRO-1310 Related Pages *(only show on last page)*	$

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disbursements

1. Name of Committee or Fund	2. ID Number

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursements.)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Flossie Murry Wilmington, NC	pollworker		check	11/2/04	$ 100.00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Gwendolyn Watkins Wilmington, NC	pollworker		check	11/2/04	$ 100.00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
TYRALL QUARTERMAN Wilmington NC	pollworker		check	11/2/04	$ 100.00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Juanita Whitaker wilmington NC	pollworker		check	11/2/04	$ 100.00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Judy Davis Wilmington, NC	pollworker		check	11/2/04	$ 100.00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	$

5. Total only this Page	$ 500.00
6. Total of ALL CRO-1310 Related Pages (only show on last page) *(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)* *(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)* *(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)*	$

Disbursements

1. Name of Committee or Fund	2. ID Number

3. Type of Disbursement *(Please use separate CRO-1310 forms for each type of Disbursements.)*
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Cozette Stokes Wilmington, NC	pollworker		check	11/2/04	$ 100.00
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
James Alexander Wilmington, NC	pollworker		check	11/2/04	$ 100.00
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
James Jordan Wilmington NC	pollworker		check	11/2/04	$ 100.00
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Will Foreden Wilmington, NC.	pollworker		check	11/2/04	$ 100.00
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Chester Taylor	pollworker		check	11/2/04	$ 100.00
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

5. Total only this Page	$ 500.00
6. Total of ALL CRO-1310 Related Pages *(only show on last page)* *(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)* *(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)* *(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)*	$

Disbursements

1. Name of Committee or Fund

2. ID Number

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursements.)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Gary Hankins Wilmington, NC.	pollworker		check	11/2/04	$ 100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:

i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Stephanie Stokes Wilmington NC	pollworker		check	11/2/04	$ 100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:

i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Teresa Cobbs Wilmington, NC	pollworker		check	11/2/04	$ 100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:

i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Kendra Hill Wilmington, NC	pollworker		check	11/2/04	$ 100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:

i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Robert Green Wilmington, NC	pollworker		check	11/2/04	$ 100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:

i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

5. Total only this Page $ 500.00

6. Total of ALL CRO-1310 Related Pages (only show on last page) $

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disbursements

1. Name of Committee or Fund	2. ID Number

3. Type of Disbursement *(Please use separate CRO-1310 forms for each type of Disbursements.)*
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Deborah Sprewill Wilmington, NC	pollworker		check	11/2/04	$ 100 00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm: | i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Angela Redd Wilmington NC	pollworker		check	11/2/04	$ 100 00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm: | i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Julia Salter Wilmington, NC	pollworker		check	11/2/04	$ 100 00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm: | i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Pearline Watkins Wilmington, NC	pollworker		check	11/2/04	$ 100 00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm: | i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Erica Smith Wilmington, NC	pollworker		check	11/2/04	$ 100 00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm: | i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

5. Total only this Page	$ 500 00
6. Total of ALL CRO-1310 Related Pages *(only show on last page)*	$

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disbursements

1. Name of Committee or Fund

2. ID Number

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursements.)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
Cummulis Broadcasting Wilmington, NC 28401			advertisement		check	10/04	$4,760.00		$
Swamp Dragon Screen Paint 1220 Dock Street Wilmington, NC 28401			advertisment		check	10/04	$280.34		$
Custom Mail Solutions Raleigh, NC 27605			printing + mailing		check	10/04	$3,593.50		$
Alphagraphics Wilmington NC			printing		check	10/04	$79.54		$

5. Total only this Page $ 8,713.38

6. Total of ALL CRO-1310 Related Pages (only show on last page) $ 21,270.91

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disbursements

1. Name of Committee or Fund

2. ID Number

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursements.)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Antwuan Hicks Long Creek. NC	pollworker		check	11/2/04	$ 100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Willie Mae Bordeaux Currie NC	pollworker		check	11/2/04	$ 100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Port City Sign Works Cape Fear Street Wilmington, NC 28401	Advertisement Signs		check	11/10/04	$ 401.25
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Bernard Morgan Wilmington, NC.	Communications Services		check	11/10/04	$ 400.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Port City Sign Works Wilmington, NC	advertising		check	11/5/04	$ 1,218.50
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

5. Total only this Page	$ 2,219.75
6. Total of ALL CRO-1310 Related Pages (only show on last page)	$

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Contributions from INDIVIDUALS

1. Name of Committee or Fund: Thomas Wright Campaign

2. ID Number:

a. Full Name, Mailing Address & Phone (include city, state, & zip)	b. Job Title/Profession	c. Employer's Name/Specific Field	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount	j. If Amendment, choose change type:	k. Election Cycle Sum to Date
1 Contributor: Nancy Naddock 2813 Wrightsville Ave Wilmington NC 28403	Retired			check	10/04	☐	☐	$ 100 00	☐ Add ☐ Delete	$
2 Contributor: Marsh Fretwell 6320 Head Rd. Wilmington NC 28409	M.D.			check	10/04	☐	☐	$ 100 00	☐ Add ☐ Delete	$
3 Contributor: Cleveland Simpson 12360 NC Hwy 210 E. Rocky Point, NC 28457				check	10/04	☐	☐	$ 250 00	☐ Add ☐ Delete	$
4 Contributor: Faye Brock 4725 Wedgefield Dr. Wilmington, NC 28409	Realtor			check	11/04	☐	☐	$ 500 00	☐ Add ☐ Delete	$
5 Contributor: Stephen Jacobs 104 Live Oak Ln. Wilmington, NC 28411	Automobile Dealer			check	11/04	☐	☐	$ 250 00	☐ Add ☐ Delete	$

4. Total only this Page: $ 1200 00

5. Total of ALL CRO-1210 Pages (only show on last page): $

(This line must be on line 6 of Detailed Summary Page CRO-1100)

CONTRIBUTIONS FROM INDIVIDUALS

1. Name of Committee or Fund: Thomas Wright Campaign

2. ID Number: 220980

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	b. Job Title/Profession	c. Employer's Name/Specific Field	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount	j. If Amendment, choose change type:	k. Election Cycle Sum to Date
1	Charles WARREN PO Box 3891 Wilmington NC				check	10/04	☐	☐	$ 200.00	☐ Add ☐ Delete	$
2	Robert Cutting P.O Box 20002 Wilmington NC 28407		Attny		check	10/04	☐	☐	$ 100.00	☐ Add ☐ Delete	$
3	Judy Rawls 10220 US Hwy 117 N. Willard NC 28478				check	10/04	☐	☐	$ 100.00	☐ Add ☐ Delete	$
4	S.T. Blanton, JR 5030 Willard Rd. Willard, NC 28478				check	10/04	☐	☐	$ 100.00	☐ Add ☐ Delete	$
5	Jerry Lee Robinson 506 Tuxedo Lane Peachtree City GA. 30269				check	10/04	☐	☐	$ 250.00	☐ Add ☐ Delete	$

4. Total only this Page: $ 750.00

5. Total of ALL CRO-1210 Pages (only show on last page): $

(This line must be on line 6 of Detailed Summary Page CRO-1100)

Contributions from INDIVIDUALS

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign	22098D

3. Contributor

a. Full Name, Mailing Address & Phone (Include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Joyce Binkley 506 Tanbridge Rd. Wilmington, NC 28405		check	11/04	☐	☐	$ 100.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession Retired				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (Include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Jimbo Robbins 185 Raccoon Rd Willard, NC 28478		check	10/04	☐	☐	$ 100.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (Include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (Include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (Include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page	$ 200.00
5. Total of ALL CRO-1210 Pages *(only show on last page)*	$ 2150.00

(This line must be on line 6 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund: Thomas Wright Campaign

2. ID Number:

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Jim Black Campaign Fund 114 Tryon St. Charlotte, NC 28202		check	10/04	☐	$ 4000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County:
h. If Amendment, choose change type: ☐ Add ☐ Delete
i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
JM Family Enterprises Inc PAC. 111 Jim Moran Blvd. Deerfield Beach Fla. 33442		check	10/04	☐	$ 1,000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County:
h. If Amendment, choose change type: ☐ Add ☐ Delete
i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NCCAPAC 333 Fayetteville St mall. Raleigh, NC 27601		check	10/04	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County:
h. If Amendment, choose change type: ☐ Add ☐ Delete
i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
AIA - PAC 115 W. Morgan St Raleigh, NC 27601		check	10/04	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County:
h. If Amendment, choose change type: ☐ Add ☐ Delete
i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C. Outdoor Advertising Assoc. PAC. 5 W. Hargett St. Rm 310 Raleigh, NC 27601		check	10/04	☐	$ 300.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County:
h. If Amendment, choose change type: ☐ Add ☐ Delete
i. Election Cycle Sum to Date: $

4. Total only this Page: $ 6,300.00

5. Total of ALL CRO-1230 Pages *(only show on last page)*: $

(This line must be on line 8 of Detailed Summary Page (CRO-1100))

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund

2. ID Number

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Credit Union PAC Greensboro, NC		check	10/04	☐	$ 250.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Dominion PAC PO Box 26666 Richmond, VA 23261		check	10/04	☐	$ 200.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C. Hospital Assoc. PAC P.O. Box 4449 Cary NC 27519		check	10/04	☐	$ 1,000.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Medical Society PAC PO Box 25834 Raleigh NC 27611				☐	$ 1,000.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Re-Elect Sid Causey 1120 Upper Reach DR Wilmington, NC 28409		check	10/04	☐	$ 300.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

4. Total only this Page	$ 2,750.00
5. Total of ALL CRO-1230 Pages *(only show on last page)* *(This line must be on line 8 of Detailed Summary Page CRO-1100)*	$

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign	22098800

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Wachovia N.C. Employees Good Govt. Fund.		check	10/04	☐	$ 750.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☑ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C Poultry Federation PAC 4020 Barrett Dr. #102 Raleigh NC 27609		check	10/04	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☑ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Wyeth Good Govt Fund Madison, NJ. 07940		check	10/04	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☑ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C. Beer & Wine Wholesalers PAC 210 Person St Raleigh, NC 27611		check	10/04	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Nationwide PAC one Nationwide Plaza Columbus Oh. 43215		check	11/04	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☑ State ☐ County:	☐ Add ☐ Delete	$

4. Total only this Page	$ 2,250.00
5. Total of ALL CRO-1230 Pages (only show on last page)	$
(This line must be on line 8 of Detailed Summary Page CRO-1100)	

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
CSX Corp Govt. Fund 1331 Pennsylvania Ave. NW Washington, DC 20004		check	10/04	☐	$ 250 00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Hunton & Williams N.C. PAC P.O. Box 109 Raleigh, NC 27602		check	10/04	☐	$ 250 00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Landscape Architats PAC PO Box 221256 Charlotte, NC 28222		check	10/04	☐	$ 250 00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Southeastern Radiology PAC 1329 Robeson St. Fayetteville, NC. 28305		check	10/04	☐	$ 2000 00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Eli Lilly & CO PAC Indianapolis IN 46285		check	10/04	☐	$ 300 00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

4. Total only this Page	$ 3050 00
5. Total of ALL CRO-1230 Pages *(only show on last page)*	$
(This line must be on line 8 of Detailed Summary Page CRO-1100)	

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Engineers for Better Govt. 111 N Boylan Ave Raleigh, NC 27603		check	11/04	☐	$ 400.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☑ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C. AHU PAC PO Box 38905 Greensboro, NC 27438		check	11/04	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☑ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Assoc. of Convenience Stores PAC PO Box 286 Raleigh, NC 27602		check	11/04	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☑ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
The Glaxo-Smith Kline PAC Five Moore Drive Research Triangle Park NC 27709		check	10/04	☐	$ 1,500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☑ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
BCBS of NC PAC PO Box 2291 Durham, NC 27702		check	10/04	☐	$ 750.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☑ State ☐ County:	☐ Add ☐ Delete	$

4. Total only this Page	$ 3650.00
5. Total of ALL CRO-1230 Pages *(only show on last page)* *(This line must be on line 8 of Detailed Summary Page CRO-1100)*	$

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C. Amusement Machine Assoc PAC 3200 Croasdaile Dr #603 Durham, NC 27705		check	10/04	☐	$250.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Drive Committee PAC 25 Louisiana Ave NW Washington DC 20001		check	11/04	☐	$250.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☑ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Pill PAC 702 N. Person St. Raleigh, NC 27604		check	11/04	☐	$500.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Assoc. Insurance & Financial Advisors PAC 875 Washington St. Raleigh NC 27605		check	11/04	☐	$500.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Bank of America PAC 600 Peachtree St. Atlanta, GA 30308		check	10/04	☐	$1,000.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

4. Total only this Page	$2,500.00
5. Total of ALL CRO-1230 Pages (only show on last page) (This line must be on line 8 of Detailed Summary Page CRO-1100)	$

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund

2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C. Builders Assoc. PAC PO Box 99090 Raleigh, NC 27624		check	11/04	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County:

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Carolina Ink PAC PO Box 368 Yadkinville, NC 27055		check	11/04	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County:

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Novartis PAC 701 Pennsylvania Ave #725 Washington, DC 20004		check	11/04	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☑ Federal ☐ State ☐ County:

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Realtors PAC 4511 Weybridge Lane Greensboro, NC 27407		check	10/04	☐	$ 2,000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County:

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Duke Energy PAC 422 So Church St Charlotte, NC 28202		check	10/04	☐	$ 1,000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County:

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

4. Total only this Page	$ 7,250.00
5. Total of ALL CRO-1230 Pages (only show on last page) (This line must be on line 8 of Detailed Summary Page CRO-1100)	$ 25,250.00

Contributions from POLITICAL PARTY COMMITTEES

1. Name of Committee or Fund	2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$

g. If Amendment, choose change type:	h. Election Cycle Sum to Date
☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$

g. If Amendment, choose change type:	h. Election Cycle Sum to Date
☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$

g. If Amendment, choose change type:	h. Election Cycle Sum to Date
☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$

g. If Amendment, choose change type:	h. Election Cycle Sum to Date
☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$

g. If Amendment, choose change type:	h. Election Cycle Sum to Date
☐ Add ☐ Delete	$

4. Total only this Page	$
5. Total of ALL CRO-1220 Pages *(only show on last page)* *(This line must be on line 7 of Detailed Summary Page CRO-1100)*	$

Disclosure Report Cover

Amendment ☐ Yes ☐ No

Please note that this cover sheet cannot be used to amend committee information such as the committee address, treasurer, assistant treasurer, custodian of books information, or account information.
You must amend the Statement of Organization (CRO-2100A-E) to make those kinds of committee changes.
Use the Addendum form (CRO-1010) if more entries are needed.

1. Committee Information

a. Full Name	c. ID Number
Thomas Wright Campaign	2209800
b. Mailing Address (include City, State and Zip Code)	**d. Date Filed**
P. O. Box 1654 Wilmington, NC. 28402	7/28/05
	e. Phone Number
	1877 364 6585

2. Report Year	3. Period Start Date (mm/dd/yyyy)	4. Period End Date (mm/dd/yyyy)	5. Treasurer Full Name
2005	JAN. 05	July 29 05	

6. Type of Committee *(Check one)*
- ☒ Candidate-Campaign
- ☐ Party
- ☐ Joint Fundraiser
- ☐ PAC
- ☐ Referendum

7. Type of Fund *(if applicable, check one)*
- ☐ Soft Money Account
- ☐ "Booster Fund"
- ☐ Building Fund
- ☐ NC Political Party Financing Fund
- ☐ Presidential Election Year Candidates Fund
- ☐ NC Public Campaign Financing Fund
- ☐ Other:

8. Type of Report *(check only one type of report from one category)*

Municipal	State/County	Referendum
☐ Organizational	☐ Organizational	☐ Organizational
☐ Thirty-five day	Quarterly	☐ Pre-referendum
☐ Pre-primary	☐ First Plus	☐ Final
☐ Pre-election	☐ Second	☐ Supplemental Final
☐ Pre-runoff	☐ Third Plus	☐ Annual
Semi-annual	☐ Fourth	☐ Special
☐ Mid Year	Semi-annual	
☐ Year End	☒ Mid Year	**9. Special Report Name**
☐ Final	☐ Year End	
☐ Special	☐ Final	
	☐ Special	

10. Account Information

a. Financial Institution Full Name	b. Purpose	c. Code	d. Period Begin Balance
			$43,948.53

10. Account Information

a. Financial Institution Full Name	b. Purpose	c. Code	d. Period Begin Balance
			$

CERTIFICATION

I certify that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Printed Name of Signer — Signature of Appointed Treasurer — Date: 7/28/05

FOR OFFICE USE ONLY

Date Received: 7/28/05
Date Postmarked: July 29 2005
Date Scanned:

RECEIVED AUG 01 2005 ELECTIONS DIVISION

Employee: CCole
Employee: CCole
Employee:

Delivery Method
- ☐ Normal Mail
- ☒ Registered Mail
- ☐ Hand Delivered
- ☐ Electronically Filed

EXHIBIT 16F

S 08-04-05 R

1. Name of Committee or Fund	2. Type of Report	3. ID Number
Thomas Wright Campaign	Mid Year Semi Annual	2209800

Start of Election Cycle: January 1, 20___		Total this Period	Total this Election Cycle
4) Cash on Hand at Start of Election Cycle			$37,818 84
5) Cash on Hand at Start of Present Reporting Period		$43,948 83	
RECEIPTS			
6) Contributions from Individuals	(CRO-1210)	$ 0	$ 2,150 00
7) Contributions from Political Party Committees	(CRO-1220)	$ 0	$ 0
8) Contributions from Other Political Committees	(CRO-1250)	$ 0	$ 25,250 00
9) Loan Proceeds	(CRO-1410)	$ 0	$ 0
10) Refunds and Reimbursements TO theCommittee	(CRO-1240)	$ 0	$ 0
11) Other Receipt Sources	(CRO-1250)		
11a) Interest on Bank Accounts	(CRO-1250)	$ 0	$ 0
11b) Contributions from Not-for-Profit Organizations	(CRO-1250)	$ 0	$ 0
11c) Outside Sources of Income	(CRO-1250)	$ 0	$ 0
12) "Goods and Services" Contributions	(CRO-1260)	$ 0	$ 0
13) Contributions based on Forgiven Loans	(CRO-1440)	$ 0	$ 0
14) 48-Hour Notice Reports Sum		$ 0	$ 0
15) TOTAL RECEIPTS *(Add lines 6, 7, 8, 9, 10, 11a, 11b, 11c, 12, 13, and 14)*		$43,948 83	$65,218 84
EXPENDITURES			
16) Disbursements	(CRO-1310)		
16a) Operating Expenditures	(CRO-1310)	$ 0	$ 19,770 01
16b) Contributions to Candidates/Political Committees	(CRO-1310)	$ 0	$ 0
16c) Coordinated Party Expenditures	(CRO-1310)	$ 0	$ 1,500 00
17) Loan Repayments	(CRO-1320)	$ 0	$ 0
18) Forgiven Loans	(CRO-1440)	$ 0	$ 0
19) Refunds and Reimbursements FROM the Committee	(CRO-1320)	$ 0	$ 0
20) In-Kind Contributions	(CRO-1510)	$ 0	$ 0
21) TOTAL EXPENDITURES *(Add lines 16a, 16b, 16c, 17, 18, 19, and 20)*		$ 0	$ 21,270 01
22) Cash on Hand at End of Reporting Period *(For this Period, add lines 5 and 15 together, then subtract line 21)* *(For this Election Cycle, add lines 4 and 15 together, then subtract line 21)*		$43,988 83	$43,948 83
Additional Information			
23) Non-Monetary Gifts Given to Committees	(CRO-1330)	$ 0	
24) Outstanding Loans (including ones from other campaigns)	(CRO-1430)	$ 0	
25) Debts and Obligations owed BY the Committee	(CRO-1610)	$ 0	
26) Debts and Obligations owed TO the Committee	(CRO-1620)	$ 0	
27) Parent Entity's Administrative Support	(CRO-1710)	$ 0	
28) Account Transfers	(CRO-1720)	$ 0	

1. Name of Committee or Fund: Thomas Dewitt Campaign

2. ID Number: 220980

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursements:)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:
c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete
j. Election Cycle Sum To Date: $

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:
c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete
j. Election Cycle Sum To Date: $

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:
c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete
j. Election Cycle Sum To Date: $

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:
c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete
j. Election Cycle Sum To Date: $

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:
c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete
j. Election Cycle Sum To Date: $

5. Total only this Page: $

6. Total of ALL CRO-1310 Related Pages (only show on last page): $ Ø

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Section #561 NCS JERSEY NEW VA-EDITION

Contributions from INDIVIDUALS

1. Name of Committee or Fund: Thomas Wright Campaign

2. ID Number: 2209800

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page	$
5. Total of ALL CRO-1210 Pages *(only show on last page)* *(This line must be on line 6 of Detailed Summary Page CRO-1100)*	$ 0

Contributions from POLITICAL PARTY COMMITTEES

1. Name of Committee or Fund: Thomas Wright Campaign

2. ID Number: 220980

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$ 0
				☐	$

g. If Amendment, choose change type: ☐ Add ☐ Delete

h. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$ 0
				☐	$

g. If Amendment, choose change type: ☐ Add ☐ Delete

h. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$ 0
				☐	$

g. If Amendment, choose change type: ☐ Add ☐ Delete

h. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$ 0
				☐	$

g. If Amendment, choose change type: ☐ Add ☐ Delete

h. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$ 0
				☐	$

g. If Amendment, choose change type: ☐ Add ☐ Delete

h. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$ 0
				☐	$

g. If Amendment, choose change type: ☐ Add ☐ Delete

h. Election Cycle Sum to Date: $

4. Total only this Page	$
5. Total of ALL CRO-1220 Pages *(only show on last page)* *(This line must be on line 7 of Detailed Summary Page CRO-1100)*	$ 0

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund: Thomas Waynt Campaign

2. ID Number: 2209800

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

4. Total only this Page	$
5. Total of ALL CRO-1230 Pages *(only show on last page)*	$

(This line must be on line 8 of Detailed Summary Page CRO-1100)

Disclosure Report Cover

Amendment ☐ Yes ☐ No

Please note that this cover sheet cannot be used to amend committee information such as the committee address, treasurer, assistant treasurer, custodian of books information, or account information.
You must amend the Statement of Organization (CRO-2100A-E) to make those kinds of committee changes.
Use the Addendum form (CRO-1010) if more entries are needed.

1. Committee Information

a. Full Name: Thomas Wright Campaign Committee

c. ID Number: 2209800

b. Mailing Address (include City, State and Zip Code): P.O. Box 1654 Wilmington, NC 28402

d. Date Filed: 1/26/06

e. Phone Number:

2. Report Year	3. Period Start Date (mm/dd/yyyy)	4. Period End Date (mm/dd/yyyy)	5. Treasurer Full Name
2005	July 1, 2005	December 31, 2005	

6. Type of Committee *(Check one)*

- ☒ Candidate Campaign
- ☐ Party
- ☐ Joint Fundraiser
- ☐ PAC
- ☐ Referendum

7. Type of Fund *(if applicable, check one)*

- ☐ Soft Money Account
- ☐ "Booster Fund"
- ☐ Building Fund
- ☐ NC Political Party Financing Fund
- ☐ Presidential Election Year Candidates Fund
- ☐ NC Public Campaign Financing Fund
- ☐ Other:

8. Type of Report *(check only one type of report from one category)*

Municipal	State/County	Referendum
☐ Organizational	☐ Organizational	☐ Organizational
☐ Thirty-five day	Quarterly	☐ Pre-referendum
☐ Pre-primary	☐ First Plus	☐ Final
☐ Pre-election	☐ Second	☐ Supplemental Final
☐ Pre-runoff	☐ Third Plus	☐ Annual
Semi-annual	☐ Fourth	☐ Special
☐ Mid Year	Semi-annual	
☐ Year End	☐ Mid Year	**9. Special Report Name**
☐ Final	☒ Year End	
☐ Special	☐ Final	
	☐ Special	

10. Account Information

a. Financial Institution Full Name:

b. Purpose:

c. Code:

d. Period Begin Balance: $59,698.83

10. Account Information

a. Financial Institution Full Name:

b. Purpose:

c. Code:

d. Period Begin Balance: $

CERTIFICATION

I certify that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Thomas E. Wright — Printed Name of Signer

Signature of Appointed Treasurer

1/26/06 — Date

FOR OFFICE USE ONLY

RECEIVED JAN 27 2006 CAMPAIGN REPORTING

Date Received: Employee: JWS

Date Postmarked: Employee:

Date Scanned: Employee:

Delivery Method
- ☐ Normal Mail
- ☐ Registered Mail
- ☒ Hand Delivered
- ☐ Electronically Filed

Detailed Summary

1. Name of Committee or Fund	2. Type of Report	3. ID Number
2005 MidYear Semi Annual	Mid Year Semi Annual	

Start of Election Cycle: January 1, 20____		Total this Period	Total this Election Cycle
4) ~~Cash on Hand~~ at Start of Election Cycle			$ 37,948 83
5) Cash on Hand at Start of Present Reporting Period		$ 43,948 83	
RECEIPTS			
6) Contributions from Individuals	(CRO-1210)	$ 5,000 00	$ 7,150 00
7) Contributions from Political Party Committees	(CRO-1220)	$ Ø	$ Ø
8) Contributions from Other Political Committees	(CRO-1230)	$ 10,750 00	$ 36,000 00
9) Loan Proceeds	(CRO-1410)	$ Ø	$ Ø
10) Refunds and Reimbursements TO theCommittee	(CRO-1240)	$ Ø	$ Ø
11) Other Receipt Sources	(CRO-1250)		
11a) Interest on Bank Accounts	(CRO-1250)	$ Ø	$ Ø
11b) Contributions from Not-for-Profit Organizations	(CRO-1250)	$ Ø	$ Ø
11c) Outside Sources of Income	(CRO-1250)	$ Ø	$ Ø
12) "Goods and Services" Contributions	(CRO-1260)	$ Ø	$ Ø
13) Contributions based on Forgiven Loans	(CRO-1440)	$ Ø	$ Ø
14) 48-Hour Notice Reports Sum		$ Ø	$ Ø
15) TOTAL RECEIPTS *(Add lines 6, 7, 8, 9, 10, 11a, 11b, 11c, 12, 13, and 14)*		$ 15,750 00	$ 43,150 00
EXPENDITURES			
16) Disbursements	(CRO-1310)		
16a) Operating Expenditures	(CRO-1310)	$ Ø	$ 19,220 01
16b) Contributions to Candidates/Political Committees	(CRO-1310)	$ Ø	$ Ø
16c) Coordinated Party Expenditures	(CRO-1310)	$ Ø	$ 1,500 00
17) Loan Repayments	(CRO-1420)	$ Ø	$ Ø
18) Forgiven Loans	(CRO-1440)	$ Ø	$ Ø
19) Refunds and Reimbursements FROM the Committee	(CRO-1320)	$ Ø	$ Ø
20) In-Kind Contributions	(CRO-1510)	$ Ø	$ Ø
21) TOTAL EXPENDITURES *(Add lines 16a, 16b, 16c, 17, 18, 19, and 20)*		$ Ø	$ 21,220 01
22) Cash on Hand at End of Reporting Period *(For this Period, add lines 5 and 15 together, then subtract line 21)* *(For this Election Cycle, add lines 4 and 15 together, then subtract line 21)*		$ 59,698 83	$ 59,698 83
Additional Information			
23) Non-Monetary Gifts Given to Committees	(CRO-1330)	$	
24) Outstanding Loans (including ones from other campaigns)	(CRO-1430)	$	
25) Debts and Obligations owed BY the Committee	(CRO-1610)	$	
26) Debts and Obligations owed TO the Committee	(CRO-1620)	$	
27) Parent Entity's Administrative Support	(CRO-1710)	$	
28) Account Transfers	(CRO-1720)	$	

Contributions from INDIVIDUALS

1. Name of Committee or Fund: Thomas Wright Campaign

2. ID Number: 2209800

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
John A. McNeill JR P.O. Box 339 Whiteville, NC 28472		check	10/4/05	☐	☐	$2,000.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Business Executive				☐	☐	$
c. Employer's Name/Specific Field: Health Care	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Ronald B. McNeill 102 Magnolia Dr. Wilmington, NC 28409		check	10/4/05	☐	☐	$2,000.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Business Executive				☐	☐	$
c. Employer's Name/Specific Field: Health Care	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Arthur Annis, a Margie Baum 3308 Cofield Loop Rd. Wilmington, NC 28409		check	12/15/05	☐	☐	$ 100.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: DR's of Chiropractic Rec				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Gilbert Cromshaw 4007 E. Bishop Ct. Wilmington, NC 28412		check	12/15/05	☐	☐	$ 250.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Chiropractor				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Kenneth Donovan Kathleen White 5219 Marina Club Dr Wilmington, NC 28409		check	12/15/05	☐	☐	$ 250.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Chiropractors				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

4. Total only this Page	$ 2,600.00
5. Total of ALL CRO-1210 Pages (only show on last page) (This line must be on line 6 of Detailed Summary Page CRO-1100)	$

Contributions from INDIVIDUALS

1. Name of Committee or Fund

2. ID Number

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Maurice Horton 2595 S. 17th Street Wilmington, NC 28401		check	12/15/05	☐	☐	$ 250.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Chiropractor				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	David Lubbe 347 Foxwood Ln. Wilmington, NC 28409		check	12/15/05	☐	☐	$ 100.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Chiropractor				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Sean Reese 1118 Country Club Rd. Wilmington, NC 28403		check	12/15/05	☐	☐	$ 100.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Chiropractor				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Aaron Richardet 229 Olde Well Loop Wilmington, NC 28411		check	12/15/05	☐	☐	$ 250.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Chiropractor				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	R. Todd Shaver 224 Seawatch Way Kure Beach, NC 28449		check	12/14/05	☐	☐	$ 200.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Chiropractor				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page	$ 900.00
5. Total of ALL CRO-1210 Pages (only show on last page) *(This line must be on line 6 of Detailed Summary Page CRO-1100)*	$

Contributions from INDIVIDUALS

1. Name of Committee or Fund

2. ID Number

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Raymond S. Ito 1904 Eastwood Rd Suite 103 Wilmington, NC 28403		check	12/13/05	☐	☐	$ 250.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field: Chiropractor	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		
	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	William L. Sisson 4706 Oleander Dr. Wilmington, NC 28403		check	12/13/05	☐	☐	$ 100.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Chiropractor				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		
	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Kevin Wynne 7820 Masonboro Sound Rd. Wilmington, NC 28409		check	12/13/05	☐	☐	$ 150.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Chiropractor				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		
	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Eastern Band of Cherokee Indians PO Box 455 Cherokee, NC 28719		check	11/12/05	☐	☐	$ 1000.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		
	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
					☐	☐	$
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page	$ 1,500.00
5. Total of ALL CRO-1210 Pages (only show on last page) *(This line must be on line 6 of Detailed Summary Page CRO-1100)*	$ 5,000.00

Contributions from POLITICAL PARTY COMMITTEES

1. Name of Committee or Fund

2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$

g. If Amendment, choose change type: ☐ Add ☐ Delete

h. Election Cycle Sum to Date $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$

g. If Amendment, choose change type: ☐ Add ☐ Delete

h. Election Cycle Sum to Date $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$

g. If Amendment, choose change type: ☐ Add ☐ Delete

h. Election Cycle Sum to Date $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$

g. If Amendment, choose change type: ☐ Add ☐ Delete

h. Election Cycle Sum to Date $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$

g. If Amendment, choose change type: ☐ Add ☐ Delete

h. Election Cycle Sum to Date $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$

g. If Amendment, choose change type: ☐ Add ☐ Delete

h. Election Cycle Sum to Date $

4. Total only this Page	$
5. Total of ALL CRO-1220 Pages *(only show on last page)* *(This line must be on line 7 of Detailed Summary Page CRO-1100)*	$

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund

2. ID Number

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Bayer Corp. PAC 100 Bayer Rd. Pittsburgh, PA 15205		check	10/12/05	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C. Hospital Assoc. PAC P O Box 4449 Cary, NC 27519		check	12/16/05	☐	$ 2,000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Cigna Corp. PAC 1601 Chestnut St Phila. PA. 19192		check	11/16/05	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C. Assoc. of Nurse Anesthetists PAC Greensboro, NC 27455		check	11/16/05	☐	$ 2,000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Medco Health PAC 591 Redwood Highway Bldg 400 Mill Valley, CA. 78412		check	11/20/05	☐	$ 1,000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

4. Total only this Page	$ 5,500.00
5. Total of ALL CRO-1230 Pages (only show on last page) (This line must be on line 8 of Detailed Summary Page CRO-1100)	$ 8

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Eli Lilly & Co. PAC Indianapolis, In. 46285		check	12/05/05	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Omega Protein PAC 1717 St. James Place #550 Houston Tx. 77056		check	12/10/05	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Abbott Laboratories PAC 100 Abbott Park Rd. Abbott Park IL. 60064		check	12/16/05	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Wyeth Good Govt. Fund Five Giralda Farms Madison NJ. 07940		check	12/20/05	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
The GlaxoSmithKline PAC Five Moore Dr. Research ~~Park~~ Triangle Park NC 27709		check	12/20/05	☐	$ 1,500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

4. Total only this Page	$ 3,250.00
5. Total of ALL CRO-1230 Pages (only show on last page) (This line must be on line 8 of Detailed Summary Page CRO-1100)	$ 0

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
AZ PAC 1800 Concord Pike P.O. Box 15438 Wilmington, DE 19850		check	11/29/05	☐	$ 1000 00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Pfizer PAC 235 East 42nd St New York, NY 10017		check	11/30/05	☐	$ 500 00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
PSNC Energy PAC		check	12/20/05	☐	$ 500 00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

4. Total only this Page	$ 2,000 00
5. Total of ALL CRO-1230 Pages *(only show on last page)*	$ 10,750 00

(This line must be on line 8 of Detailed Summary Page CRO-1100)

Disbursements

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign	2209800

3. Type of Disbursement *(Please use separate CRO-1310 forms for each type of Disbursements.)*
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

5. Total only this Page	$
6. Total of ALL CRO-1310 Related Pages *(only show on last page)*	$

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Amendment ☐ Yes ☐ No

Disclosure Report Cover

Please note that this cover sheet cannot be used to amend committee information such as the committee address, treasurer, assistant treasurer, custodian of books information, or account information.
You must amend the Statement of Organization (CRO-2109A-E) to make these kinds of committee changes.
Use the Addendum form (CRO-1610) if more entries are needed.

1. Committee Information

a. Full Name: Thomas Wright Campaign Committee

b. ID Number: 220980D

c. Mailing Address (Include City, State and Zip Code): P.O. Box 1654 Wilmington, NC 28402

d. Date Filed:

e. Phone Number:

2. Report Year | 3. Period Start Date (mm/dd/yyyy) | 4. Period End Date (mm/dd/yyyy) | 5. Treasurer Full Name

5. Type of Committee (Check one)
- ☒ Candidate Campaign
- ☐ Party
- ☐ Joint Fundraiser
- ☐ PAC
- ☐ Referendum

6. Type of Fund (if applicable, check one)
- ☐ Self Money Account
- ☐ "Booster Fund"
- ☐ Building Fund
- ☐ NC Political Party Financing Fund
- ☐ Presidential Election Year Candidate Fund
- ☐ NC Public Campaign Financing Fund
- ☐ Other:

7. Type of Report (check only one type of report from one category)

Municipal	State/County	Referendum
☐ Organizational	☐ Organizational	☐ Organizational
☐ Thirty-five day	Quarterly	☐ Pre-referendum
☐ Pre-primary	☐ First Five	☐ Final
☐ Pre-election	☐ Second	☐ Supplemental Final
☐ Pre-runoff	☐ Third Five	☐ Annual
Semi-annual	☐ Fourth	☐ Special
☐ Mid Year	Semi-annual	
☐ Year End	☐ Mid Year	8. Special Report Name
☐ Final	☐ Year End	
☐ Special	☐ Final	
	☐ Special	

9A. Account Information
a. Financial Institution Full Name:
b. Purpose:
c. Code:
d. Period Begin Balance: $51,509.27

9B. Account Information
a. Financial Institution Full Name:
b. Purpose:
c. Code:
d. Period Begin Balance: $

CERTIFICATION

I certify that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Printed Name of Signer | Signature of Appointed Treasurer | Date

FOR OFFICE USE ONLY

RECEIVED
APR 24 2006
N.C. BOARD OF ELECTIONS

Date Received:
Date Postmarked: 4/24/06
Date Scanned:

Employee: JSB
Employee:
Employee: KDG

Delivery Method
- ☐ Normal Mail
- ☐ Registered Mail
- ☒ Hand Delivered
- ☐ Electronically Filed

CRO-1609 | NC State Board of Elections | March 2005

EXHIBIT 16G

Detailed Summary

Amendment: ☐ Yes ☐ No

1. Committee Full Name (and Fund if applicable)	2. Type of Report	3. ID Number
Thomas Wright Campaign		220800

Start of Election Cycle: January 1, _____

		Total this Reporting Period	Total this Election Cycle
4) Cash on Hand at Start		$ 59,698 53	$ 43,948 53
RECEIPTS			
5) Aggregated Contributions from Individuals	(CRO-1208)	$ [illegible]	$
6) Contributions from Individuals	(CRO-1310)	$ 5,950 00	$ 12,150 00
7) Contributions from Political Party Committees	(CRO-1209)	$ 0	$
8) Contributions from Other Political Committees	(CRO-1209)	$ 0	$ 46,750 00
9) Loan Proceeds	(CRO-1410)	$ 0	$ 0
10) Refunds/Reimbursements To the Committee	(CRO-1740)	$ 0	$ 0
11) Other Receipt Sources	(CRO-1250)		
11a) Interest on Bank Accounts	(CRO-1250)	$ 0	$ 0
11b) Contributions from Not-for-Profit Organizations	(CRO-1250)	$ 0	$ 0
11c) Outside Sources of Income	(CRO-1260)	$ 0	$ 0
12) "Goods and Services" Contributions	(CRO-1280)	$ 0	$ 0
13) TOTAL RECEIPTS *(Add lines 5, 6, 7, 8, 9, 10, 11a, 11b, 11c, and 12)*		$ 5,950 00	$ 58,900 00
EXPENDITURES			
14) Disbursements	(CRO-1310)		
14a) Operating Expenditures	(CRO-1330)	$ 14,139 56	$ 19,770 06
14b) Contributions to Candidates/Political Committees	(CRO-1310)	$ 0	$
14c) Coordinated Party Expenditures	(CRO-1310)	$ 0	$ 1,500 00
15) Loan Repayments	(CRO-1410)	$ 0	$ 0
16) Refunds/Reimbursements From the Committee	(CRO-1320)	$ 0	$ 0
17) In-Kind Contributions	(CRO-1370)	$ 0	$ 0
18) TOTAL EXPENDITURES *(Add lines 14a, 14b, 14c, 15, 16, and 17)*		$ 14,139 56	$ 21,270 06
19) Cash on Hand at End *(add lines 4 and 13 together; then subtract line 18)*		$ 51,509 27	$ 51,509 27
ADDITIONAL INFORMATION			
20) Non-Monetary Gifts Given to Other Committees	(CRO-1530)	$	
21) Outstanding Loans (Incl. ones from other campaigns)	(CRO-1420)	$	
22) Debts and Obligations owed By the Committee	(CRO-1610)	$	
23) Debts and Obligations owed To the Committee	(CRO-1620)	$	
24) Account Transfers Within the Committee	(CRO-1750)	$	
25) Administrative Support	(CRO-1770)	$	
26) Forgiven Loans	(CRO-1440)	$	$
27) 48-Hour Notice Reports Sum		$	$
CRTL1710			

Page 1 of 1

Disbursements

1. Name of Committee or Fund: Thomas Wright Campaign

2. ID Number: 220800

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursements)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
Cumulis Broadcasting Wilmington, NC			Radio Advertising		check	4/06	$ 8,262.00		$
Poorly City Sign Works 1709 Castle Street Wilmington NC 28403			Yard signs		check	4/06	$ 4014.64		$
FedEx Kinkos Oleander Dr. Wilmington			printing		check	4/06	$ 28.86		$
FedEx Kinkos Oleander Dr. Wilmington NC 28403			painting		check	4/06	$ 1,280.00		$
Gospel Joy Radio Wilmington NC 28401			Advertising		check	4/06	$ 300.00		$

5. Total only this Page: $ 14,135.50

6. Total of ALL CRO-1310 Related Pages (only show on last page): $ 14,135.50

(This line goes to line 16a of Detailed Summary Page CRO-1100 If Operating Expenses)
(This line goes to line 16b of Detailed Summary Page CRO-1100 If Contrib to Candidates/Political Comm)
(This line goes to line 16c of Detailed Summary Page CRO-1100 If Coordinated Party Expenditures)

04/24/2006 16:43 9103433339

Contributions from INDIVIDUALS

1. Name of Committee or Fund

2. ID Number

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Joseph Stowell 941 6th Ave. Dr. NW Hickory, NC 28601-3403		check	02/06	☐	☐	$ 500.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Certified Registered Nurse Anest.				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Nancy Shedlick 204 Fulham Pl Raleigh, NC 27615		check	02/06	☐	☐	$ 500.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Cynthia Black 620 Guy Walker Way Durham, NC 27703		check	02/06	☐	☐	$ 250.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Jones B. Daniell 4531 Tree Rose Way Raleigh, NC 27606		check	02/06	☐	☐	$ 250.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Nancy B Maree 2500 Blue Ridge Rd Raleigh, NC 27607		check	02/06	☐	☐	$ 250.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page	$ 1750.00
5. Total of ALL CRO-1210 Pages (only show on last page) (This line must be on line 6 of Detailed Summary Page CRO-1100)	$

Contributions from INDIVIDUALS

1. Name of Committee or Fund	2. ID Number

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Sherry Bernardo 1B904 Woodcote Dr Huntersville NC 28078		check	02/06	☐	☐	$ 250.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: CRNA				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Sheila Crumb 3900 Bridal Crossing Ct Winston Salem NC 27[illegible]		check	02/06	☐	☐	$ 250.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: CRNA				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Sheeby Owens 502 N. Hollandbrooke Dr Advance NC 27006		check	02/06	☐	☐	$ 250.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: CRNA				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Cindy Myhatt 2044 Trinity Ave Wilmington NC 28401		check	02/06	☐	☐	$ 200.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: CRNA				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Terry C. Wicks 111 Windsor St Rutherford College, NC 28671		check	02/06	☐	☐	$ 200.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: CRNA				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

4. Total only this Page	$ 1150.00
5. Total of ALL CRO-1210 Pages (only show on last page)	$

(This line must be on line 6 of Detailed Summary Page CRO-1100)

Contributions from INDIVIDUALS

1. Name of Committee or Fund

2. ID Number

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Julie Lowery 198 Norwood Rd Chapel Hill, NC 27516		check	02/06	☐	☐	$ 200.00
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: CRNA						
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
James B. Hicks 1005 Brassfield Ct. Rocky Mount, NC 27803		check	02/06	☐	☐	$ 200.00
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: CRNA						
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Willard Branch JR. 1603 Chip Shot Dr. Morehead City NC 28557		check	02/06	☐	☐	$ 150.00
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: CRNA						
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Deborah L. Marenko 274 Woodhaven Dr. New Hill NC 27562		check	02/06	☐	☐	$ 150.00
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: CRNA						
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Gregory D. Stone 1928 Wilton Circle Raleigh, NC 27615		check	02/06	☐	☐	$ 150.00
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: CRNA						
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page	$ 850.00
5. Total of ALL CRO-1210 Pages (only show on last page)	$
(This line must be on line 5 of Detailed Summary Page CRO-1100)	

Contributions from INDIVIDUALS

Page 4 of 8

1. Name of Committee or Fund							2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Linda Bauer 201 Ashley Brook Ct Cary, NC 27513		check	02/06	☐	☐	$ 100.00
b. Job Title/Profession: CRNA				☐	☐	$
c. Employer's Name/Specific Field				☐	☐	$
	j. If Amendment, choose change type: ☐ Add ☐ Delete				k. Election Cycle Sum to Date	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Tammy Meath 200 Highland Trl. Chapel Hill NC 27516		check	02/06	☐	☐	$ 100.00
b. Job Title/Profession: CRNA				☐	☐	$
c. Employer's Name/Specific Field				☐	☐	$
	j. If Amendment, choose change type: ☐ Add ☐ Delete				k. Election Cycle Sum to Date	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Mavis Spitzer 240 36th Ave. Cir. Hickory, NC 28601		check	02/06	☐	☐	$ 100.00
b. Job Title/Profession: CRNA				☐	☐	$
c. Employer's Name/Specific Field				☐	☐	$
	j. If Amendment, choose change type: ☐ Add ☐ Delete				k. Election Cycle Sum to Date	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Christene Mastic 281 Hollin Way Winston Salem, NC 27104		check	02/06	☐	☐	$ 100.00
b. Job Title/Profession: CRNA				☐	☐	$
c. Employer's Name/Specific Field				☐	☐	$
	j. If Amendment, choose change type: ☐ Add ☐ Delete				k. Election Cycle Sum to Date	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Kandice Thompson 524 Knob View Pl Winston Salem NC 27104		check	02/06	☐	☐	$ 100.00
b. Job Title/Profession:				☐	☐	$
c. Employer's Name/Specific Field				☐	☐	$
	j. If Amendment, choose change type: ☐ Add ☐ Delete				k. Election Cycle Sum to Date	$

4. Total only this Page	$
5. Total of ALL CRO-1210 Pages (only show on last page) (This line must be the Line 6 of Detailed Summary Page CRO-1180)	$ 500.00 $

Contributions from INDIVIDUALS

1. Name of Committee or Fund

2. ID Number

3. Contributor	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
a. Full Name, Mailing Address & Phone (include city, state, & zip) Deborah Flaherty 376 Deerfield Forest Pkwy Boone NC 28607		check	02/06	☐	☐	$ 100.00
b. Job Title/Profession CRNA				☐	☐	$
c. Employer's Name/Specific Field				☐	☐	$
	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
a. Full Name, Mailing Address & Phone (include city, state, & zip) Sharon Pearce 133 Becks Nursery Rd Lexington, NC 27292		check	02/06	☐	☐	$ 100.00
b. Job Title/Profession CRNA				☐	☐	$
c. Employer's Name/Specific Field				☐	☐	$
	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
a. Full Name, Mailing Address & Phone (include city, state, & zip) Robin Lynn Schaefer 1822-6 3 Glenbrook Rd New Bern, NC 28562		check	02/06	☐	☐	$ 100.00
b. Job Title/Profession CRNA				☐	☐	$
c. Employer's Name/Specific Field				☐	☐	$
	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
a. Full Name, Mailing Address & Phone (include city, state, & zip) Shirley Sopko 2606 Creek Ridge Ln. Chapel Hill, NC 27514		check	02/06	☐	☐	$ 100.00
b. Job Title/Profession CRNA				☐	☐	$
c. Employer's Name/Specific Field				☐	☐	$
	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
a. Full Name, Mailing Address & Phone (include city, state, & zip) Dorothy Means 6710 Fairwoods Dr. Clemmons, NC 27012		check	02/06	☐	☐	$ 100.00
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field				☐	☐	$
	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page	$ 500
5. Total of ALL CRO-1210 Pages (only show on last page) (This line must be on line 6 of Detailed Summary Page CRO-1180)	$

04/24/2006 16:43 9103433339

Contributions from INDIVIDUALS

1. Name of Committee or Fund	2. ID Number

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	John Waller 631 Parkway Blvd Reidsville NC 27320		check	02/06	☐	☐	$ 100.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Linda Moore 4110 Ston Brook Farms Rd Greensboro, NC 27406		check	02/06	☐	☐	$ 100.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Spencer Gardner 3704 Woodhaven Rd Rocky Mount NC 27804		check	02/06	☐	☐	$ 100.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Kenneth Nicollegat 107 Maitland Dr. Cary, NC 27511		check	02/06	☐	☐	$ 100.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Linda Trimble 207 W. Bessemer Ave. Greensboro, NC 27401		check	02/06	☐	☐	$ 100.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page	$ 500.00
5. Total of ALL CRO-1210 Pages (only show on last page) (This line must be on line 6 of Detailed Summary Page CRO-1100)	$

04/24/2006 16:43 9103433335

Contributions from INDIVIDUALS

Page 7 of 8

1. Name of Committee or Fund	2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Pamela Wofford 495 Andrew Sink Rd Lexington NC 27295		check	02/06	☐	☐	$ 100.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: CRNA				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Bonnie C May 208 Woodbrew Dr. Jamestown, NC 27282		check	02/06	☐	☐	$ 100.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: CRNA				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Charles Cecil 141 Milbrook Dr Reidsville, NC 27288		check	02/06	☐	☐	$ 100.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: CRNA				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Jenny Ray 636 Doe Run Dr. Kernersville NC 27284		check	02/06	☐	☐	$ 100.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: CRNA				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Ann Wise 8009 Kilcash Ct. Clemmons, NC 27012		check	02/06	☐	☐	$ 100.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: CRNA				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page	$ 500.00
5. Total of ALL CRO-1210 Pages (only show on last page)	$

This line must be on line 6 of Detailed Summary Page CRO-1100

04/24/2006 16:43 9103433339

Contributions from INDIVIDUALS

Page 8 of 8

1. Name of Committee or Fund							2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
John Castronici 172 Overlook Dr. Advance, NC 27006		check	02/06	☐	☐	$ 100.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Chiro				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Robert Tdacnase 2400 River Run Rd Brown Summit, NC 27214		check	02/06	☐	☐	$ 100.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Chiro				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page	$ 200.00
5. Total of ALL CRO-1210 Pages (only shown on last page)	$ 5,950.00
(This line must be on line 6 of Detailed Summary Page CRO-1100)	

Page ___ of ___

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund

2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee ☐ Federal ☐ State ☐ County:

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee ☐ Federal ☐ State ☐ County:

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee ☐ Federal ☐ State ☐ County:

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee ☐ Federal ☐ State ☐ County:

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee ☐ Federal ☐ State ☐ County:

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date $

4. Total only this Page	$ 0
5. Total of ALL CRO-1230 Pages *(only show on last page)*	$

(This line must be on Line 8 of Detailed Summary Page CRO-1180)

Page ____ of ____

Contributions from POLITICAL PARTY COMMITTEES

1. Name of Committee or Fund

2. ID Number

3. Contributor	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
a. Full Name, Mailing Address & Phone (include city, state, and zip)				☐	$
				☐	$
				☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$
3. Contributor	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
a. Full Name, Mailing Address & Phone (include city, state, and zip)				☐	$
				☐	$
				☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$
3. Contributor	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
a. Full Name, Mailing Address & Phone (include city, state, and zip)				☐	$
				☐	$
				☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$
3. Contributor	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
a. Full Name, Mailing Address & Phone (include city, state, and zip)				☐	$
				☐	$
				☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$
3. Contributor	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
a. Full Name, Mailing Address & Phone (include city, state, and zip)				☐	$
				☐	$
				☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$
3. Contributor	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
a. Full Name, Mailing Address & Phone (include city, state, and zip)				☐	$
				☐	$
				☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$

4. Total only this Page $

5. Total of ALL CRO-1220 Pages (only show on last page) $

(This line must be on line 7 of Detailed Summary Page CRO-1100)

Disclosure Report Cover

Amendment ☐ Yes ☐ No

Please note that this cover sheet cannot be used to amend committee information such as the committee address, treasurer, assistant treasurer, custodian of books information, or account information.
You must amend the Statement of Organization (CRO-2100A-E) to make those kinds of committee changes.
Use the Addendum form (CRO-1010) if more entries are needed.

1. Committee Information

a. Full Name: Thomas Wright Campaign

c. ID Number: 220980

b. Mailing Address (include City, State and Zip Code): P.O. Box 1654 Wilmington, NC 28402

d. Date Filed:

e. Phone Number:

2. Report Year	3. Period Start Date (mm/dd/yyyy)	4. Period End Date (mm/dd/yyyy)	5. Treasurer Full Name
2006	MAY 2006	JUNE 30, 2006	

6. Type of Committee *(Check one)*
- ☒ Candidate Campaign
- ☐ Party
- ☐ Joint Fundraiser
- ☐ PAC
- ☐ Referendum

7. Type of Fund *(if applicable, check one)*
- ☐ Soft Money Account
- ☐ "Booster Fund"
- ☐ Building Fund
- ☐ NC Political Party Financing Fund
- ☐ Presidential Election Year Candidates Fund
- ☐ NC Public Campaign Financing Fund
- ☐ Other:

8. Type of Report *(check only one type of report from one category)*

Municipal	State/County	Referendum
☐ Organizational	☐ Organizational	☐ Organizational
☐ Thirty-five day	Quarterly	☐ Pre-referendum
☐ Pre-primary	☐ First Plus	☐ Final
☐ Pre-election	☐ Second	☐ Supplemental Final
☐ Pre-runoff	☐ Third Plus	☐ Annual
Semi-annual	☐ Fourth	☐ Special
☐ Mid Year	Semi-annual	
☐ Year End	☐ Mid Year	9. Special Report Name
☐ Final	☐ Year End	
☒ Special	☐ Final	
	☐ Special	

10. Account Information

a. Financial Institution Full Name:

b. Purpose:

c. Code:

d. Period Begin Balance: $69,425.92

10. Account Information

a. Financial Institution Full Name:

b. Purpose:

c. Code:

d. Period Begin Balance: $59,698.92

CERTIFICATION

I certify that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Printed Name of Signer | Signature of Appointed Treasurer | 7/10/06 Date

RECEIVED
JUL 11 2006
CAMPAIGN REPORTING

FOR OFFICE USE ONLY

Date Received: JUL 11 2006 Employee: JSB

Date Postmarked: Employee:

Date Scanned: 07-11-06 Employee:

Delivery Method
- ☐ Normal Mail
- ☐ Registered Mail
- ☒ Hand Delivered
- ☐ Electronically Filed

Detailed Summary

Amendment ☐ Yes ☐ No

1. Committee Full Name (and Fund if applicable)	2. Type of Report	3. ID Number
Thomas Wright Campaign		2209800

Start of Election Cycle: January 1, _____		Total this Reporting Period	Total this Election Cycle
4) Cash on Hand at Start		$ 59,609.92	$ 56,084.27
RECEIPTS			
5) Aggregated Contributions from Individuals	(CRO-1205)	$ 0	$ 0
6) Contributions from Individuals	(CRO-1210)	$ 4,025.00	$ 16,175.00
7) Contributions from Political Party Committees	(CRO-1220)	$ 0	$ 0
8) Contributions from Other Political Committees	(CRO-1230)	$ 16,900.00	$ 68,409.27
9) Loan Proceeds	(CRO-1410)	$ 0	$ 0
10) Refunds/Reimbursements To the Committee	(CRO-1240)	$ 0	$ 0
11) Other Receipt Sources	(CRO-1250)		
11a) Interest on Bank Accounts	(CRO-1250)	$ 0	$ 0
11b) Contributions from Not-for-Profit Organizations	(CRO-1250)	$ 0	$ 0
11c) Outside Sources of Income	(CRO-1250)	$ 0	$ 0
12) "Goods and Services" Contributions	(CRO-1260)	$ 0	$ 0
13) TOTAL RECEIPTS *(Add lines 5, 6, 7, 8, 9, 10, 11a, 11b, 11c, and 12)*		$ 20,925.00	$ 84,584.27
EXPENDITURES			
14) Disbursements	(CRO-1310)		
14a) Operating Expenditures	(CRO-1310)	$ 19,596.21	$ 15,148.30
14b) Contributions to Candidates/Political Committees	(CRO-1310)	$ 0	$
14c) Coordinated Party Expenditures	(CRO-1310)	$ 0	$ 1,500.00
15) Loan Repayments	(CRO-1420)	$ 0	$ 0
16) Refunds/Reimbursements From the Committee	(CRO-1320)	$ 0	$ 0
17) In-Kind Contributions	(CRO-1510)	$ 0	$ 0
18) TOTAL EXPENDITURES *(Add lines 14a, 14b, 14c, 15, 16, and 17)*		$ 19,596.21	$ 16,648.30
19) Cash on Hand at End *(Add lines 4 and 13 together, then subtract line 18)*		$ 60,938.71	$ 124,020.24
ADDITIONAL INFORMATION			
20) Non-Monetary Gifts Given to Other Committees	(CRO-1330)	$	
21) Outstanding Loans (incl. ones from other campaigns)	(CRO-1430)	$	
22) Debts and Obligations owed By the Committee	(CRO-1610)	$	
23) Debts and Obligations owed To the Committee	(CRO-1620)	$	
24) Account Transfers Within the Committee	(CRO-1720)	$	
25) Administrative Support	(CRO-1710)	$	$
26) Forgiven Loans	(CRO-1400)	$	$
27) 48-Hour Notice Reports Sum		$	$

Contributions from INDIVIDUALS

1. Name of Committee or Fund

2. ID Number

3. Contributor	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
a. Full Name, Mailing Address & Phone (include city, state, & zip) George Laney 3143 Nicholas Creek Circle Wilmington, NC 28409		check	2/06	☐	☐	$ 500.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession Realtor				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
a. Full Name, Mailing Address & Phone (include city, state, & zip) Joseph A. Valade 6585 Murrayville Rd Wilmington, NC 28411		check	2/06	☐	☐	$ 500.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession Realtor				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
a. Full Name, Mailing Address & Phone (include city, state, & zip) S.R. Rudd Jr. 210 Country Club Dr. Oak Island, NC 28465		check	2/06	☐	☐	$ 500.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession Realtor				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
a. Full Name, Mailing Address & Phone (include city, state, & zip) G. Wayne Long 108 Inlet Point Dr. Wilmington, NC 28409		check	2/06	☐	☐	$ 500.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession CEO / Long Term Care				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
a. Full Name, Mailing Address & Phone (include city, state, & zip) Ken Caldabaugh 101-H North Park Dr. Greensboro, NC 27401		check	3/06	☐	☐	$ 250.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession Realtor				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page	$ 2250.00
5. Total of ALL CRO-1210 Pages (only show on last page)	$

(This line must be on line 6 of Detailed Summary Page CRO-1160)

Contributions from INDIVIDUALS

1. Name of Committee or Fund	2. ID Number

3. Contributor	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
a. Full Name, Mailing Address & Phone (include city, state, & zip) Veronica Brown 121 Chimney Ln Wilmington, NC 28409		check	2/06	☐	☐	$ 250.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession Education				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
a. Full Name, Mailing Address & Phone (include city, state, & zip) Alfred Thomas 4501 Prior Dr #137 Wilmington, NC 28412		check	2/06	☐	☐	$ 250.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession CFC Health Centre				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
a. Full Name, Mailing Address & Phone (include city, state, & zip) C. D. Walters 400 N. Main St. unit 401 Greenville, SC 29601		check	2/06	☐	☐	$ 250.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession CBO Consumer Lending				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
a. Full Name, Mailing Address & Phone (include city, state, & zip) Amy Hobbs Schilder 608 Sasser St. Raleigh, NC 27604		check	2/06	☐	☐	$ 250.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession Lobbyist				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
a. Full Name, Mailing Address & Phone (include city, state, & zip) Vincent L. Calcagno Wilmington NC 28412		check	2/06	☐	☐	$ 150.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession Realtor				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page	$ 1150.00
5. Total of ALL CRO-1210 Pages *(only show on last page)*	$

(This line must be on line 6 of Detailed Summary Page CRO-1200)

Contributions from INDIVIDUALS

1. Name of Committee or Fund

2. ID Number

3. Contributor	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
a. Full Name, Mailing Address & Phone (include city, state, & zip) DONNA M. CLARK 1635 Waterford Point Lexington, NC 27292		check	2/06	☐	☐	$ 125 00
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession CRNA						
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
a. Full Name, Mailing Address & Phone (include city, state, & zip) ANGELA FAISON 3204 Conway Rd CASTLE HAYNE NC 28429		check	2/06	☐	☐	$ 100 00
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession Housewife/Homemaker						
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
a. Full Name, Mailing Address & Phone (include city, state, & zip) Susan Franks 34 Oak Island Dr. Oak Island, NC 28465		check	2/06	☐	☐	$ 100 00
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession Realtor						
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
a. Full Name, Mailing Address & Phone (include city, state, & zip) Benjamin Quattlebaum II 4907 Wedge Field Dr Wilmington NC 28405		check	2/06	☐	☐	$ 100 00
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession Exec. Dir. Housing						
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
a. Full Name, Mailing Address & Phone (include city, state, & zip) Adell Bernard 1387 Morgan Rd Supply, NC 28462		check	2/06	☐	☐	$ 100 00
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession Realtor						
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page	$ 525 00
5. Total of ALL CRO-1210 Pages (only show on last page) (This line must be on line 6 of Detailed Summary Page CRO-1100)	$

Contributions from INDIVIDUALS

1. Name of Committee or Fund

2. ID Number

3. Contributor	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
a. Full Name, Mailing Address & Phone (include city, state, & zip) Mercedes Newsome 140 Blount DR. Wilmington NC 28411		check	3/00	☐	☐	$ 100 00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession Retired Educator				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
a. Full Name, Mailing Address & Phone (include city, state, & zip)				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
a. Full Name, Mailing Address & Phone (include city, state, & zip)				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
a. Full Name, Mailing Address & Phone (include city, state, & zip)				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
a. Full Name, Mailing Address & Phone (include city, state, & zip)				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page	$ 100 00
5. Total of ALL CRO-1210 Pages *(only show on last page)*	$ 4025 00

(This line must be on line 6 of Detailed Summary Page CRO-1100)

Contributions from POLITICAL PARTY COMMITTEES

1. Name of Committee or Fund	2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$ 0
				☐	$
				☐	$
g. If Amendment, choose change type: ☐ Add ☐ Delete				h. Election Cycle Sum to Date	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
g. If Amendment, choose change type: ☐ Add ☐ Delete				h. Election Cycle Sum to Date	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
g. If Amendment, choose change type: ☐ Add ☐ Delete				b. Election Cycle Sum to Date	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
g. If Amendment, choose change type: ☐ Add ☐ Delete				h. Election Cycle Sum to Date	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
g. If Amendment, choose change type: ☐ Add ☐ Delete				h. Election Cycle Sum to Date	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
g. If Amendment, choose change type: ☐ Add ☐ Delete				h. Election Cycle Sum to Date	$

4. Total only this Page	$
5. Total of ALL CRO-1220 Pages *(only show on last page)*	$

(This line must be on line 7 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Pfizer PAC 235 East 42nd St New York, NY 10017		check	2/06	☐	$1,500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: PAC ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Progress Energy PAC PO Box 1510 Raleigh, NC 27602		check	2/06	☐	$1,000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: PAC ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Electricities PAC PO Box 29513 Raleigh, NC 27626		check	2/06	☐	$1,000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C. Bank PAC PO Box 19999 Raleigh, NC 27619		check	2/06	☐	$ 800.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Wachovia NC Employees Good Govt. Fund		check	3/06	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

4. Total only this Page	$ 4800.00
5. Total of ALL CRO-1230 Pages *(only show on last page)*	$
(This line must be on line 8 of Detailed Summary Page CRO-1100)	

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
DaVita Inc. PAC 21250 Hawthorne Blvd. Torrance, CA 90503		check	2/06	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
REAP P.O.Box 26566 Raleigh, NC 27611		check	2/06	☐	$ 400.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Assoc for Home & Hospice Care PAC 3101 Industrial Dr. Raleigh, NC 27609		check	2/06	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Dental PAC PO Box 4099 Cary, NC 27519		check	2/06	☐	$ 750.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Time Warner PAC 510 Glenwood Ave Raleigh 27603		check	2/06	☐	$ 25.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

4. Total only this Page	$ 2150.00
5. Total of ALL CRO-1230 Pages *(only show on last page)*	$
(This line must be on line 3 of Detailed Summary Page CRO-1100)	

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NMRS NC State PAC PO Box 1107003 Columbia SC 29211		check	3/06	☐	$ 200.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Blue Cross & Blue Shield of NC Employee PAC P.O. Box 2291 Durham, NC 27702		check	3/06	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NOVARTIS PAC 701 Pennsylvania Ave NW Washington NC 20004		check	3/06	☐	$ 750.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Medical Society PAC P O Box 25834 Raleigh, NC 27611		check	3/06	☐	$ 1000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Assoc of Educators PAC 700 South Salisbury St. Raleigh, NC 27611		check	4/06	☐	$ 1000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

4. Total only this Page	$ 3450.00
5. Total of ALL CRO-1230 Pages *(only show on last page)*	$
(This line must be on line 8 of Detailed Summary Page CRO-1100)	

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (Include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Duke Energy Corp. PAC 422 So Church St. Charlotte NC 28202		check	3/06	☐	$ 10000
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (Include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C. Academy of Trial ~~Lawyers~~ Lawyers PAC P.O. Box 10918 Raleigh, NC 27605		check	3/06	☐	$ 1000 00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (Include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Citizens for Higher Educati 10709 Brass Kettle Rd Raleigh, NC 27614		check	3/06	☐	$ 2000 00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (Include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Realtors PAC 4511 Weybridge Lane Greensboro, NC 27407		check	3/06	☐	$ 2000 00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (Include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Pork Council PAC 2800 Rexwoods Dr. Raleigh, NC 27607		check	3/06	☐	$ 5000 00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

4. Total only this Page		$ 6500 00
5. Total of ALL CRO-1230 Pages *(only show on last page)*		$

(This line must be on line 8 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Merck PAC 601 Pennsylvania Ave NW Washington, NC 28004		check	2/06	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Parker, Poe, Adams & Bernstein — PAC 150 Fayetteville St Mall Raleigh, NC 27602		check	3/06	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

4. Total only this Page		$ 1000.00
5. Total of ALL CRO-1230 Pages	(only show on last page)	$ 16,900.00

(This line must be on line 8 of Detailed Summary Page CRO-1100)

Disbursements

Page ___ of ___

1. Name of Committee or Fund

2. ID Number

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursements.)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount	i. If Amendment, choose change type:	j. Election Cycle Sum To Date
Cumulus Broadcasting 3233 Burnt Mill Rd. Wilmington NC 28403			advertising		check	4/1/06	$10,922.00	☐ Add ☐ Delete	$
FedEx Kinkos 4700 Oleander Dr. Wilmington, NC 28403			Printing		check	4/06	$1,687.03	☐ Add ☐ Delete	$
Snapdragon Printing 1220 Dock Street Wilmington, NC 28401			Tee Shirts		check	5/06	$428.39	☐ Add ☐ Delete	$
International Mailing Services P.O. Box 330 Wilmington, NC 28402			mail/serving		check	4/06	$625.88	☐ Add ☐ Delete	$
United House of Prayer 1216 Onslow Street Wilmington			meals Elderly		check	5/06	$307.50	☐ Add ☐ Delete	$

5. Total only this Page $ 19,996.77

6. Total of ALL CRO-1310 Related Pages (only show on last page) $

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disclosure Report Cover

Amendment ☐ Yes ☐ No

Please note that this cover sheet cannot be used to amend committee information such as the committee address, treasurer, assistant treasurer, custodian of books information, or account information.
You must amend the Statement of Organization (CRO-2100A-E) to make those kinds of committee changes.
Use the Addendum form (CRO-1010) if more entries are needed.

1. Committee Information

a. Full Name: Thomas Wright Campaign

c. ID Number: 22098 00

b. Mailing Address (include City, State and Zip Code): P.O. Box 1654, Wilmington, NC 28402

d. Date Filed:

e. Phone Number:

2. Report Year	3. Period Start Date (mm/dd/yyyy)	4. Period End Date (mm/dd/yyyy)	5. Treasurer Full Name
2006	July '06	October '06	

6. Type of Committee *(Check one)*
- ☒ Candidate Campaign
- ☐ Party
- ☐ Joint Fundraiser
- ☐ PAC
- ☐ Referendum

7. Type of Fund *(if applicable, check one)*
- ☐ Soft Money Account
- ☐ "Booster Fund"
- ☐ Building Fund
- ☐ NC Political Party Financing Fund
- ☐ Presidential Election Year Candidates Fund
- ☐ NC Public Campaign Financing Fund
- ☐ Other:

8. Type of Report *(check only one type of report from one category)*

Municipal	State/County	Referendum
☐ Organizational	☐ Organizational	☐ Organizational
☐ Thirty-five day	Quarterly	☐ Pre-referendum
☐ Pre-primary	☐ First Plus	☐ Final
☐ Pre-election	☐ Second	☐ Supplemental Final
☐ Pre-runoff	☒ Third Plus	☐ Annual
Semi-annual	☐ Fourth	☐ Special
☐ Mid Year	Semi-annual	
☐ Year End	☐ Mid Year	**9. Special Report Name**
☐ Final	☐ Year End	
☐ Special	☐ Final	
	☐ Special	

10. Account Information

a. Financial Institution Full Name:

b. Purpose:

c. Code:

d. Period Begin Balance: $69,425 97

10. Account Information

a. Financial Institution Full Name:

b. Purpose:

c. Code:

d. Period Begin Balance: $

CERTIFICATION

I certify that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Printed Name of Signer

Signature of Appointed Treasurer

10/31/06
Date

NOV 01 2006
N.C. BOARD OF ELECTIONS

FOR OFFICE USE ONLY

Date Received: 10/30/06 Employee: PW

Date Postmarked: Employee:

Date Scanned: Employee:

Delivery Method
- ☐ Normal Mail
- ☒ Registered Mail
- ☐ Hand Delivered
- ☐ Electronically Filed

Detailed Summary

Amendment ☐ Yes ☐ No

1. Committee Full Name (and Fund if applicable)	2. Type of Report	3. ID Number
Thomas Wright Campaign	3rd Quarter	2209800

Start of Election Cycle: January 1, _____		Total this Reporting Period	Total this Election Cycle
4) Cash on Hand at Start		$69,425.92	$59,698.92
RECEIPTS			
5) Aggregated Contributions from Individuals	(CRO-1205)	$ 0	$ 0
6) Contributions from Individuals	(CRO-1210)	$ 8,956.00	$ 25,126.00
7) Contributions from Political Party Committees	(CRO-1230)	$ 0	$ 0
8) Contributions from Other Political Committees	(CRO-1250)	$ 13,150.00	$ 81,550.22
9) Loan Proceeds	(CRO-1410)	$ 0	$ 0
10) Refunds/Reimbursements To the Committee	(CRO-1240)	$ 0	$ 0
11) Other Receipt Sources	(CRO-1250)		
11a) Interest on Bank Accounts	(CRO-1250)	$ 0	$ 0
11b) Contributions from Not-for-Profit Organizations	(CRO-1250)	$ 0	$ 0
11c) Outside Sources of Income	(CRO-1250)	$ 0	$ 0
12) "Goods and Services" Contributions	(CRO-1260)	$ 0	$ 0
13) TOTAL RECEIPTS *(Add lines 5, 6, 7, 8, 9, 10, 11a, 11b, 11c, and 12)*		$ 22,101.00	$ 106,676.22
EXPENDITURES			
14) Disbursements	(CRO-1310)		
14a) Operating Expenditures	(CRO-1310)	$ 12,789.06	$ 34,745.21
14b) Contributions to Candidates/Political Committees	(CRO-1310)	$ 0	$ —
14c) Coordinated Party Expenditures	(CRO-1310)	$ 0	$ 1,500.00
15) Loan Repayments	(CRO-1420)	$ 0	$ 0
16) Refunds/Reimbursements From the Committee	(CRO-1320)	$ 0	$ 0
17) In-Kind Contributions	(CRO-1510)	$ 2,850.00	$ 0
18) TOTAL EXPENDITURES *(Add lines 14a, 14b, 14c, 15, 16, and 17)*		$ 15,639.00	$ 36,245.01
19) Cash on Hand at End *(Add lines 4 and 13 together, then subtract line 18)*		$ 75,587.79	$ 130,130.13
ADDITIONAL INFORMATION			
20) Non-Monetary Gifts Given to Other Committees	(CRO-1330)	$	
21) Outstanding Loans (incl. ones from other campaigns)	(CRO-1430)	$	
22) Debts and Obligations owed By the Committee	(CRO-1610)	$	
23) Debts and Obligations owed To the Committee	(CRO-1620)	$	
24) Account Transfers Within the Committee	(CRO-1720)	$	
25) Administrative Support	(CRO-1710)	$	$
26) Forgiven Loans	(CRO-1440)	$	$
27) 48-Hour Notice Reports Sum		$	$

Contributions from INDIVIDUALS

1. Name of Committee or Fund: Thomas Wright Campaign

2. ID Number: 22 9800

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Thomas J. Pearsall II JR 1 Page Ave. Suite 215 Asheville NC 28801		check	8/06	☐	☐	$ 500.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CFO/Ret				☐	☐	$
	c. Employer's Name/Specific Field: Self	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Mack B. Pearsall 1 Page Ave Suite 215 Asheville, NC 28801		check	8/06	☐	☐	$ 500.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Business owner				☐	☐	$
	c. Employer's Name/Specific Field: Self	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Bennetta L McKeithan 3204 Snow Berry Ct. Wilmington, NC 28409		check	8/21/06	☐	☐	$ 500.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession:				☐	☐	$
	c. Employer's Name/Specific Field: Homemaker	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Marion A Swift 237 Greenknob Mountain Rd Boone NC 28607		check	8/06	☐	☐	$ 101.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Hobby Ist				☐	☐	$
	c. Employer's Name/Specific Field: Marion A. Swift Associates	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Gary Oysten P O Box 189 Franklinton NC 27525		check	7/06	☐	☐	$ 250.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Dentist				☐	☐	$
	c. Employer's Name/Specific Field: self	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

4. Total only this Page	$ 1851.00
5. Total of ALL CRO-1210 Pages (only show on last page)	$ —

This line must be on line 6 of Detailed Summary Page CRO-1100

Contributions from INDIVIDUALS

1. Name of Committee or Fund

2. ID Number

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Fred Mills Sr. P.O.Box 6171 Raleigh, NC 27628		check	4/06	☐	☐	$ 250 00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CEO				☐	☐	$
	c. Employer's Name/Specific Field: Mills Construction	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Paul Hickman 4805 Shadbury Ct. Wake Forest NC		check	4/06	☐	☐	$ 250 00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Hon. Ann Coe Peeyman 1405 Broadway Lexington, NC 27295		check	4/06	☐	☐	$ 250 00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Lobbyist				☐	☐	$
	c. Employer's Name/Specific Field: Self	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	William Buford III 4840 SE Connell Ave. Chicago IL 60615		check	4/06	☐	☐	$ 250 00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Rufus L. Edmisten 132 SE Salisbury St. Raleigh, NC 27601		check	4/06	☐	☐	$ 200 00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Atty.				☐	☐	$
	c. Employer's Name/Specific Field: Self	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page	$ 1,200 00
5. Total of ALL CRO-1210 Pages (only show on last page)	$

(This line must be on line 6 of Detailed Summary Page CRO-1100)

Contributions from INDIVIDUALS

1. Name of Committee or Fund

2. ID Number

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	b. Job Title/Profession	c. Employer's Name/Specific Field	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount	j. If Amendment, choose change type:	k. Election Cycle Sum to Date
3. Contributor	William Faison PO Box 51729. Durham, NC 27717	Atty	self		check	5/06	☐	☐	$ 500.00	☐ Add ☐ Delete	$
3. Contributor	Jerry Lee Robinson 506 Tuxedo Lane Peachtree City GA 30269				check	5/06	☐	☐	$ 500.00	☐ Add ☐ Delete	$
3. Contributor	Denise Harrod 785 Branchview Dr SW Atlanta GA 30331	govt relations Dir.	Comp credit		check	5/06	☐	☐	$ 500.00	☐ Add ☐ Delete	$
3. Contributor	John L. Neu 55-26 Woodside Ave. Woodside, NY 11377	CEO			check	5/06	☐	☐	$ 1000.00	☐ Add ☐ Delete	$
3. Contributor	Robert A Kelman 40 W. 22nd St. New York NY 10010				check	5/06	☐	☐	$ 500.00	☐ Add ☐ Delete	$

4. Total only this Page	$ 3000.00
5. Total of ALL CRO-1210 Pages *(only show on last page)*	$

(This line must be on line 6 of Detailed Summary Page CRO-1100)

Contributions from INDIVIDUALS

1. Name of Committee or Fund

2. ID Number

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	William Schmiedel 118 Asbury Ave. Freehold NJ. 07728		check	5/06	☐	☐	$ 500 00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Joseph A Payesko III 203 Murray Ave Yardville, NJ. 08620		check	5/06	☐	☐	$ 500 00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	David Dudova 73 Golf view Dr. Little Egg, Harbor Twp NJ. 08087		check	5/06	☐	☐	$ 300 00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Scott A. Miller 81 Beacon Rd. Port Washington, NY. 11050		check	5/06	☐	☐	$ 500 00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	G. Barry Isaacs 7 Schindler Ct. Boonton Township NJ. 07005		check	5/06	☐	☐	$ 300 00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page	$ 2100 00
5. Total of ALL CRO-1210 Pages *(only show on last page)*	$

(This line must be on line 6 of Detailed Summary Page CRO-1100)

Contributions from INDIVIDUALS

1. Name of Committee or Fund

2. ID Number

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	R. Clark Peary 4 Robert Court Verona NJ 07044		check	4/06	☐	☐	$ 350.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	F.W. Cornell 368 Vassar Dr Freehold, NJ 07728		check	4/06	☐	☐	$ 250.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	John Butler 518 S. Boylan Ave. Raleigh, NC 27603		check	4/06	☐	☐	$ 200.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
					☐	☐	$
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
					☐	☐	$
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page $ 800.00

5. Total of ALL CRO-1210 Pages *(only show on last page)* $ 8,957.00

(This line must be on line 6 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund: Thomas Wright Campaign

2. ID Number:

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Bank of America PAC 600 Peachtree St. NE. Atlanta GA 30308		check	4/06	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Nextel Corp. PAC 150 Fayetteville St. Mall Raleigh NC 27601		check	4/06	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Farm Bureau PAC P O Box 27766 Raleigh NC 27611		check	4/06	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Kerr Drug Inc PAC 2522 S. Tricenten Blvd. Durham, NC 27713		check	4/06	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Smithfield Foods Inc PAC 499 Park Ave New York, NY		check	4/06	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

4. Total only this Page: $ 2000.00

5. Total of ALL CRO-1230 Pages (only show on last page): $

(This line must be on line 3 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund | 2. ID Number

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC PGA PAC 5112 Bur Oak Circle Raleigh, NC 27612		check	4/06	☐	$ 200.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC State AFL-CIO COPE-PAC PO Box 10805 Raleigh, NC. 27605		check	4/06	☐	$ 100.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Re Elect Gaskey Sheriff 4901 Gorham Ave. Wilmington, NC 28409		check	4/06	☐	$ 1,000.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C. Construction PAC. PO Box 30998 Raleigh, NC 27622		check	4/06	☐	$ 200.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Employees PAC PO Drawer 27727 Raleigh, NC 27611		check	4/06	☐	$ 250.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		

4. Total only this Page: $ 1,750.00

5. Total of ALL CRO-1230 Pages (only show on last page): $

(This line must be on line 3 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N C Retail Merchants Assn PAC PO Box 176001 Raleigh, NC 27619		check	4/06	☐	$ 200.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Petroleum Stmd Farms Assc 805 Pennsylvania Ave. Kansas City MO. 64105		check	4/06	☐	$ 200.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
AFSCME Inc PAC 1511 Armistice Ave. Hartford, CT. 06150		check	4/06	☐	$ 200.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Dominion PAC PO Box 26666 Richmond VA. 23261		check	4/06	☐	$ 300.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C. Hospital Association PAC. PO Box 4449 Cary, NC 27519		check	4/06	☐	$ 2,000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

4. Total only this Page		$ 2,900.00
5. Total of ALL CRO-1230 Pages (This line must be on line 3 of Detailed Summary Page CRO-1100)	(only show on last page)	$ ✓

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund | 2. ID Number

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Nationwide PAC one Nationwide Plaza Columbus, Oh. 43215		check	4/06	☐	$1,500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Build PAC P.O.Box 99090 Raleigh, NC 27624		check	4/06	☐	$3,000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Realtad PAC 714 Green Valley Rd Greensboro NC 27408		check	4/06	☐	$1,000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Assoc Long Term Care Pr. 4010 Barrett Dr. Raleigh, NC 27609		check	4/06	☐	$500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Dental PAC PO Box 4099 Cary NC 27519		check	4/06	☐	$500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

4. Total only this Page	$6,500.00
5. Total of ALL CRO-1230 Pages (only show on last page)	$

(This line must be on line 3 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund | 2. ID Number

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3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
HSBC North America PAC 2700 Sanders Rd. Prospect Heights IL 60070		check	4/06	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

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3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
CASPA - PAC POBox 10145 Raleigh. NC 27605		check	4/06	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

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3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Restaurant Assoc Inc PAC 6036 Six Forks Rd. Raleigh, NC 27609		check	4/06	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

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3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Assoc. Insurance & Financial Advisors. PAC 875 Washington St. Raleigh. NC 27605		check	4/06	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

---

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

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4. Total only this Page: $ 2,000.00

5. Total of ALL CRO-1250 Pages (only show on last page): $ 13,150.00

(This line must be on line 4 of Detailed Summary Page CRO-1100)

Disbursements

1. Name of Committee or Fund: Thomas Wright Campaign

2. ID Number: 2209800

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursements.)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
Snapdragon Printing 1220 Dock St Wilmington NC 28401			Tee Shirts		check	5/06	$ 405.00		$
							$		
							$		
Cumulus Broadcasting 3233 Burnt Mill Rd. Wilmington NC 28403			Advertising		check	5/06	$ 2,753.00		$
							$		
							$		
Pender Post Burgaw NC			Newspaper Ad		check	5/06	$ 630.00		$
							$		
							$		
Fedex Kinkos 4702 Oleander Dr. Wilmington NC 28403			Printing		check	5/06	$ 2,341.56		$
							$		
							$		
Port City Signs 1103 Castle Street Wilmington, NC 28401			Signs		check	5/06	$ 3,764.00		$
							$		
							$		

5. Total only this Page: $ 10,139.00

6. Total of ALL CRO-1310 Related Pages (only show on last page): $

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disbursements

1. Name of Committee or Fund

2. ID Number

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursements.)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Nora Batts #6. Shipyard Walk Wilmington, NC 28401	pollworker				$ 100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:

i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Debra Stokes 100.3 S. 14th St Wilmington NC 28401	pollworker				$ 100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:

i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
James Alexander 506. Brunswick St. Wilmington NC 28401	pollworker				$ 100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:

i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Will Forden 2209 Rock Hill Rd Castle Hayne NC 28429	pollworker				$ 100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:

i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Angela Redd 717 Ginory St Wilmington NC 28405	pollworker				$ 100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:

i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

5. Total only this Page $ 500.00

6. Total of ALL CRO-1310 Related Pages (only show on last page) $

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disbursements

1. Name of Committee or Fund

2. ID Number

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursements.)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Pearlie Watkins 706 Emory St Wilmington NC 28401	pollworker				$100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Julia Salter 407 S 16th St Wilmington, NC 28401	Driver/ pollworker				$150.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Lossie McCroney 4715 Greentree Rd Wilmington NC 28405	pollworker				$100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Johnnie Jacobs 1117 Shipyard Walk Wilmington, NC 28401	pollworker				$100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Tammie Monroe 2020 Rendon Ave Wilmington, NC 28403	pollworker				$100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

5. Total only this Page $ 550.00

6. Total of ALL CRO-1310 Related Pages (only show on last page) $

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disbursements

1. Name of Committee or Fund

2. ID Number

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursements.)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Barbara Boney 1113 E. Stewart Circle Wilmington, NC. 28401	pollworker		check	5/06	$ 100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:

i. If Amendment, choose change type: ☐ Add ☐ Delete

j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Robert Lawrence 808 B. N. 5th St	pollworker		check	5/06	$ 100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:

i. If Amendment, choose change type: ☐ Add ☐ Delete

j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Stephanie Stokes # 7 N. Liberty Ct. Wilmington, NC 28401	pollworker		check	5/06	$ 100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:

i. If Amendment, choose change type: ☐ Add ☐ Delete

j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Cozette Stokes 4 My Apt 2 Hamett St Wilmington NC 28401	pollworker		check	5/06	$ 100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:

i. If Amendment, choose change type: ☐ Add ☐ Delete

j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Judy Davis 1049 S. 8th St Wilmington, NC 28401	pollworker		check	5/06	$ 100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:

i. If Amendment, choose change type: ☐ Add ☐ Delete

j. Election Cycle Sum To Date $

5. Total only this Page $ 500.00

6. Total of ALL CRO-1310 Related Pages (only show on last page) $

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disbursements

1. Name of Committee or Fund

2. ID Number

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursements.)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Gwendolyn Watkins 1018 Thomas C. Jervey Dr Wilmington, NC 28401			pollworker				$ 100 00
							$
							$
			i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$
4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip) Kendra Hill 2805 Spaulding Wilmington, NC 28405	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
			pollworker				$ 100 00
							$
							$
			i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$
4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip) James Jordan 1108 James Alley Wilmington, NC 28401	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
			pollworker				$ 100 00
							$
							$
			i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$
4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip) Reese Smith 4913 Gordon Rd Wilmington NC 28401	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
			pollworker				$ 100 00
							$
							$
			i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$
4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip) Jozell Smith 4913 Gordon Rd Wilmington NC 28401	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
			pollworker				$ 100 00
							$
							$
			i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

5. Total only this Page $ 500 00

6. Total of ALL CRO-1310 Related Pages (only show on last page) $

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disbursements

1. Name of Committee or Fund

2. ID Number

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursements.)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Ruth Lewis Wilmington, NC 28401	pollworker		check	5/06	$ 100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete
j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Anik Hicks Wilmington, NC 28411	pollworker		check	5/06	$ 100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete
j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Patricia Drakeford Wilmington NC. 28411	pollworker		check	5/06	$ 100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete
j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Gloria Stokes #4 Shipyard Walk Wilmington, NC 28401			check	5/06	$ 300.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete
j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete
j. Election Cycle Sum To Date $

5. Total only this Page $ 600.00

6. Total of ALL CRO-1310 Related Pages (only show on last page) $ 12,789.00

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Amendment ☐ Yes ☐ No

Disclosure Report Cover

Please note that this cover sheet cannot be used to amend committee information such as the committee address, treasurer, assistant treasurer, custodian of books information, or account information.
You must amend the Statement of Organization (CRO-2100A-E) to make these kinds of committee changes.
Use the Addendum form (CRC-1010) if more entries are needed.

1. Committee Information

a. Full Name: Thomas Wright Campaign
c. ID Number: 22098.00
d. Date Filed:
b. Mailing Address (Include City, State and Zip Code): P. O. Box 1654, Wilmington, NC 28402
e. Phone Number: 910 343-3335

2. Report Year	3. Period Start Date (mm/dd/yyyy)	4. Period End Date (mm/dd/yyyy)	5. Treasurer Full Name
2006	October 2006	Jan 10 2007	

6. Type of Committee (Check one)
☐ Candidate Campaign ☐ Party
☐ Joint Fundraiser ☐ PAC
☐ Referendum

7. Type of Fund (if applicable, check one)
☐ Self Money Account
☐ "Surplus Fund"
☐ Building Fund
☐ NC Political Party Financing Fund
☐ Presidential Election Year Candidate Fund
☐ NC Public Campaign Financing Fund
☐ Other

8. Type of Report (check only one type of report from one category)

Municipal
☐ Organizational
☐ Thirty-five day
☐ Pre-primary
☐ Pre-election
☐ Pre-runoff
Semi-annual
☐ Mid Year
☐ Year End
☐ Final
☐ Special

State/County
☐ Organizational
Quarterly
☐ First Pre
☐ Second
☐ Third Pre
☒ Fourth
Semi-annual
☐ Mid Year
☐ Year End
☐ Final
☐ Special

Referendum
☐ Organizational
☐ Pre-referendum
☐ Final
☐ Supplemental Final
☐ Annual
☐ Special

9. Special Report Name

10. Account Information

a. Financial Institution Full Name:
b. Purpose:
c. Code:
d. Period Begin Balance: $75,587.22

10. Account Information

a. Financial Institution Full Name:
b. Purpose:
c. Code:
e. Period Begin Balance: $

CERTIFICATION

I certify that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Printed Name of Signer: [illegible] Signature of Authorized Treasurer: [signature] Date: 1/10/07

FOR OFFICE USE ONLY

Date Received: _____ Employee: _____
Date Postmarked: _____ Employee: _____
Date Scanned: 01-18-07 Employee: [illegible]

Delivery Method
☐ Normal Mail
☐ Registered Mail
☐ Hand Delivered
☐ Electronically Filed

RECEIVED JAN 10 2007 CAMPAIGN REPORTING

Detailed Summary

Amendment: ☐ Yes ☐ No

1. Committee Full Name (and Fund if applicable)	2. Type of Report	3. ID Number
Thomas Wright Campaign	4th Quarter	2209800

Start of Election Cycle: January 1, _____

		Total this Reporting Period	Total this Election Cycle
4) Cash on Hand at Start		$75,587.22	$69,425.92
RECEIPTS			
5) Aggregated Contributions from Individuals	(CRO-1305)	$ 0	$ 0
6) Contributions from Individuals	(CRO-1316)	$ 1,250.00	$ 34,077.00
7) Contributions from Political Party Committees	(CRO-1328)	$ 0	$ 0
8) Contributions from Other Political Committees	(CRO-1339)	$ 19,750.00	$ 94,700.22
9) Loan Proceeds	(CRO-1410)	$ 0	$ 0
10) Refunds/Reimbursements To the Committee	(CRO-1340)	$ 0	$ 0
11) Other Receipt Sources	(CRO-1350)		
11a) Interest on Bank Accounts	(CRO-1359)	$ 0	$ 0
11b) Contributions from Not-for-Profit Organizations	(CRO-1356)	$ 0	$ 0
11c) Outside Sources of Income	(CRO-1360)	$ 0	$ 0
12) "Goods and Services" Contributions	(CRO-1369)	$ 0	$ 0
13) TOTAL RECEIPTS *(Add lines 5, 6, 7, 8, 9, 10, 11a, 11b, 11c, and 12)*		$20,000.00	$128,777.22
EXPENDITURES			
14) Disbursements	(CRO-1318)		
14a) Operating Expenditures	(CRO-1318)	$ 11,316.50	$ 47,534.07
14b) Contributions to Candidates/Political Committees	(CRO-1319)	$ 0	$ 0
14c) Coordinated Party Expenditures	(CRO-1319)	$ 0	$ 4,500.00
15) Loan Repayments	(CRO-1420)	$ 0	$ 0
16) Refunds/Reimbursements From the Committee	(CRO-1330)	$ 0	$ 0
17) In-Kind Contributions	(CRO-1519)	$ 0	$ 2,850.00
18) TOTAL EXPENDITURES *(Add lines 14a, 14b, 14c, 15, 16, and 17)*		$ 11,316.50	$ 54,884.07
19) Cash on Hand at End *(Add lines 4 and 13 together, then subtract line 18)*		$ 84,271.25	$ 146,318.15
ADDITIONAL INFORMATION			
20) Non-Monetary Gifts Given to Other Committees	(CRO-1338)	$	
21) Outstanding Loans (Incl. ones from other campaigns)	(CRO-1438)	$	
22) Debts and Obligations owed By the Committee	(CRO-1619)	$	
23) Debts and Obligations owed To the Committee	(CRO-1639)	$	
24) Accounts Transfers Within the Committee	(CRO-1720)	$	
25) Administrative Support	(CRO-1714)	$	$
26) Forgiven Loans	(CRO-1448)	$	$
27) 48-Hour Notice Reports Sum		$	$

Contributions from INDIVIDUALS

1. Name of Committee or Fund

2. ID Number

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	George Saunders MD 114 W. Parrish St Durham NC 27701		check	dec 2006	☐	☐	$ 250.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Neurologist				☐	☐	$
	c. Employer's Name/Specific Field: old North State Medical Society	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Carl Marshburn 10 S Water Street unit #1 Wilmington, NC 28401		check	oct 2006	☐	☐	$ 1,000.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Captain				☐	☐	$
	c. Employer's Name/Specific Field: Cape Fear Boat	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
					☐	☐	$
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
					☐	☐	$
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
					☐	☐	$
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

4. Total only this Page: $ 1,250.00

5. Total of ALL CRO-1210 Pages (only show on last page): $ 1,250.00

(This line must be on line 6 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund | 2. ID Number

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Citizens For Higher Education 10709 Brassfield Rd. Raleigh, NC 27614-9559		check	October 06	☐	$ 2,000.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☑ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date	$	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Realtors PAC 4511 Weybridge Ln. Greensboro, NC 27407		check	october '06	☐	$ 4,000.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☑ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date	$	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Assoc. Educators PAC 700 S. Salisbury St Raleigh NC 27601		check	october '06	☐	$ 500.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☑ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date	$	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Friends of Forestry PAC 1600 Glenwood Ave Suite I Raleigh, NC 27608		check	october '06	☐	$ 500.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☑ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date	$	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Pepsico Concerned citizens Fund Purchase, NY 10577		check	october '06	☐	$ 250.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☑ Federal ☐ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date	$	

4. Total only this Page $ 7,250.00

5. Total of ALL CRO-1230 Pages (only those on last page) $

(This line must be on line 1 of Detailed Summary Page CRO-1230)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund | 2. ID Number

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC. Assoc. Nurse Anesthetists 201 Eva Lane Greensboro, NC 27455		check	oct. '06	☐	$ 2000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date $

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Hospital Assoc. PAC PO Box 4445 Cary, NC 27519		check	oct '06	☐	$ 2000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date $

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
ILA committee on Political Education 17 Battery Pl. Suite 930 New York, NY 10004		check	oct. 06	☐	$ 1,500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☑ Federal ☐ State ☐ County | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date $

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Meek Employees PAC 601 Pennsylvania Ave NW Washington, DC 20004		check	oct. 06	☐	$ 1,000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☑ Federal ☐ State ☐ County | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date $

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Home Builders Assoc. PAC P. O. Box 95080 Raleigh, NC 27024		check	Nov. 06	☐	$ 1,000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date $

4. Total only this Page	$ 7,500.00
5. Total of ALL CRO-1230 Pages (carry forward)	$

(This line must be on line 3 of Detailed Summary Page CRO-1.000)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund

2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
KOCH PAC 655 15th St NW Suite 995 Washington, DC 20005		check	nov. 06	☐	$ 500 00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.P. PAC Pmb 345 1251 NW Maynard Rd Cary, NC 27513		check	Nov 06	☐	$ 500 00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Economic Development Coalition 2000 PO Box 386 Cary, NC 27512		check	Oct. 06	☐	$ 500 00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Carolink PAC P.O. Box 368 Yadkinville NC 27055		check	Oct. 06	☐	$ 500 00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
PSNC Energy PAC 1312 Annapolis Drive Suite 200 Raleigh, NC 27608		check	nov. 06	☐	$ 500 00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

4. Total only this Page	$ 2,500 00
5. Total of ALL CRO-1230 Pages (only show on last page)	$

(This line must be on the last Detailed Summary Page CRO-1201)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund | 2. ID Number

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Microsoft Corp. PAC 16011 NE 36th Way Redmond WA 98073		check	Nov '06	☐	$ 250.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Piedmont Natural Gas PAC P O Box 33068 Charlotte, NC 28233		check	Nov '06	☐	$ 250.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Pfizer PAC 235 East 42nd St New York, NY 10017		check	Dec. 06	☐	$ 1,000.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Medco Health PAC 591 Redwood Hwy Bldg 440 Mill Valley, CA 94941		check	Dec. 06	☐	$ 1,000.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☑ Federal ☐ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
					☐	$
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		

4. Total only this Page: $ 2,500.00

5. Total of ALL CRO-1230 Pages (only shown on last page): $ 19,750.00

(This line must be on line 1 of Detailed Summary Page CRO-1200)

Disbursements

1. Name of Committee or Fund | 2. ID Number

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of disbursement.)
Overhead Expenses | Contributions to Candidates/Political Committees | Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
FedEx Kinkos 4700 Oleander Dr Wilmington NC 28403	printing	—	check	10/06	$ 3,264.23
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: Add / Delete			j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Port City Signs 1703 Castle St Wilmington NC 28401	signs	—	check	10/06	$ 2,196.00
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: Add / Delete			j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Snapdragon Printing 1220 Dock Street Wilmington NC 28401	Ice Sheets		check	11/06	$ 526.00
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: Add / Delete			j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Pender Post Burgaw NC	advertisement Newspaper		check	11/06	$ 630.00
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: Add / Delete			j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
United House of Prayer Orange St. Wilmington NC 28401	Election Day meals		check	11/06	$ 394.29
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: Add / Delete			j. Election Cycle Sum To Date $

5. Total only this Page $ 7880.52

6. Total of ALL CRO-1310 Related Pages (only show on last page) $

(This line goes to line 16a of Detailed Summary Page CRO-1300 if Operating Expenses)
(This line goes to line 16b of Detailed Summary Page CRO-1300 if Contrib to Candidates/Political Comm)
(This line goes to line 16c of Detailed Summary Page CRO-1300 if Coordinated Party Expenditures)

Disbursements

1. Name of Committee or Fund

2. ID Number

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursements.)

☐ Overhead Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
FedEx Kinkos 4700 Oleander Dr Wilmington, NC 28403	Printing and Postage		check	11/06	$1,586.13
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date $
4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Debra Stokes 1003 S. 14th Street Wilmington, NC 28401	pollworker		check	11/06	$100.00
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date $
4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
James Alexander 500 Brunswick St Wilmington, NC 28401	pollworker		check	11/01	$100.00
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date $
4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Willie Fordham 2209 Rock Hill Rd Castle Hayne, NC 28429	pollworker		check	11/01	$100.00
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date $
4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Angela Redd 717 Emory St Wilmington, NC 28405	pollworker		check	11/00	$100.00
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date $

5. Total only this Page $1,986.13

6. Total of ALL CRO-1310 Related Pages (only show on last page) $

(This line goes in line 15a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 15b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 15c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disbursements

1. Name of Committee or Fund

2. ID Number

3. Type of Disbursement: Please use separate CRO-1310 forms for each type of disbursement.
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Pearlie Watkins 706 Emory St. Wilmington, NC 28401	pollworker		check	10/06	$ 100.00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date $	

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Julia Salter 402 S 16th St Wilmington NC 28401	Poll worker		check	11/06	$ 150.00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date $	

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Stephanie Stokes #7 N. Liberty Ct Wilmington, NC 28401	pollworker		check	11/06	$ 100.00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date $	

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Gazette Stokes 414 Apt 2 Hanover St Wilmington NC 28401	pollworker		check	11/06	$ 100.00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date $	

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Jody Davis 1009 S. 8th Street Wilmington NC 28401	pollworker		check		$ 100.00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date $	

5. Total only this Page $ 500.00

6. Total of ALL CRO-1310 Related Pages (only show on last page) $

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disbursements

1. Name of Committee or Fund | 2. ID Number

3. Type of Disbursement: (Please use separate CRO-1310 forms for each type of disbursement.)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Reuben Hill 2805 Spaulding Ct. Wilmington, NC 28405	golf tourn		check	11/06	$ 100.00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Gwendolyn Watkins 1018 Thomas A Davis Dr Wilmington, NC 28401	golf tourn		check	11/06	$ 100.00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
James Jordan 1108 Jones Alley Wilmington, NC 28401	golf tourn		check	11/06	$ 100.00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Roese Smith 4913 Gordon Rd Wilmington NC 28411	golf tourn cont		check	11/06	$ 300.00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Jacezell Smith 4913 Gordon Rd Wilmington, NC 28411	golf tourn		check	11/06	$ 100.00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	$

5. Total only this Page $ 700.00

6. Total of ALL CRO-1310 Related Pages (only show on last page) $

(This line goes to line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes to line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes to line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disbursements

1. Name of Committee or Fund | 2. ID Number

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursement.)
Operating Expenses | Contributions to Candidates/Political Committees | Coordinated Party Expenditures

4. Payee: Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Gloria Stokes #4 Shipyard Walk Wilmington NC 28401	pollworker		check	11/06	$ 300.00
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. for Cand/Comm:	i. If Amendment, choose change type: Add / Delete		j. Election Cycle Sum To Date	$

4. Payee: Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Patricia Parkfork Wilmington NC 28401	pollworker		check	11/06	$ 100.00
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. for Cand/Comm:	i. If Amendment, choose change type: Add / Delete		j. Election Cycle Sum To Date	$

4. Payee: Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Ruth Lewis Wilmington, NC 28401	pollworker		check	11/06	$ 100.00
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. for Cand/Comm:	i. If Amendment, choose change type: Add / Delete		j. Election Cycle Sum To Date	$

4. Payee: Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Cedric Smith 4913 Goodson Rd Wilmington, NC 28411	pollworker		check	11/06	$ 100.00
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. for Cand/Comm:	i. If Amendment, choose change type: Add / Delete		j. Election Cycle Sum To Date	$

4. Payee: Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Robert Lawrence 808 B. N. 5th St Wilmington NC 28401	pollworker		check	11/06	$ 100.00
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. for Cand/Comm:	i. If Amendment, choose change type: Add / Delete		j. Election Cycle Sum To Date	$

5. Total only this Page | $ 700.00

6. Total of ALL CRO-1310 Related Pages (only show on last page) | $

This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disbursements

1. Name of Committee or Fund | 2. ID Number

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of disbursement.)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
John Holmes Wilmington NC 28401	voter		check	11/06	$ 350.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date $

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date $

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date $

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date $

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date $

5. Total only this Page $ 350.00

6. Total of ALL CRO-1310 Related Pages (only show on last page) $ 11,310.50

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

North Carolina General Assembly
House of Representatives
State Legislative Building
Raleigh 27601-1096

MS. DENISE G. WEEKS
PRINCIPAL CLERK

2319 LEGISLATIVE BUILDING
RALEIGH, NC 27601-1096

BUSINESS: (919) 733-7760
FAX: (919) 715-2881

February 29, 2008

The attached committee and commission appointments for Representative Thomas E. Wright from 1999-2008 are certified to be true and accurate.

EXHIBIT
18

Denise Weeks
Principal Clerk
House of Representatives

COMMITTEE AND COMMISSION APPOINTMENTS OF REPRESENTATIVE THOMAS E. WRIGHT

1999 – 2008

1999 Session

Standing Committee Appointments
(Appointed February 9, 11, 1999)
Appropriations; Appropriations Subcommittee on Capital, **Chair**; Economic Growth and Community Development; Ethics; Finance; Health, **Chair**; Insurance; Rules, Calendar, and Operations of the House; State Parks and Properties; Travel and Tourism, **Vice Chair**.
(Appointed May 18, 2000)
Appropriations Subcommittee on Information Technology

Boards and Commission Appointments
Advisory Committee on Cancer Coordination and Control (Reappointment)
Appointed 7/7/1999, Expired 6/30/2003
Emergency Medical Services Advisory Council
Appointed 11/1/1999, Expired12/31/2000
Environmental Review Commission
Appointed 9/27/1999, Expired1/31/2001
Joint Legislative Commission on Governmental Operations
Appointed 2/19/1999, Expired 1/15/2001
Joint Legislative Health Care Oversight Committee (Co-Chair)
Appointed 9/27/1999, Expired 1/24/2001
Joint Select Committee on Higher Education Facilities Needs
Appointed 10/5/1999, Expired Convening of the 2001 General Assembly
Hospital and Medical Benefits Committee
Appointed 4/15/1999, Expired 1/14/2001
North Carolina Board of Travel and Tourism
Appointed 8/5/1999, Expired 12/31/2000
Disaster Response and Recovery Commission
Appointed 2/29/2000, Expired May 1, 2002

Legislative Research Commission Study
Defibrillators Use and Liability Study (Co-Chair)

Select Committee Appointments
Select Committee on Health Care Delivery
Appointed February 11, 1999

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2/29/08

2001 Session

Standing Committee Appointments
(Appointed February 12, 14, 26, 2001)

Appropriations; Appropriations Subcommittee on Capital, **Chair**; Appropriations Subcommittee on Health and Human Services; Congressional Redistricting, **Senior Chair**; Health, **Chair**.

Boards and Commission Appointments

Emergency Medical Services Advisory Council
Appointed 3/10/2002, Expired 3/10/2006
Committee on Employee Hospital and Medical Benefits (Reappointment)
Appointed 3/13/2001, Expired 1/14/2003
Environmental Review Commission
Appointed 2/5/2002, Expired at pleasure of Speaker
Joint Legislative Commission on Governmental Operations
Appointed 3/1/2001, Expired 1/15/2003
Governmental Operations – Subcommittee on
Statewide/Capital/General Government
Appointed 3/1/2001, Expired 1/15/2003
Joint Legislative Utility Review Committee
Appointed 3/13/2001, Expired at pleasure of Speaker
1898 Wilmington Race Riot Commission (Co-Chair)
Appointed 2/13/2002, Expired 12/31/2002 (Extended through 12/31/2004)
House Interim Study Committee of Beach and Coastal Areas Insurance Availability
Appointed 4/17/2002, Expired at the convening of the 2003
Session of the General Assembly
Emergency Medical Services Advisory Council
Appointed 3/10/2002, Expired 3/10/2006
Joint Legislative Health Care Oversight Committee (Co-Chair)
Appointed 10/14/2002, Expired at the convening of the 2003
Session of the General Assembly
Minority Health Advisory Council (Reappointment)
Appointed 12/15/2002, Expired 6/30/2004
Public Health Study Commission (Reappointment)
Appointed 12/15/2002, Expired 6/30/2004
Travel and Tourism Board of North Carolina
Appointed 12/30/2002, Expired 12/31/2004
Statewide Emergency Preparedness Commission (Co-Chair)
Appointed 12/31/2002, Expired at the convening of the 2003
Session of the General Assembly

2003 Session

Standing Committee Appointments
(Appointed February 25, 2003)

Appropriations, **Chair**; Health; Insurance; Public Utilities; Transportation.

2/29/08

Boards and Commissions Appointments

Committee on Employee Hospital and Medical Benefits (Co-Chair and Reappointment)
Appointed 6/23/2003, Expired 1/14/2005

Joint Legislative Commission on Governmental Operations (Reappointment)
Appointed 10/3/2003, Expired 1/15/2005

Governmental Operations – Subcommittee on Statewide/Capital/General Government (Co-Chair)
Appointed 10/23/2003

Joint Legislative Health Care Oversight Committee (Co-Chair and Reappointment)
Appointed 12/2/2003, Expired 1/29/2005

North Carolina Progress Board (filling unexpired term of Representative Pete Oldham)
Appointed 9/5/2003, Expired 6/30/2004

Statewide Benefit Committee (Co-Chair)
Appointed 12/2/2003, Expired 1/1/2005

Cervical Cancer Elimination Task Force
Appointed 10/19/2004, Expired 4/1/2008

Minority Health Advisory Council (Reappointment)
Appointed 10/19/2004, Expired 6/30/2006

Public Health Study Commission (Reappointment)
Appointed 10/19/2004, Expired 6/30/2006

Travel and Tourism Board of North Carolina (Reappointment)
Appointed 1/1/2005, Expired 12/31/2006

Joint Legislative Utility Review Committee
Appointed 4/28/2004, Expired 1/19/2005

Select Committee Appointments

House Select Committee on the Rising Cost of Health Care
Appointed September 12, 2003, Expired April 15, 2004

House Interim Committee on Expanding Rail Service
Appointed October 8, 2004, expired at the convening of 2005 Session of the General Assembly

2005 Session

Standing Committee Appointments
(Appointed February 15, 2005)

Appropriations, **Vice Chair**; Appropriations Subcommittee on Capital, **Chair**; Appropriations Subcommittee on Health and Human Services; Health, **Chair**; Insurance; Public Utilities; Transportation, **Vice Chair**.

Boards and Commissions Appointments

Joint Legislative Oversight Committee on Capital Improvements (Co-Chair)
Appointed 11/23/2005, Expired 1/24/2007

Committee on Employee Hospital and Medical Benefits (Co-Chair)
Appointed 3/9/2005, Expired 1/14/2007

Joint Select Committee on Energy and Fuel Costs
Appointed 12/30/2005, Expired 2/1/2006

2/29/08

Joint Legislative Commission on Governmental Operations
Appointed 2/22/2005, Expired 1/15/2007
Governmental Operations – Subcommittee on Statewide/Capital/General Government
(Co-chair and reappointment)
Appointed 3/21/2005, Expired 1/15/2007
Joint Legislative Health Care Oversight Committee (Co-Chair and reappointment)
Appointed 9/12/2005, Expired 1/19/2007
Joint Legislative Oversight Committee on Information Technology
Appointed 3/30/2005, Expired 1/15/2007
Joint Legislative Utility Review Committee (Reappointment)
Appointed 9/12/2005, Expired 1/19/2007
1898 Wilmington Race Riot Commission (Co-Chair and Reappointment)
Appointed 1/6/2006, Expired 5/31/2006
North Carolina Emergency Medical Services Advisory Council (Reappointment)
Appointed 1/1/2007, Expires 12/31/2010
Joint Select Committee on Environmental Justice
Appointed 9/12/2006, Expired 2/1/2007
Minority Health Advisory Council (Reappointment)
Appointed 9/27/2006, Expires 6/30/2008
Rail Services Commission
Appointed 8/24/2006, Expires on Convening of 2007 General Assembly
House Study Committee on Safe Neighborhoods,
Appointed 10/17/2006, Expired 12/31/2006

Select Committee Appointments
House Select Committee on Homeland Security, Military, and Emergency Management
Appointed March 23, 2005, served at the pleasure of the Speaker
House Select Committee on High School Graduation and Drop Out Rates (Co-Chair)
Appointed October 10, 2006, Expired 12/31/2006
House Select Committee on Expanding Rail Service
Appointed December 7, 2005, Terminated December 31, 2006
House Select Committee on Health Care (Co-Chair)
Appointed November 3, 2005, Terminated December 31, 2006

2007 Session

Standing Committee Appointments
(Appointed February 12, 2007)
Appropriations; Appropriations Subcommittee on Capital, **Chair**; Health, **Chair**; Homeland Security, Military, and Veterans Affairs, **Vice Chair**; Insurance; Public Utilities; Transportation.

Speaker Hackney appointed Acting Chairs for the Appropriations Subcommittee on Capital and the Committee on Health on March 12, 2007.

No interim or study commission appointments made.

2/29/08

North Carolina General Assembly
House of Representatives
State Legislative Building
Raleigh 27601-1096

MS. DENISE G. WEEKS
PRINCIPAL CLERK

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February 29, 2008

The attached documents contain the list of bills that were filed by Representative Thomas E. Wright from 1999-2008 and are certified to be true and accurate.

EXHIBIT
19

Denise Weeks
Principal Clerk
House of Representatives

NCGA Bill Inquiry Results

1999-2000 Session

Search Criteria: Prime Sponsor = "Rep. Thomas E. Wright (H109)"
Sorted By: Bill Number
Total Bills Returned: 55

Bill	Short Title	Action	Date	Action Text
H140 (= S48)	CFCC PUBLIC SAFETY CTR. FUNDS	HF	07/11/2000	POSTPONED INDEFINITELY
H141	AIDS PREVENTION FUNDS	HF	07/07/2000	POSTPONED INDEFINITELY
H142 (= S136)	ENTERPRISE ZONE DEVELOPMENT ACT	H	02/25/1999	Ref to Economic Growth and Community Development
H143	HANDICAPPED PARKING FINES	R	07/12/1999	CH. SL 99-0265
H144 (= S132)	MARINE TECHNOLOGY FUNDS	HF	07/11/2000	POSTPONED INDEFINITELY
H322	CREDIT HISTORY IN INSURANCE	HF	07/07/2000	POSTPONED INDEFINITELY
H768	PENDER LOCAL ACT - 7	HF	06/15/1999	POSTPONED INDEFINITELY
H769	PENDER LOCAL ACT - 8	HF	06/15/1999	POSTPONED INDEFINITELY
H770	NAVASSA LOCAL ACT - 1	HF	06/15/1999	POSTPONED INDEFINITELY
H771	NAVASSA LOCAL ACT - 2	HF	06/15/1999	POSTPONED INDEFINITELY
H772	LEE'S CUT NO-WAKE ZONE	R	05/31/1999	CH. SL 99-0095
H773	NEW HANOVER LOCAL ACT - 2	HF	06/15/1999	POSTPONED INDEFINITELY
H774	WILMINGTON LOCAL ACT - 1	HF	06/15/1999	POSTPONED INDEFINITELY
H775	WILMINGTON LOCAL ACT - 2	HF	06/15/1999	POSTPONED INDEFINITELY
H865	N. H. COMMISSIONERS	HF	06/15/1999	POSTPONED INDEFINITELY
H866	WILMINGTON COUNCIL ELECTIONS	HF	06/15/1999	POSTPONED INDEFINITELY
H993	ASTHMA EDUCATION FUNDS	HF	07/07/2000	POSTPONED INDEFINITELY
H994 (= S434)	DIABETES CONTROL FUNDS	HF	07/07/2000	POSTPONED INDEFINITELY
H995	OFFICE OF MINORITY HEALTH FUNDS	HF	07/07/2000	POSTPONED INDEFINITELY
H996 (= S678)	REGULATE SPINAL MANIPULATION	S	04/29/1999	Ref to Health Care
H997	NEW HANOVER COMM. ACTION FUNDS	HF	07/11/2000	POSTPONED INDEFINITELY
H998	FRIENDS OF DAVID WALKER FUNDS	HF	07/11/2000	POSTPONED INDEFINITELY
H999	COLUMBUS DREAM CTR. FUNDS	HF	07/11/2000	POSTPONED INDEFINITELY
H1110 (= S1029)	HEPATITIS C EDUCATION AWARENESS FUND	HF	07/07/2000	POSTPONED INDEFINITELY
H1111	WILMINGTON FIREBOAT FUNDS	HF	07/11/2000	POSTPONED INDEFINITELY
H1112 (= S856)	WILMINGTON HARBOR DEEPENING FUNDS	HF	07/11/2000	POSTPONED INDEFINITELY
H1113 (= S853)	PINE FOREST CEMETERY FUNDS	HF	07/11/2000	POSTPONED INDEFINITELY
H1114	ENHANCING EMERGENCY MEDICAL SERVICES	HF	07/13/2000	POSTPONED INDEFINITELY
H1115 (= S854)	STATE PORTS CAPITAL FUNDING	HF	07/11/2000	POSTPONED INDEFINITELY
H1116 (= S943)	MINORITY AND AT-RISK STUDENT/STUDY	HF	07/13/2000	POSTPONED INDEFINITELY
H1117 (= S851)	N.H./PENDER JUDICIAL DISTRICTS	H	04/26/1999	Re-assigned to Appropriations Subcommittee Justice and Public Safety
H1118	LIMIT LIABILITY/DEFIBRILLATORS	HF	07/13/2000	POSTPONED INDEFINITELY

H1119	CHILDREN/DISABLE ANESTH. DENTAL CARE	R	06/08/1999	CH. SL 99-0134
H1120	AUTHORIZE PUBLIC HOSPITAL DEBT	R	07/21/1999	CH. SL 99-0386
H[redacted]	STATE AGENCIES COMPLY WITH CAMA	H	04/15/1999	Ref to Environment and Natural Resources
H1184 (= S1040)	AMEND CERTIFICATE OF NEED	R	07/13/2000	CH. SL 00-0135
H1262	HEALTH STATUS DISPARITY TASK FORCE	HF	07/13/2000	POSTPONED INDEFINITELY
H1317	NAVASSA FIRE TRUCK FUNDS	HF	07/11/2000	POSTPONED INDEFINITELY
H1318	SETTLEMENT RESERVE EXCEPTION	HF	07/13/2000	POSTPONED INDEFINITELY
H1319 (= S855)	PORTS AUTHORITY TAX REFUNDS	HF	07/13/2000	POSTPONED INDEFINITELY
H1331	HEALTHY START FUNDS	HF	07/07/2000	POSTPONED INDEFINITELY
H1398	NEEDLE EXCHANGE PROGRAM	H	04/29/1999	Ref to Public Health
H1459	TAKE A KID FISHING FUNDS	HF	07/11/2000	POSTPONED INDEFINITELY
H1510 (= S1179)	HEALTH CARE REGISTRY REPORTS	H	05/11/2000	Ref to Health
H1511 (= S1192)	CRIM. RECORD CHECKS/LONG-TERM CARE	H	05/11/2000	Ref to Finance
H1635 (= S1322)	REVISIONS ON CONSUMER LENDING	H	05/18/2000	Ref to Financial Institutuions
H1636 (= S1269)	LIMIT LIABILITY/DEFIBRILLATOR	H	05/18/2000	Ref to Health
H1682 (= S1486)	HOUSING FINANCE AGENCY FUNDS	HF	07/07/2000	POSTPONED INDEFINITELY
H1683	STUDY SYRINGE EXCHANGE PROGRAM	HF	07/13/2000	POSTPONED INDEFINITELY
H1706	OFFICE OF MINORITY HEALTH FUNDS	HF	07/07/2000	POSTPONED INDEFINITELY
H1707	HEPATITIS C EDUC./AWARENESS FUNDS	HF	07/07/2000	POSTPONED INDEFINITELY
H1708	CAMA-HISTORICALLY URBAN AREAS	HF	07/13/2000	POSTPONED INDEFINITELY
H1785	NAVASSA ANNEXATION	S	06/13/2000	Ref to Commerce
H1788	PORTS AUTHORITY TAX CHANGES	HF	07/13/2000	POSTPONED INDEFINITELY
H1855	STATE HEALTH PLAN CHANGES	R	07/13/2000	CH. SL 00-0141

NCGA Bill Inquiry Results

2001-2002 Session

Search Criteria: Prime Sponsor = "Rep. Thomas E. Wright (H109)"
Sorted By: Bill Number
Total Bills Returned: 39

Bill	Short Title	Action	Date	Action Text
H452	EMERGENCY MEDICAL SERVICES ACT UPDATE.	R	06/15/2001	Ch. SL 2001-220
H453	REGULATION OF EMERGENCY MEDICAL SERVICES.	R	06/15/2001	Ch. SL 2001-210
H463	CLEAN SYRINGE -- SAFE SYRINGE EXCHANGE PROGRAM.	H	03/05/2001	Ref To Com On Public Health
H464	AIDS PREVENTION FUNDS.	HF	10/03/2002	Postponed Indefinitely
H566	MEDICAID/BREAST AND CERVICAL CANCER COVERAGE.	HF	10/03/2002	Postponed Indefinitely
H691	NEW HANOVER LIBRARY FUNDS.	HF	10/03/2002	Postponed Indefinitely
H692	ASTHMA EDUCATION FUNDS.	HF	10/03/2002	Postponed Indefinitely
H693	NEW HANOVER COMM. ACTION FUNDS.	HF	10/03/2002	Postponed Indefinitely
H734	HEPATITIS C EDUCATION/AWARENESS FUNDS.	HF	10/03/2002	Postponed Indefinitely
H735	DIABETES CONTROL FUNDS.	HF	10/03/2002	Postponed Indefinitely
H868	NAVASSA ANNEXATION/CHARTER.	R	07/31/2001	Ch. SL 2001-325
H869	98TH HOUSE DISTRICT LOCAL ACT-2	HF	10/03/2002	Postponed Indefinitely
H936 (= S772)	ENTERAL SEDATION/DENTIST PERMITS.	H	03/29/2001	Ref To Com On Health
H937	DIABETES CONTROL AND EDUCATION FUNDS.	HF	10/03/2002	Postponed Indefinitely
H950	RAISE AIDS DRUG ASSISTANCE PROGRAM INCOME LIMIT.	HF	10/03/2002	Postponed Indefinitely
H1001	HOSPITAL LICENSURE/CRITICAL ACCESS HOSPITAL.	S	04/25/2001	Ref To Com On Health Care
H1002	HOSPITAL GOVERNING AUTHORITY.	S	04/19/2001	Ref To Com On Judiciary I
H1262	DIRECTING LEGIS. SERVS. COMM. TO REVIEW SECURITY	HF	10/03/2002	Postponed Indefinitely
H1263	STATE EMPLOYEES' HEALTH PLAN BENEFITS.	HF	10/03/2002	Postponed Indefinitely
H1264	STUDY COMMITTEE ON HEPATITIS C.	HF	10/03/2002	Postponed Indefinitely
H1265	QUALITY SUPPORT/SKILLED NURSING FACILITIES.	HF	10/03/2002	Postponed Indefinitely
H1266	SURGICAL NURSES/3RD PARTY PAYMENT.	S	05/01/2001	Ref To Com On Rules and Operations of the Senate
H1267	DIRECTING LRC TO REVIEW SECURITY SURVEY.	H	06/04/2001	Re-ref Com On Education
H1268	CAMA/MODIFY ESTUARINE BUFFER EXEMPTION/GRANTS.	R	12/19/2001	Ch. SL 2001-494
H1332	HEALTH CARE FUNDAMENTAL RIGHT.	HF	10/03/2002	Postponed Indefinitely
H1377	WILMINGTON FIREBOAT FUNDS.	HF	10/03/2002	Postponed Indefinitely
H1404 (= S958)	BROWNFIELDS POSITION.	HF	10/03/2002	Postponed Indefinitely
H1405	HIV/AIDS PUBLIC HEALTH CRISIS.	HF	10/03/2002	Postponed Indefinitely
H1406	PUBLIC HEALTH DEMONSTRATION PROJECT.	HF	10/03/2002	Postponed Indefinitely
H1418	CENTRAL CHILDREN'S HOME FUNDS.	HF	10/03/2002	Postponed Indefinitely

H1419	FIREFIGHTERS' & RESCUE WORKERS' RETIREMENT.	HF	10/03/2002	Postponed Indefinitely
H1470	HONOR AFRICAN AMER. WHO SERVED IN GEN. ASSEM.	HF	10/03/2002	Postponed Indefinitely
H[redacted]	CONGRESSIONAL REDISTRICTING WRIGHT 3A.	R	11/28/2001	Ch. SL 2001-471
H1506	GROCERY STORE CREDIT - DEVELOPMENT ZONE.	HF	10/03/2002	Postponed Indefinitely
H1555	EXTEND 1898 WILMINGTON RACE RIOT COMN.	HF	10/03/2002	Postponed Indefinitely
H1580	STATE HEALTH PLAN CHANGES.	HF	10/03/2002	Postponed Indefinitely
H1719	STATE EMPLOYEES' HEALTH PLAN/PRESC. DRUGS.	H	06/13/2002	Ref To Com On Health
H1720	WILMINGTON OCCUPANCY TAX.	R	10/03/2002	Ch. SL 2002-139
H1771	GUIDELINES FOR SCHOOL COUNSELORS.	HF	10/03/2002	Postponed Indefinitely

NCGA Bill Inquiry Results

2003-2004 Session

Search Criteria: Prime Sponsor = "Rep. Thomas E. Wright (H109)"
Sorted By: Bill Number
Total Bills Returned: 35

Bill	Short Title	Action	Date	Action Text
H154	DNA Analysis/Sex Assault Kits.	H	06/04/2003	Re-ref Com On Finance
H207	Medicare Prescription Benefits.	H	03/05/2003	Ref To Com On Rules, Calendar, and Operations of the House
H208	Managed Care/Health Benefits Clarifying.	H	07/18/2004	Re-ref Com On Rules, Calendar, and Operations of the House
H248	Wilmington Personnel Records.	R	06/23/2003	Ch. SL 2003-238
H249	Wilmington Conditional Zoning.	R	06/10/2003	Ch. SL 2003-162
H250	18th House District Local Act-2.	H	04/28/2003	Re-ref Com On Alcoholic Beverage Control
H251	18th House District Local Act-1.	H	03/06/2003	Ref To Com On Rules, Calendar, and Operations of the House
H339 (= S603)	Life and Health Insurance Omnibus.-AB	S	07/08/2003	Conf Com Appointed
H493	Health Care Fundamental Right.	H	03/17/2003	Ref To Com On Rules, Calendar, and Operations of the House
H503	Amend State Health Plan.	H	03/17/2003	Ref To Com On Rules, Calendar, and Operations of the House
H504	State Health Plan Changes.	H	03/17/2003	Ref To Com On Rules, Calendar, and Operations of the House
H505	State Health Plan Amendments.	H	03/17/2003	Ref To Com On Rules, Calendar, and Operations of the House
H515 (= S419)	Chadbourn Annexation.	H	03/17/2003	Ref To Com On Finance
H668	New Hanover County Occupancy Tax.	R	06/10/2003	Ch. SL 2003-166
H669	Hospitals/LTC Quality Assurance.	R	08/02/2004	Ch. SL 2004-149
H770	North Brunswick Utilities.	H	03/27/2003	Ref To Com On Public Utilities
H782	Satellite Annexation/North Brunswick.	H	03/27/2003	Ref To Com On Finance
H795	Downtown Area Revitalization Program.	H	03/27/2003	Ref To Com On Appropriations
H886	Due Process for Physicians.	R	08/01/2003	Ch. SL 2003-366
H1098	Health Care Fundamental Right.	H	05/19/2004	Re-ref Com On Health
H1178	Raise ADAP Income Limit.	H	04/22/2003	Re-ref Com On Appropriations
H1190	First Offender/Expunge Criminal Record.	H	04/10/2003	Ref to the Com on Judiciary II and, if favorable, to the Com on Finance
H1191	State Health Plan Under State Treasurer.	H	04/10/2003	Ref To Com On Health
H1226	Funds for Adolescent Parenting.	H	04/17/2003	Ref To Com On Appropriations
H1327 (= S1022)	Honor Samuel Koonce.	H	05/19/2003	Ref To Com On Rules, Calendar, and Operations of the House
H1332	Addressing Issues Related To Hepatitis C.	H	07/19/2003	Adopted
H1340	Wilmington Chamber of Commerce.	H	07/17/2003	Adopted

H1347	Pender Court Personnel Funds.	H	05/13/2004	Re-ref Com On Appropriations
H1368	Funds for Cost-Efficient Health Care.	H	05/13/2004	Re-ref Com On Appropriations
H[redacted]	Funds for PACE Pilot - DHHS.	H	05/13/2004	Ref To Com On Appropriations
H1503	Conforming Changes to EMS Act.	H	05/18/2004	Ref To Com On Appropriations
H1580	Funds for Office of Minority Health.	H	05/20/2004	Ref To Com On Appropriations
H1600	Funds for Asthma Programs.	H	05/20/2004	Ref To Com On Appropriations
H1601	Funds for Diabetes Programs.	H	05/20/2004	Ref To Com On Appropriations
H1766	Statewide Crim. Justice Truth Commission.	H	05/31/2004	Ref To Com On Judiciary I

NCGA Bill Inquiry Results

2005-2006 Session

Search Criteria: Prime Sponsor = "Rep. Thomas E. Wright (H109)"
Sorted By: Bill Number
Total Bills Returned: 104

Bill	Short Title	Action	Date	Action Text
H22	Zoning/Wilmington Permitted Uses.	S	06/22/2005	Re-ref Com On Rules and Operations of the Senate
H129	State and Local Retirement COLAs.	H	03/23/2005	Re-ref Com On Appropriations
H256	AHEC Capital Funds.	H	02/16/2005	Ref To Com On Appropriations
H321 (= S211)	State Public Health Lab/Construction Project.	H	02/21/2005	Ref To Com On Appropriations
H405 (= S640)	Funds to Address AIDS Public Health Crisis.	H	03/01/2005	Ref To Com On Appropriations
H406 (= S769)	Funds for AmeriCorps.	H	03/01/2005	Ref To Com On Appropriations
H407 (= S767)	Funds for Asthma Education.	H	03/01/2005	Ref To Com On Appropriations
H408 (= S771)	Funds for Health Disparities Initiative.	H	03/01/2005	Ref To Com On Appropriations
H409	Funds for Interpreter Services.	H	03/01/2005	Ref To Com On Appropriations
H410 (= S770)	Funds for Diabetes Prevention.	H	03/01/2005	Ref To Com On Appropriations
H411	Funds for Clean Syringe Program.	H	03/01/2005	Ref To Com On Appropriations
H412	Funds for ADAP.	H	03/01/2005	Ref To Com On Appropriations
H494	Urge Congress to Dredge.	H	03/07/2005	Ref To Com On Rules, Calendar, and Operations of the House
H534 (= S504)	Funds for Defibrillators/Public Buildings.	H	03/09/2005	Ref To Com On Appropriations
H536	Nursing School at UNC-W.	H	03/09/2005	Ref To Com On Appropriations
H537	18th House District Local Act-1.	H	03/09/2005	Ref To Com On Rules, Calendar, and Operations of the House
H538	18th House District Local Act-3.	H	03/09/2005	Ref To Com On Rules, Calendar, and Operations of the House
H539	18th House District Local Act-2.	H	03/09/2005	Ref To Com On Rules, Calendar, and Operations of the House
H590	Pender Assist. Clerk Funds.	H	03/10/2005	Ref To Com On Appropriations Subcommittee on Justice and Public Safety
H618	State Health Plan Changes-2.	H	03/14/2005	Ref To Com On Rules, Calendar, and Operations of the House
H619	State Health Plan Changes-1.	H	03/14/2005	Ref To Com On Rules, Calendar, and Operations of the House
H620	Funds for ALE Agents.	H	03/14/2005	Ref To Com On Appropriations Subcommittee on Justice and Public Safety
H621 (= S904)	Small Installment Consumer Loans.	H	04/13/2005	Re-ref Com On Finance
H687	Pirating Movies.	R	08/22/2005	Ch. SL 2005-301
H727	HIPAA Compliance and Fairness.-AB	H	03/17/2005	Ref To Com On Insurance
H734	Navassa Zoning Jurisdiction.	H	07/21/2005	Ref To Com On Rules, Calendar, and Operations the House
H735	Accident & Health Insur./Rate Stabilization.-AB	R	09/20/2005	Ch. SL 2005-412

H737	Health Insurance Changes.	R	07/27/2005	Ch. SL 2005-223
H782	Facility Quality & Safety Improvement-HHS.-AB	H	03/17/2005	Ref To Com On Finance
H[redacted] (= S662)	Med Administration/Unlicensed Personnel.	H	03/17/2005	Ref To Com On Health
H784	Creditable Service/Workers' Compensation.	H	04/25/2005	Re-ref Com On Appropriations
H785	Public Hospital Investment Authority.	H	05/31/2005	Re-ref Com On Finance
H869	Public Hospital Amendments/Downtown Facility	R	05/31/2005	Ch. SL 2005-70
H948	Film Production Recruitment Stimulus.	H	03/29/2005	Ref to the Com on Finance and, if favorable, to the Com on Appropriations
H1033	Smart Start Funds.	H	03/31/2005	Ref To Com On Appropriations
H1034	Rockingham Co. Schools Elections	R	08/24/2005	Ch. SL 2005-307
H1035 (= S446)	Marine Technology Research Vessel Funds.	H	03/31/2005	Ref To Com On Appropriations
H1057	Regional EMS Network Pilot Program.	H	03/31/2005	Ref To Com On Appropriations
H1058	Clarify Co. EMS Plans/Continuing Contracts.	H	03/31/2005	Ref To Com On Health
H1059	State Health Plan Changes.	R	08/16/2006	Ch. SL 2006-249
H1060	Hospital License/Conforming Change.	R	09/02/2005	Ch. SL 2005-346
H1076	Alt. Learning Prog./Sch. Proposals	R	09/29/2005	Ch. SL 2005-446
H1212	Tax Form Donation - Breast Cancer Screenings.	H	04/13/2005	Ref To Com On Finance
H[redacted]	DOT Report/Federal Rail Assistance to NC.	R	07/27/2005	Ch. SL 2005-222
H1312 (= S445)	Insurance Premium Discount/Prevention Course.	H	04/20/2005	Ref To Com On Insurance
H1313	Increase Processing Fee for Returned Checks.	H	04/20/2005	Ref To Com On Finance
H1314	Prescription Medication Integrity Act.	H	04/20/2005	Ref To Com On Rules, Calendar, and Operations of the House
H1358	Health Care for All.	H	04/21/2005	Ref To Com On Rules, Calendar, and Operations of the House
H1396	Statewide Stroke Care System.	H	04/21/2005	Ref To Com On Health
H1475	Public-Private Partner. Infrastructure Act.	H	04/21/2005	Ref To Com On Finance
H1476	LRC/Study School-Based Health Centers.	H	04/21/2005	Ref To Com On Health
H1519	Amend Massage Therapy Act/Fees/Crim. Checks.	H	04/21/2005	Ref To Com On Finance
H1568	Study & Evaluate Green Industry/Funds.	H	05/02/2005	Ref To Com On Appropriations
H1581	Murray Farm Preservation Funds.	H	05/04/2005	Ref To Com On Appropriations
H1597	Historic Burgaw Depot Funds.	H	05/05/2005	Ref To Com On Appropriations
H[redacted]	DENR Fees Radioactive Material/X-Ray/Tanning.	H	05/12/2005	Ref To Com On Finance
H1762	Resource Conservation & Dev. Councils Funds.	H	05/12/2005	Ref To Com On Appropriations

H1860		Stroke Advisory Council.	R	08/03/2006	Ch. SL 2006-197
H1894		NC Health Care System Study Commission.	H	05/11/2006	Ref To Com On Rules, Calendar, and Operations of the House
H1895	(= S1681)	Establish High-Risk Pool.	S	07/19/2006	Ref to Health Care. If fav, re-ref to Appropriations/Base Budget
H1954		Spice Funds.	H	05/15/2006	Ref To Com On Appropriations
H1967		Marine Tech. Research Vessel Funds.	H	05/15/2006	Ref To Com On Appropriations
H1968		Cap Medicaid County Share.	H	05/16/2006	Re-ref Com On Appropriations
H2008	(= H2095)	Reenact Long-Term Care Insurance Tax Credit.	H	05/16/2006	Ref To Com On Finance
H2021		Strengthen NC Medical Board.	H	05/17/2006	Ref To Com On Health
H2042		Funds for Statewide Trauma System.	H	05/17/2006	Ref To Com On Appropriations
H2063		Funds for Community Health Centers.	H	05/18/2006	Ref To Com On Appropriations
H2065		Fund Health Disparities Initiatives.	H	05/18/2006	Ref To Com On Appropriations
H2114		Medical Malpractice Settlement Reports.	H	05/18/2006	Ref To Com On Judiciary II
H2115		Bifurcation of Medical Malpractice Trials.	H	05/18/2006	Ref To Com On Judiciary II
H2139	(= S1212)	Funds for School of Nursing at UNC-W.	H	05/18/2006	Ref To Com On Appropriations
H2140		Funds/New Hanover Library Foundation.	H	05/18/2006	Ref To Com On Appropriations
H2141	(= S1263)	Funds for UNC-W Science Lab.	H	05/18/2006	Ref To Com On Appropriations
H2175		Appeal Bond for Medical Malpractice.	H	05/18/2006	Ref To Com On Judiciary II
H2181		Revise Capital Improvement Plan.	S	07/11/2006	Ref To Com On Finance
H2182		Funds for Capital Improvement Reserve Account.	H	05/18/2006	Ref To Com On Appropriations
H2183		Capital Improvements Reserve Account.	S	07/13/2006	Ref To Com On Appropriations/Base Budget
H2184		Periodic Payments for Medical Malpractice.	H	05/18/2006	Ref To Com On Judiciary II
H2272		Shellfish Research Positions/UNC-W Funds.	H	05/22/2006	Ref To Com On Appropriations
H2277		Smart Start Funds.	H	05/22/2006	Ref To Com On Appropriations
H2302		Cameron Art Museum Funds.	H	05/22/2006	Ref To Com On Appropriations
H2303		Airlie Gardens Welcome Pavilion Funds.	H	05/22/2006	Ref To Com On Appropriations
H2304		Funds/Sickle Cell.	H	05/22/2006	Ref To Com On Appropriations
H2389		Funds for ADAP.	H	05/23/2006	Ref To Com On Appropriations
H2531		Funds for Mental Health Services/Facilities.	H	05/25/2006	Ref To Com On Appropriations
H2534		Funds for AHEC.	H	05/25/2006	Ref To Com On Appropriations
H2562		Funds/Quality Improvement Adult Care Homes.	H	05/25/2006	Ref To Com On Appropriations
H2563		Wilmington Council Vacancies.	H	05/25/2006	Ref To Com On Local Government I
H2564		WHQR Public Radio Funds.	H	05/25/2006	Ref To Com On Appropriations
H2641		UNCW Teacher Pilot Program	H	05/25/2006	Ref To Com On Appropriations

	Funds.			
H2642	St. Helena Wastewater Treatment Funds.	H	05/25/2006	Ref To Com On Appropriations
H[redacted]	Extend Moratorium/Study Waste-to-Energy.	H	05/25/2006	Ref to the Com on Environment and Natural Resources and, if favorable, to the Com on Appropriations
H2680	Truck Driver Prog Funds/Cape Fear Comm. Coll.	H	05/25/2006	Ref To Com On Appropriations
H2682	New Hanover County Infrastructure Referendum.	H	06/29/2006	Re-ref Com On Finance
H2684	New Hanover&Wilmington Occupancy Tax Changes.	H	05/25/2006	Ref To Com On Finance
H2699	Vision Care Program Changes.	R	08/13/2006	Ch. SL 2006-240
H2758	Funds/State Audit of Generic Rebates.	H	05/29/2006	Ref to the Com on Health and, if favorable, to the Com on Appropriations
H2759	Generic Drugs-Medicaid.	S	06/05/2006	Ref To Com On Rules and Operations of the Senate
H2760	UNCW Nursing Funds.	H	05/29/2006	Ref To Com On Appropriations
H2761 (= S1988)	Funds/Chronic Disease Task Force.	H	05/29/2006	Ref To Com On Rules, Calendar, and Operations of the House
H2762	DCR Employees Personnel Act.	R	08/08/2006	Ch. SL 2006-204
H2784	Extend Moratoria/Cost-Share Funds.	H	05/29/2006	Ref To Com On Appropriations
H2861	Battleship Commission Staff.	H	05/29/2006	Ref To Com On Rules, Calendar, and Operations of the House
H2869	Chiropractic Changes.	H	06/07/2006	Re-assigned To Health

NCGA Bill Inquiry Results

2007-2008 Session

Search Criteria: Prime Sponsor = "Rep. Thomas E. Wright (H109)"
Sorted By: Bill Number
Total Bills Returned: 40

Bill	Short Title	Action	Date	Action Text
H41	Pender Commissioners.	H	02/13/2007	Re-ref Com On Election Law and Campaign Finance Reform
H116	Tissue Bank Accreditation.	S	07/19/2007	Re-ref Com On Appropriations/Base Budget
H147 (= S286)	Increase Funds for SPICE.	H	02/12/2007	Ref To Com On Appropriations
H334	Funds for Infant Mortality Prevention.	H	02/22/2007	Ref To Com On Appropriations
H335 (= S983)	Health Disparities Initiatives.	H	03/14/2007	Re-ref Com On Appropriations
H336 (= S987)	Funds for Interpreter Services.	H	03/19/2007	Re-ref Com On Appropriations
H337	Medicaid Reimbursement Levels/Dentists.	H	02/22/2007	Ref To Com On Appropriations
H338 (= S986)	Funds for SIDS Efforts.	H	02/22/2007	Ref To Com On Appropriations
H339 (= S984)	Funds for Diabetes Education.	H	02/22/2007	Ref To Com On Appropriations
H340 (= S985)	Funds for Diabetes Prevention.	H	02/22/2007	Ref To Com On Appropriations
H395	Special Plate for Blue Knights.	H	02/28/2007	Ref To Com On Finance
H400	Funds for Harm Reduction Programs.	H	02/28/2007	Ref To Com On Appropriations
H452	Dropout Study.	H	03/28/2007	Re-ref Com On Rules, Calendar, and Operations of the House
H467	State Ports Authority Funds.	H	03/05/2007	Ref To Com On Appropriations
H633 (= S1187)	DPI/Curriculum on 1898 Wilmington Race Riot.	H	03/14/2007	Ref To Com On Education
H636	Wilmington Race Riot Exhibit Funds.	H	03/14/2007	Ref To Com On Appropriations
H637	1898 Wilmington Race Riot Suit Limitation.	H	03/14/2007	Ref to the Com on Judiciary II and, if favorable, to the Com on Appropriations
H709 (= S228)	Marine Technology Research Vessel Funds.	H	03/15/2007	Ref To Com On Appropriations
H710 (= S513)	Wilmington Council/Mayor Pro Tem.	S	05/07/2007	Ref To Com On State & Local Government
H750	Maintain and Update 1898 Wilmington Report.	H	06/21/2007	Re-ref Com On Appropriations
H751	1898 Wilmington Race Riot Acknowledgment.	S	05/09/2007	Ref To Com On Judiciary I (Civil)
H752	Implement 1898 Commission Report.	H	03/15/2007	Ref to the Com on Judiciary III and, if favorable, to the Com on Rules, Calendar, and Operations of the House
H753	Support for At-Risk Youth/New Hanover County.	H	03/15/2007	Ref To Com On Appropriations
H754	1898 Wilmington Race Riot Monuments.	H	03/15/2007	Ref To Com On Appropriations
H755	Documentary on 1898 Wilmington Race Riot.	H	03/15/2007	Ref To Com On Appropriations
H756	Memorial for Hugh Morton in Brunswick Co.	H	03/15/2007	Ref To Com On Ways and Means

H823		Wilmington Race Riot Library Resources Funds.	H	03/15/2007	Ref To Com On Appropriations
H1056		UNCW/"Fast Track" Program Funds.	H	03/27/2007	Ref To Com On Appropriations
H[redacted]3	(= S247)	Funds for Nursing Scholars Program.	H	03/29/2007	Ref To Com On Appropriations
H1212		New Hanover County Local Option Sales Tax.	H	03/29/2007	Ref To Com On Finance
H1215		Wilmington Sewer Infrastructure.	H	05/16/2007	Re-ref Com On Finance
H1312		Pender Assist. Clerk Funds.	H	04/05/2007	Ref To Com On Appropriations
H1323		Repeal Cohabitation Law.	H	04/05/2007	Ref To Com On Judiciary II
H1341	(= S872)	Thalian Assoc./NC Community Theatre.	S	05/16/2007	Held by Senate
H1558		1898 Wilmington Riot Reconciliation Act/2007.	H	04/18/2007	Ref to the Com on Judiciary II and, if favorable, to the Com on Appropriations
H1568		State Health Inspectors.	H	04/18/2007	Ref to the Com on Health and, if favorable, to the Com on Appropriations
H1690		Public Defender District 5.	H	05/22/2007	Re-ref Com On Judiciary II
H1767		Good Shepherd Homeless Services Funds.	H	04/19/2007	Ref To Com On Appropriations
H1898		Prerelease HIV Testing of all Doc Inmates.	H	07/27/2007	Re-ref Com On Appropriations
H1984		Alternative Corporate Income Tax Return.	H	05/09/2007	Ref To Com On Finance

MOTION REGARDING COUNT 1

March 6, 2008

I move that the Committee find by clear and convincing evidence that on or about March 13, 2002 and on or about March 15, 2002, while a member of the North Carolina House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by orally and in writing improperly and unethically soliciting Torlen L. Wade, Acting Director of the North Carolina Department of Health and Human Services Office of Research, Demonstrations, and Rural Health Development, to write and mail to him a fraudulent letter stating that such Office was endorsing The Community's Health Foundation's project to convert a building located on the 900 block of 4th Street in Wilmington, North Carolina into Community's Health Foundation offices, New Hanover Community Health Center offices, and a History Museum and committing $150,000.00 in funding toward the completion of that project. At the time of the solicitation, Thomas E. Wright was an officer of The Community's Health Foundation, Inc., located at 322 South 17th Street in Wilmington, North Carolina. Thomas E. Wright confirmed his earlier oral solicitation by having his legislative assistant type the necessary details needed in the commitment letter in an e-mail that was sent to Torlen L. Wade by use of his State e-mail account and on a State computer, both of which were authorized for him based on his position as a member of the North Carolina House of Representatives. At the time of the oral solicitation, the typing and sending of the e-mail, and the typing and sending of the Torlen L. Wade letter, both Thomas E. Wright and Torlen L. Wade knew that the Office of Rural Health would not make such a grant and that Thomas E. Wright would use the letter in seeking to fraudulently obtain funding for The Community's Health Foundation from other sources such as financial institutions and other organizations that make grants and that would believe and rely on the false representations in Torlen L. Wade's letter.

MOTION - Lilley

SECOND - McGee

Count #1

ROLL CALL VOTE

6 YES ___ NO = 6 (TOTAL)

HB# ____
SB# ____

HOUSE SELECT COMMITTEE TO INVESTIGATE ALLEGED MISCONDUCT AND OTHER MATTERS INCLUDED IN INDICTMENTS AGAINST REPRESENTATIVE THOMAS E. WRIGHT

YES	NO	MEMBER	YES	NO	MEMBER (last name)
___	___	GLAZIER, Rick - Chair	___	___	
		MEMBERS:			
✓	___	STAM, Paul- Vice Chair	___	___	
✓	___	LUCAS, Marvin	___	___	
✓	___	MCGEE, William	___	___	
✓	___	WARREN, Edith	___	___	
✓	___	WILEY, Laura	___	___	
___	___		Ex officio Members		
___	___		___	___	Speaker Pro Tem
___	___		___	___	Majority Leader
___	___		___	___	Majority Whip

3.6.08

WITHDRAW
Count #2

ROLL CALL VOTE

____ ____ = _____(TOTAL) HB# ____
YES NO SB# ____

HOUSE SELECT COMMITTEE TO INVESTIGATE ALLEGED MISCONDUCT AND OTHER MATTERS INCLUDED IN INDICTMENTS AGAINST REPRESENTATIVE THOMAS E. WRIGHT

YES	NO	MEMBER	YES	NO	MEMBER (last name)
___	___	GLAZIER, Rick - Chair	___	___	
		MEMBERS:			
___	___	STAM, Paul- Vice Chair	___	___	
___	___	LUCAS, Marvin	___	___	
___	___	MCGEE, William	___	___	
___	___	WARREN, Edith	___	___	
___	___	WILEY, Laura	___	___	
___	___		Ex officio Members		
___	___		___	___	Speaker Pro Tem
___	___		___	___	Majority Leader
___	___		___	___	Majority Whip

WITHDRAWN BY CHAIR

3.6.08

MOTION REGARDING COUNT 2

March 6, 2008

I move that the Committee find by clear and convincing evidence that on or about April 5, 2002, while a member of the North Carolina House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by, orally and in writing, improperly, fraudulently, and unethically presenting to a representative of Coastal Federal Bank as a factor to consider in whether to loan $150,000.00 to The Community's Health Foundation, Inc., a corporation of which Wright was an officer, a letter from Torlen L. Wade, Acting Director of the Office of Research, Demonstrations, and Rural Health Development of the North Carolina Department of Health and Human Services, falsely stating that the Office endorsed the Foundation's museum conversion effort and was committed to funding the project in the amount of $150,000.00 and that the award of the funding would occur by June 30, 2002. At the time Thomas E. Wright presented the letter to the representative of Coastal Federal Bank, he knew that the assertions in the letter were false, that the commitment of funds was not authorized, and that the award of funding would not be forthcoming. The $150,000.00 loan to The Community's Health Foundation, Inc. obtained from Coastal Federal Bank was made in part relying on the contents of the fraudulent letter presented by Thomas E. Wright.

#1 MOTION - STAM

SECOND - NO SECOND

withdraw

#2 MOTION - LUCAS

CHAIR WITHDRAW #2

MOTION REGARDING COUNT 3

March 6, 2008

I move that the Committee find by clear and convincing evidence that on or about December 15, 2003, while a member of the House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, and unethically converting money intended to be a charitable contribution to The Community's Health Foundation, Inc. to his own personal use. Thomas E. Wright wrote a letter on the letterhead stationery of The Community's Health Foundation, Inc. to a representative of AstraZeneca Pharmaceuticals, LP, requesting as the Foundation's president a donation to the Foundation, a charitable organization that Thomas E. Wright represented to be qualified to receive tax-deductible donations, that would be used by the Foundation for various health related purposes, including but not limited to educational initiatives, a needs assessment, identification of trends and bridging the gap of minority health care for an underserved population in New Hanover County. Thereafter, when on December 15, 2003, a representative of AstraZeneca Pharmaceuticals, LP signed and sent to Thomas E. Wright and The Community's Health Foundation, Inc., a check made out to "Communitys Hlth Found Inc" in the amount of $2,400.00, Thomas E. Wright deposited that check into his own personal account rather than into the account of The Community's Health Foundation, Inc.

MOTION - STAM

SECOND - WARREN

Count #3

ROLL CALL VOTE

6 YES ___ NO = 6 (TOTAL)

HB# ____
SB# ____

HOUSE SELECT COMMITTEE TO INVESTIGATE ALLEGED MISCONDUCT AND OTHER MATTERS INCLUDED IN INDICTMENTS AGAINST REPRESENTATIVE THOMAS E. WRIGHT

YES	NO	MEMBER	YES	NO	MEMBER (last name)
✓		GLAZIER, Rick - Chair			
		MEMBERS:			
✓		STAM, Paul- Vice Chair			
✓		LUCAS, Marvin			
✓		MCGEE, William			
✓		WARREN, Edith			
✓		WILEY, Laura			
					Ex officio Members
					Speaker Pro Tem
					Majority Leader
					Majority Whip

3.6.08

MOTION REGARDING COUNT 4

March 6, 2008

I move that the Committee find by clear and convincing evidence that on or about February 6. 2004, while a member of the House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, and unethically converting money intended to be a charitable contribution to The Community's Health Foundation, Inc. to his own personal use. Thomas E. Wright wrote a letter on the letterhead stationery of The Community's Health Foundation, Inc. to a representative of Anheuser-Busch Companies, Inc., requesting as the Foundation's president a donation to the Foundation, a charitable organization that Thomas E. Wright represented to be qualified to receive tax-deductible donations, that would be used by the Foundation for acquisition and development of a building in Wilmington, North Carolina that would serve as a museum. Thereafter, on March 5, 2004, when a representative of Anheuser-Busch Companies, Inc. signed and sent to Thomas E. Wright and The Community's Health Foundation, Inc., a check made out to "Communitys Health Foundation Inc" in the amount of $5,000, Thomas E. Wright deposited that check into his own personal account rather than into the account of The Community's Health Foundation, Inc.

MOTION - McGEE

SECOND - STAM

Count #4

ROLL CALL VOTE

6 YES ___ NO = ✓ (TOTAL)

HB# ____
SB# ____

HOUSE SELECT COMMITTEE TO INVESTIGATE ALLEGED MISCONDUCT AND OTHER MATTERS INCLUDED IN INDICTMENTS AGAINST REPRESENTATIVE THOMAS E. WRIGHT

YES	NO	MEMBER	YES	NO	MEMBER (last name)
✓		GLAZIER, Rick - Chair			
		MEMBERS:			
✓		STAM, Paul- Vice Chair			
✓		LUCAS, Marvin			
✓		MCGEE, William			
✓		WARREN, Edith			
✓		WILEY, Laura			
					Ex officio Members
					Speaker Pro Tem
					Majority Leader
					Majority Whip

3.6.08

MOTION REGARDING COUNT 5

March 6, 2008

I move that the Committee find by clear and convincing evidence that on or about April 1, 2004, while a member of the House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, and unethically converting money intended to be a charitable contribution to The Community's Health Foundation, Inc. to his own personal use. Thomas E. Wright wrote an invoice on the letterhead stationery of The Community's Health Foundation, Inc. to a representative of AT&T Corp. as a solicitation of a charitable contribution to the Foundation, a charitable organization that Thomas E. Wright represented to be qualified to receive tax-deductible donations. Thereafter, on April 1, 2004, when a representative of AT&T Corp. signed and sent to Thomas E. Wright and The Community's Health Foundation, Inc., a check made out to "Communitys Health Foundation I" in the amount of $1,500, Thomas E. Wright deposited that check into his own personal account rather than into the account of The Community's Health Foundation, Inc.

MOTION - STARK

SECOND - WARREN

Count #5

ROLL CALL VOTE

6 YES ___ NO = 6 (TOTAL)

HB# ____
SB# ____

HOUSE SELECT COMMITTEE TO INVESTIGATE ALLEGED MISCONDUCT AND OTHER MATTERS INCLUDED IN INDICTMENTS AGAINST REPRESENTATIVE THOMAS E. WRIGHT

YES	NO	MEMBER	YES	NO	MEMBER (last name)
✓		GLAZIER, Rick - Chair			
		MEMBERS:			
✓		STAM, Paul- Vice Chair			
✓		LUCAS, Marvin			
✓		MCGEE, William			
✓		WARREN, Edith			
✓		WILEY, Laura			
					Ex officio Members
					Speaker Pro Tem
					Majority Leader
					Majority Whip

3.6.08

MOTION REGARDING COUNT 7

March 6, 2008

I move that the Committee find by clear and convincing evidence that between January 1, 2000 and January 31, 2007, while a member of the North Carolina House of Representatives, Thomas E. Wright did improperly, fraudulently, and unethically engage in a pattern of conduct unbecoming and unfitting a member of the House of Representatives by intentionally failing to disclose approximately $180,000.00 in contributions received by his campaign during that time period, which disclosures are required by law and are intended to safeguard the public trust and to preserve the integrity of the electoral process, the integrity of the House of Representatives, and the integrity of the legislative process. The contributions that are the subject of this Court are set out in Exhibit 15 of the Committee hearing held March 3-6, 2008 as modified by the testimony of Kim Strach, Deputy Director of the State Board of Elections, and incorporated into this Count by reference.

MOTION - STAM

SECOND - WILEY

Count #7

ROLL CALL VOTE

6 YES ___ NO = 6 (TOTAL)

HB# ____
SB# ____

HOUSE SELECT COMMITTEE TO INVESTIGATE ALLEGED MISCONDUCT AND OTHER MATTERS INCLUDED IN INDICTMENTS AGAINST REPRESENTATIVE THOMAS E. WRIGHT

YES	NO	MEMBER	YES	NO	MEMBER (last name)
✓		GLAZIER, Rick - Chair			
		MEMBERS:			
✓		STAM, Paul- Vice Chair			
✓		LUCAS, Marvin			
✓		MCGEE, William			
✓		WARREN, Edith			
✓		WILEY, Laura			
					Ex officio Members
					Speaker Pro Tem
					Majority Leader
					Majority Whip

3.6.08

MOTION TO AMEND COUNT 7

March 6, 2008

I move that Count 7 of the Charges of Unethical Conduct by Representative Wright, adopted by the Committee at its meeting on January 9, 2008 and amended on February 11, 2008, be amended by deleting the amount "$185,000.00" and substituting the amount "$180.000.00".

RP

3-6-08

Amend cont #7

ROLL CALL VOTE

✓ YES ___ NO = 6 (TOTAL)

HB# ____
SB# ____

HOUSE SELECT COMMITTEE TO INVESTIGATE ALLEGED MISCONDUCT AND OTHER MATTERS INCLUDED IN INDICTMENTS AGAINST REPRESENTATIVE THOMAS E. WRIGHT

YES	NO	MEMBER	YES	NO	MEMBER (last name)
✓		GLAZIER, Rick - Chair			
		MEMBERS:			
✓		STAM, Paul- Vice Chair			
✓		LUCAS, Marvin			
✓		MCGEE, William			
✓		WARREN, Edith			
✓		WILEY, Laura			
✓					
✓					Ex officio Members
✓					Speaker Pro Tem
✓					Majority Leader
✓					Majority Whip

3-6-08

MOTION REGARDING COUNT 8

March 6, 2008

I move that the Committee find by clear and convincing evidence that between on or about October, 2001 and on or about August, 2004, while a member of the North Carolina House of Representatives, Thomas E. Wright did engage in a pattern of conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, deceptively, and unethically soliciting ~~a financial institution for a loan, and~~ a false doc from a state agency corporations for donations to a charitable corporation, The Community's Health Foundations, Inc., and by converting to his own personal use money contributed to that charitable organization. ~~As part of this pattern of conduct, Thomas E. Wright solicited a false document and used that false document in the loan solicitation.~~

MOTION TO AMEND - GLAZIER
SECOND - STAM

MOTION -

SECOND -

MOTION TO AMEND COUNT 8

March 6, 2008

I move that Count 8 of the Charges of Unethical Conduct by Representative Wright, adopted by the Committee at its meeting on January 9, 2008 and amended on February 11, 2008, be amended to read as follows:

"COUNT 8

Between on or about October, 2001 and on or about ~~April~~ August, 2004, while a member of the North Carolina House of Representatives, Thomas E. Wright did engage in a pattern of conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, deceptively, and unethically soliciting a financial institution for a loan and corporations for donations to a charitable corporation, The Community's Health Foundations, Inc., and by converting to his own personal use money contributed to that charitable organization. As part of this pattern of conduct, Thomas E. Wright solicited a false document and used that false document in the loan solicitation."

3-6-08

Amend count #3

ROLL CALL VOTE

✓ YES ____ NO = 6 (TOTAL)

HB# ____
SB# ____

HOUSE SELECT COMMITTEE TO INVESTIGATE ALLEGED MISCONDUCT AND OTHER MATTERS INCLUDED IN INDICTMENTS AGAINST REPRESENTATIVE THOMAS E. WRIGHT

YES	NO	MEMBER	YES	NO	MEMBER (last name)
✓		GLAZIER, Rick - Chair			
✓		MEMBERS:			
✓		STAM, Paul- Vice Chair			
✓		LUCAS, Marvin			
✓		MCGEE, William			
✓		WARREN, Edith			
✓		WILEY, Laura			
					Ex officio Members
					Speaker Pro Tem
					Majority Leader
					Majority Whip

3608

AMENDED COUNT #8

ROLL CALL VOTE

6 YES ___ NO = 6 (TOTAL)

HB# ____
SB# ____

HOUSE SELECT COMMITTEE TO INVESTIGATE ALLEGED MISCONDUCT AND OTHER MATTERS INCLUDED IN INDICTMENTS AGAINST REPRESENTATIVE THOMAS E. WRIGHT

YES	NO	MEMBER	YES	NO	MEMBER (last name)
✓		GLAZIER, Rick - Chair			
✓		MEMBERS:			
✓		STAM, Paul- Vice Chair			
✓		LUCAS, Marvin			
✓		MCGEE, William			
✓		WARREN, Edith			
✓		WILEY, Laura			
					Ex officio Members
					Speaker Pro Tem
					Majority Leader
					Majority Whip

3.6.08

Motion to Expd [redacted]

ROLL CALL VOTE

6 YES 0 NO = 6 (TOTAL)

HB# ____
SB# ____

HOUSE SELECT COMMITTEE TO INVESTIGATE ALLEGED MISCONDUCT AND OTHER MATTERS INCLUDED IN INDICTMENTS AGAINST REPRESENTATIVE THOMAS E. WRIGHT

YES	NO	MEMBER	YES	NO	MEMBER (last name)
✓		GLAZIER, Rick - Chair			
		MEMBERS:			
✓		STAM, Paul- Vice Chair			
✓		LUCAS, Marvin			
✓		MCGEE, William			
✓		WARREN, Edith			
✓		WILEY, Laura			
					Ex officio Members
					Speaker Pro Tem
					Majority Leader
					Majority Whip

Motion - Glazier
Second - Stam

3.6.08

VISITOR REGISTRATION SHEET

House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright

Name of Committee

Date March 5, 2008

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Gerzick Brenner	WTVD
Gary Robertson	AP
Kim Genardo	NBC 17 News
Amanda Lamb	WRAL
Jerry Cantrell	WRAL
Ives Bruce	WTVD
Tim Boyum	News 14
Alan Brown	UNC-TV
Dave Bertram	NBC 17
Cameta McGrady	Wilmington Star-News
Sara Davis	Associated Press

VISITOR REGISTRATION SHEET

House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright

Name of Committee

Date March 5, 2008

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Judy Lowe	LA
Bill Dowdy	DA's Office
Kim Strach	SBOE
[illegible]	Gov Office
Brenda Ollis	
Patti [illegible]	Rep. Stam's office
Carter W. [illegible]	Sen. Charlie Dannelly
Jane Pinsky	NC Coalition for Lobbying & Gov't Reform
Ruth W. Merkle	
Leslie Maynard	

VISITOR REGISTRATION SHEET

House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright

Name of Committee

Date MARCH 5, 2008

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
J Coughlin	UHS
	John Locke Foundation
Devin Henry	Daily Tar Heel
Pat Swift	NCCCR

VISITOR REGISTRATION SHEET

House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Evoya	UNCTV

VISITOR REGISTRATION SHEET

House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Daniel Gottovi	609 Leonidas Ct Raleigh
Karen Gottovi	609 Leonidas Ct Raleigh 27604
Christine Wunsche	SOS-Daily Bulletin - 10 Leg. Bldg.
DOUG KINGSBERY	THARRINGTON SMITH, LLP 209 FAYETTEVILLE ST. RALEIGH NC 27601
Tarlen Waite	1622 Park Dr. Raleigh
Jack Betts	Charlotte O
Dennis Patterson	OSC
Devin Rooney	Daily Tar Heel
SARA DAVIS	The Associated Press
David Ingram	The Charlotte Observer
GARETH MCGRATH	WILM STAR-NEWS

VISITOR REGISTRATION SHEET

House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright

Name of Committee

Date MARCH 5, 2008

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Paul Pulley	Pulley Watson K & Kisch Durham NC
Rodney Symthers	Pender Co. Resident.

VISITOR REGISTRATION SHEET

House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright

Name of Committee

Date 3-6-08

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Christine Wunsche	SOG - Daily Bulletin
Patricia Fleming	Rep States office
Brenda Ollis	Rep. Neumann's office
Bill Dowdy	DA's OFFICE
Kim Strach	SBOE
Johnnie Umphlett	SBI

VISITOR REGISTRATION SHEET

House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright

Name of Committee **Date** 3-6-08

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Gerrick Brinker	WTVD
Gary Robertson	AP
Amanda Lamb	WRAL
David Ingram	Charlotte Observer
Jerry Cantrell	WRAL
Tim Boyum	News 14 Carolina
Alan Brown	UNC-TV
Dave Bertram	WBTV-17
Gareth McGrath	Wilmington Star-News

VISITOR REGISTRATION SHEET

House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Dan Rose	IRS
Doug Bowman	NBC-17
Tim Boyum	News 14 Carolina
Kim Geralds	NBC17 News

VISITOR REGISTRATION SHEET

House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright

Name of Committee

Date MARCH 6, 2008

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Zach Osborne	SBI-intern
Brittany Braun-Mignen	SBI-intern
Rodney Simpkins	Pender Co. Resident.
Kim Genardo	NBC 17 News
John McHugh	Gov office

VISITOR REGISTRATION SHEET

House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Devin Rooney	Daily Tar Heel

NORTH CAROLINA STATE CONSTITUTION

PREAMBLE

We, the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do, for the more certain security thereof and for the better government of this State, ordain and establish this Constitution.

ARTICLE I
DECLARATION OF RIGHTS

That the great, general, and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and government of the United States and those of the people of this State to the rest of the American people may be defined and affirmed, we do declare that:

Section 1. The equality and rights of persons.

We hold it to be self-evident that all persons are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

Sec. 2. Sovereignty of the people.

All political power is vested in and derived from the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

Sec. 3. Internal government of the State.

The people of this State have the inherent, sole, and exclusive right of regulating the internal government and police thereof, and of altering or abolishing their Constitution and form of government whenever it may be necessary to their safety and happiness; but every such right shall be exercised in pursuance of law and consistently with the Constitution of the United States.

Sec. 4. Secession prohibited.

This State shall ever remain a member of the American Union; the people thereof are part of the American nation; there is no right on the part of this State to secede; and all attempts, from whatever source or upon whatever pretext, to dissolve this Union or to sever this Nation, shall be resisted with the whole power of the State.

Sec. 5. Allegiance to the United States.

Every citizen of this State owes paramount allegiance to the Constitution and government of the United States, and no law or ordinance of the State in contravention or subversion thereof can have any binding force.

Sec. 6. Separation of powers.

The legislative, executive, and supreme judicial powers of the State government shall be forever separate and distinct from each other.

Sec. 7. Suspending laws.

All power of suspending laws or the execution of laws by any authority, without the consent of the representatives of the people, is injurious to their rights and shall not be exercised.

Sec. 8. Representation and taxation.

The people of this State shall not be taxed or made subject to the payment of any impost or duty without the consent of themselves or their representatives in the General Assembly, freely given.

Sec. 9. Frequent elections.

For redress of grievances and for amending and strengthening the laws, elections shall be often held.

Sec. 10. Free elections.

All elections shall be free.

Sec. 11. Property qualifications.

As political rights and privileges are not dependent upon or modified by property, no property qualification shall affect the right to vote or hold office.

Sec. 12. Right of assembly and petition.

The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the General Assembly for redress of grievances; but secret political societies are dangerous to the liberties of a free people and shall not be tolerated.

Sec. 13. Religious liberty.

All persons have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority shall, in any case whatever, control or interfere with the rights of conscience.

Sec. 14. Freedom of speech and press.

Freedom of speech and of the press are two of the great bulwarks of liberty and therefore shall never be restrained, but every person shall be held responsible for their abuse.

Sec. 15. Education.

The people have a right to the privilege of education, and it is the duty of the State to guard and maintain that right.

Sec. 16. Ex post facto laws.

Retrospective laws, punishing acts committed before the existence of such laws and by them only declared criminal, are oppressive, unjust, and incompatible with liberty, and therefore no ex post facto law shall be enacted. No law taxing retrospectively sales, purchases, or other acts previously done shall be enacted.

Sec. 17. Slavery and involuntary servitude.

Slavery is forever prohibited. Involuntary servitude, except as a punishment for crime whereof the parties have been adjudged guilty, is forever prohibited.

Sec. 18. Court shall be open.

All courts shall be open; every person for an injury done him in his lands, goods, person, or reputation shall have remedy by due course of law; and right and justice shall be administered without favor, denial, or delay.

Sec. 19. Law of the land; equal protection of the laws.

No person shall be taken, imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner deprived of his life, liberty, or property, but by the law of the land. No person shall be denied the equal protection of the laws; nor shall any person be subjected to discrimination by the State because of race, color, religion, or national origin.

Sec. 20. General warrants.

General warrants, whereby any officer or other person may be commanded to search suspected places without evidence of the act committed, or to seize any person or persons not named, whose offense is not particularly described and supported by evidence, are dangerous to liberty and shall not be granted.

Sec. 21. Inquiry into restraints on liberty.

Every person restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to remove the restraint if unlawful, and that remedy shall not be denied or delayed. The privilege of the writ of habeas corpus shall not be suspended.

Sec. 22. Modes of prosecution.

Except in misdemeanor cases initiated in the District Court Division, no person shall be put to answer any criminal charge but by indictment, presentment, or impeachment. But any person, when represented by counsel, may, under such regulations as the General Assembly shall prescribe, waive indictment in noncapital cases.

Sec. 23. Rights of accused.

In all criminal prosecutions, every person charged with crime has the right to be informed of the accusation and to confront the accusers and witnesses with other testimony, and to have counsel for defense, and not be compelled to give self-incriminating evidence, or to pay costs, jail fees, or necessary witness fees of the defense, unless found guilty.

Sec. 24. Right of jury trial in criminal cases.

No person shall be convicted of any crime but by the unanimous verdict of a jury in open court. The General Assembly may, however, provide for other means of trial for misdemeanors, with the right of appeal for trial de novo.

Sec. 25. Right of jury trial in civil cases.

In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and shall remain sacred and inviolable.

Sec. 26. Jury service.

No person shall be excluded from jury service on account of sex, race, color, religion, or national origin.

Sec. 27. Bail, fines, and punishments.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

Sec. 28. Imprisonment for debt.

There shall be no imprisonment for debt in this State, except in cases of fraud.

Sec. 29. Treason against the State.

Treason against the State shall consist only of levying war against it or adhering to its enemies by giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

Sec. 30. Militia and the right to bear arms.

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they shall not be maintained, and the military shall be kept under strict subordination to, and governed by, the civil power. Nothing herein shall justify the practice of carrying concealed weapons, or prevent the General Assembly from enacting penal statutes against that practice.

Sec. 31. Quartering of soldiers.

No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner prescribed by law.

Sec. 32. Exclusive emoluments.

No person or set of persons is entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services.

Sec. 33. Hereditary emoluments and honors.

No hereditary emoluments, privileges, or honors shall be granted or conferred in this State.

Sec. 34. Perpetuities and monopolies.

Perpetuities and monopolies are contrary to the genius of a free state and shall not be allowed.

Sec. 35. Recurrence to fundamental principles.

A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

Sec. 36. Other rights of the people.

The enumeration of rights in this Article shall not be construed to impair or deny others retained by the people.

Sec. 37. Rights of victims of crime.

(1) Basic rights. Victims of crime, as prescribed by law, shall be entitled to the following basic rights:

- (a) The right as prescribed by law to be informed of and to be present at court proceedings of the accused.
- (b) The right to be heard at sentencing of the accused in a manner prescribed by law, and at other times as prescribed by law or deemed appropriate by the court.
- (c) The right as prescribed by law to receive restitution.
- (d) The right as prescribed by law to be given information about the crime, how the criminal justice system works, the rights of victims, and the availability of services for victims.
- (e) The right as prescribed by law to receive information about the conviction or final disposition and sentence of the accused.
- (f) The right as prescribed by law to receive notification of escape, release, proposed parole or pardon of the accused, or notice of a reprieve or commutation of the accused's sentence.
- (g) The right as prescribed by law to present their views and concerns to the Governor or agency considering any action that could result in the release of the accused, prior to such action becoming effective.
- (h) The right as prescribed by law to confer with the prosecution.

(2) No money damages; other enforcement. Nothing in this section shall be construed as creating a claim for money damages against the State, a county, a municipality, or any of the agencies, instrumentalities, or employees thereof. The General Assembly may provide for other remedies to ensure adequate enforcement of this section.

(3) No ground for relief in criminal case. The failure or inability of any person to provide a right or service provided under this section may not be used by a defendant in a criminal case, an inmate, or any other accused as a ground for relief in any trial, appeal, postconviction litigation, habeas corpus, civil action, or any similar criminal or civil proceeding. (1995, c. 438, s. 1.)

ARTICLE II
LEGISLATIVE

Section 1. Legislative power.

The legislative power of the State shall be vested in the General Assembly, which shall consist of a Senate and a House of Representatives.

Sec. 2. Number of Senators.

The Senate shall be composed of 50 Senators, biennially chosen by ballot.

Sec. 3. Senate districts; apportionment of Senators.

The Senators shall be elected from districts. The General Assembly, at the first regular session convening after the return of every decennial census of population taken by order of Congress, shall revise the senate districts and the apportionment of Senators among those districts, subject to the following requirements:

(1) Each Senator shall represent, as nearly as may be, an equal number of inhabitants, the number of inhabitants that each Senator represents being determined for this purpose by dividing the population of the district that he represents by the number of Senators apportioned to that district;

(2) Each senate district shall at all times consist of contiguous territory;

(3) No county shall be divided in the formation of a senate district;

(4) When established, the senate districts and the apportionment of Senators shall remain unaltered until the return of another decennial census of population taken by order of Congress.

Sec. 4. Number of Representatives.

The House of Representatives shall be composed of 120 Representatives, biennially chosen by ballot.

Sec. 5. Representative districts; apportionment of Representatives.

The Representatives shall be elected from districts. The General Assembly, at the first regular session convening after the return of every decennial census of population taken by order of Congress, shall revise the representative districts and the apportionment of Representatives among those districts, subject to the following requirements:

(1) Each Representative shall represent, as nearly as may be, an equal number of inhabitants, the number of inhabitants that each Representative represents being determined for this purpose by dividing the population of the district that he represents by the number of Representatives apportioned to that district;

(2) Each representative district shall at all times consist of contiguous territory;

(3) No county shall be divided in the formation of a representative district;

(4) When established, the representative districts and the apportionment of Representatives shall remain unaltered until the return of another decennial census of population taken by order of Congress.

Sec. 6. Qualifications for Senator.

Each Senator, at the time of his election, shall be not less than 25 years of age, shall be a qualified voter of the State, and shall have resided in the State as a citizen for two years and in the district for which he is chosen for one year immediately preceding his election.

Sec. 7. Qualifications for Representative.

Each Representative, at the time of his election, shall be a qualified voter of the State, and shall have resided in the district for which he is chosen for one year immediately preceding his election.

Sec. 8. Elections.

The election for members of the General Assembly shall be held for the respective districts in 1972 and every two years thereafter, at the places and on the day prescribed by law.

Sec. 9. Term of office.

The term of office of Senators and Representatives shall commence on the first day of January next after their election.

Sec. 10. Vacancies.

Every vacancy occurring in the membership of the General Assembly by reason of death, resignation, or other cause shall be filled in the manner prescribed by law.

Sec. 11. Sessions.

(1) Regular Sessions. The General Assembly shall meet in regular session in 1973 and every two years thereafter on the day prescribed by law. Neither house shall proceed upon public business unless a majority of all of its members are actually present.

(2) Extra sessions on legislative call. The President of the Senate and the Speaker of the House of Representatives shall convene the General Assembly in extra session by their joint proclamation upon receipt by the President of the Senate of written requests therefor signed by three-fifths of all the members of the Senate and upon receipt by the Speaker of the House of Representatives of written requests therefor signed by three-fifths of all the members of the House of Representatives.

Sec. 12. Oath of members.

Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United States and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives.

Sec. 13. President of the Senate.

The Lieutenant Governor shall be President of the Senate and shall preside over the Senate, but shall have no vote unless the Senate is equally divided.

Sec. 14. Other officers of the Senate.

(1) President Pro Tempore - succession to presidency. The Senate shall elect from its membership a President Pro Tempore, who shall become President of the Senate upon the failure of the Lieutenant Governor-elect to qualify, or upon succession by the Lieutenant Governor to the office of Governor, or upon the death, resignation, or removal from office of the President of the Senate, and who shall serve until the expiration of his term of office as Senator.

(2) President Pro Tempore - temporary succession. During the physical or mental incapacity of the President of the Senate to perform the duties of his office, or during the absence of the President of the Senate, the President Pro Tempore shall preside over the Senate.

(3) Other officers. The Senate shall elect its other officers.

Sec. 15. Officers of the House of Representatives.

The House of Representatives shall elect its Speaker and other officers.

Sec. 16. Compensation and allowances.

The members and officers of the General Assembly shall receive for their services the compensation and allowances prescribed by law. An increase in the compensation or allowances of members shall become effective at the beginning of the next regular session of the General Assembly following the session at which it was enacted.

Sec. 17. Journals.

Each house shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly.

Sec. 18. Protests.

Any member of either house may dissent from and protest against any act or resolve which he may think injurious to the public or to any individual, and have the reasons of his dissent entered on the journal.

Sec. 19. Record votes.

Upon motion made in either house and seconded by one fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the journal.

Sec. 20. Powers of the General Assembly.

Each house shall be judge of the qualifications and elections of its own members, shall sit upon its own adjournment from day to day, and shall prepare bills to be enacted into laws. The two houses may jointly adjourn to any future day or other place. Either house may, of its own motion, adjourn for a period not in excess of three days.

Sec. 21. Style of the acts.

The style of the acts shall be: "The General Assembly of North Carolina enacts:".

Sec. 22. Action on bills.

(1) Bills subject to veto by Governor; override of veto. Except as provided by subsections (2) through (6) of this section, all bills shall be read three times in each house and shall be signed by the presiding officer of each house before being presented to the Governor. If the Governor approves, the Governor shall sign it and it shall become a law; but if not, the Governor shall return it with objections, together with a veto message stating the reasons for such objections, to that house in which it shall have originated, which shall enter the objections and veto message at large on its journal, and proceed to reconsider it. If after such reconsideration three-fifths of the members of that house present and voting shall agree to pass the bill, it shall be sent, together with the objections and veto message, to the other house, by which it shall likewise be reconsidered; and if approved by three-fifths of the members of that house present and voting, it shall become a law notwithstanding the objections of the Governor. In all such cases the votes of both houses shall be determined by yeas and nays, and the names of the members voting shall be entered on the journal of each house respectively.

(2) Amendments to Constitution of North Carolina. Every bill proposing a new or revised Constitution or an amendment or amendments to this Constitution or calling a convention of the people of this State, and containing no other matter, shall be submitted to the qualified voters of this State after it shall have been read three times in each house and signed by the presiding officers of both houses.

(3) Amendments to Constitution of the United States. Every bill approving an amendment to the Constitution of the United States, or applying for a convention to propose amendments to the Constitution of the United States, and containing no other matter, shall be read three times in each house before it becomes law, and shall be signed by the presiding officers of both houses.

(4) Joint resolutions. Every joint resolution shall be read three times in each house before it becomes effective and shall be signed by the presiding officers of both houses.

(5) Other exceptions. Every bill:

- (a) In which the General Assembly makes an appointment or appointments to public office and which contains no other matter;
- (b) Revising the senate districts and the apportionment of Senators among those districts and containing no other matter;
- (c) Revising the representative districts and the apportionment of Representatives among those districts and containing no other matter; or
- (d) Revising the districts for the election of members of the House of Representatives of the Congress of the United States and the apportionment of Representatives among those districts and containing no other matter,

shall be read three times in each house before it becomes law and shall be signed by the presiding officers of both houses.

(6) Local bills. Every bill that applies in fewer than 15 counties shall be read three times in each house before it becomes law and shall be signed by the presiding officers of both houses. The exemption from veto by the Governor provided in this subsection does not apply if the bill, at the time it is signed by the presiding officers:

(a) Would extend the application of a law signed by the presiding officers during that two year term of the General Assembly so that the law would apply in more than half the counties in the State, or

(b) Would enact a law identical in effect to another law or laws signed by the presiding officers during that two year term of the General Assembly that the result of those laws taken together would be a law applying in more than half the counties in the State.

Notwithstanding any other language in this subsection, the exemption from veto provided by this subsection does not apply to any bill to enact a general law classified by population or other criteria, or to any bill that contains an appropriation from the State treasury.

(7) Time for action by Governor; reconvening of session. If any bill shall not be returned by the Governor within 10 days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly shall have adjourned:

(a) For more than 30 days jointly as provided under Section 20 of Article II of this Constitution; or

(b) Sine die

in which case it shall become a law unless, within 30 days after such adjournment, it is returned by the Governor with objections and veto message to that house in which it shall have originated. When the General Assembly has adjourned sine die or for more than 30 days jointly as provided under Section 20 of Article II of this Constitution, the Governor shall reconvene that session as provided by Section 5(11) of Article III of this Constitution for reconsideration of the bill, and if the Governor does not reconvene the session, the bill shall become law on the fortieth day after such adjournment. Notwithstanding the previous sentence, if the Governor prior to reconvening the session receives written requests dated no earlier than 30 days after such adjournment, signed by a majority of the members of each house that a reconvened session to reconsider vetoed legislation is unnecessary, the Governor shall not reconvene the session for that purpose and any legislation vetoed in accordance with this section after adjournment shall not become law.

(8) Return of bills after adjournment. For purposes of return of bills not approved by the Governor, each house shall designate an officer to receive returned bills during its adjournment. (1995, c. 5, s. 1.)

Sec. 23. Revenue bills.

No law shall be enacted to raise money on the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State, or to allow the counties, cities, or towns to do so, unless the bill for the purpose shall have been read three several times in each house of the General Assembly and passed three several readings, which readings shall have been on three different days, and shall have been agreed to by each house respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal.

Sec. 24. Limitations on local, private, and special legislation.

(1) Prohibited subjects. The General Assembly shall not enact any local, private, or special act or resolution:

(a) Relating to health, sanitation, and the abatement of nuisances;

(b) Changing the names of cities, towns, and townships;

(c) Authorizing the laying out, opening, altering, maintaining, or discontinuing of highways, streets, or alleys;

(d) Relating to ferries or bridges;

(e) Relating to non-navigable streams;

(f) Relating to cemeteries;

(g) Relating to the pay of jurors;
(h) Erecting new townships, or changing township lines, or establishing or changing the lines of school districts;
(i) Remitting fines, penalties, and forfeitures, or refunding moneys legally paid into the public treasury;
(j) Regulating labor, trade, mining, or manufacturing;
(k) Extending the time for the levy or collection of taxes or otherwise relieving any collector of taxes from the due performance of his official duties or his sureties from liability;
(l) Giving effect to informal wills and deeds;
(m) Granting a divorce or securing alimony in any individual case;
(n) Altering the name of any person, or legitimating any person not born in lawful wedlock, or restoring to the rights of citizenship any person convicted of a felony.

(2) Repeals. Nor shall the General Assembly enact any such local, private, or special act by the partial repeal of a general law; but the General Assembly may at any time repeal local, private, or special laws enacted by it.

(3) Prohibited acts void. Any local, private, or special act or resolution enacted in violation of the provisions of this Section shall be void.

(4) General laws. The General Assembly may enact general laws regulating the matters set out in this Section.

ARTICLE III
EXECUTIVE

Section 1. Executive power.

The executive power of the State shall be vested in the Governor.

Sec. 2. Governor and Lieutenant Governor: election, term, and qualifications.

(1) Election and term. The Governor and Lieutenant Governor shall be elected by the qualified voters of the State in 1972 and every four years thereafter, at the same time and places as members of the General Assembly are elected. Their term of office shall be four years and shall commence on the first day of January next after their election and continue until their successors are elected and qualified.

(2) Qualifications. No person shall be eligible for election to the office of Governor or Lieutenant Governor unless, at the time of his election, he shall have attained the age of 30 years and shall have been a citizen of the United States for five years and a resident of this State for two years immediately preceding his election. No person elected to the office of Governor or Lieutenant Governor shall be eligible for election to more than two consecutive terms of the same office.

Sec. 3. Succession to office of Governor.

(1) Succession as Governor. The Lieutenant Governor-elect shall become Governor upon the failure of the Governor-elect to qualify. The Lieutenant Governor shall become Governor upon the death, resignation, or removal from office of the Governor. The further order of succession to the office of Governor shall be prescribed by law. A successor shall serve for the remainder of the term of the Governor whom he succeeds and until a new Governor is elected and qualified.

(2) Succession as Acting Governor. During the absence of the Governor from the State, or during the physical or mental incapacity of the Governor to perform the duties of his office, the Lieutenant Governor shall be Acting Governor. The further order of succession as Acting Governor shall be prescribed by law.

(3) Physical incapacity. The Governor may, by a written statement filed with the Attorney General, declare that he is physically incapable of performing the duties of his office, and may thereafter in the same manner declare that he is physically capable of performing the duties of his office.

(4) Mental incapacity. The mental incapacity of the Governor to perform the duties of his office shall be determined only by joint resolution adopted by a vote of two-thirds of all the members of each house of the General Assembly. Thereafter, the mental capacity of the Governor to perform the duties of his office shall be determined only by joint resolution adopted by a vote of a majority of all the members of each house of the General Assembly. In all cases, the General Assembly shall give the Governor such notice as it may deem proper and shall allow him an opportunity to be heard before a joint session of the General Assembly before it takes final action. When the General Assembly is not in session, the Council of State, a majority of its members concurring, may convene it in extra session for the purpose of proceeding under this paragraph.

(5) Impeachment. Removal of the Governor from office for any other cause shall be by impeachment.

Sec. 4. Oath of office for Governor.

The Governor, before entering upon the duties of his office, shall, before any Justice of the Supreme Court, take an oath or affirmation that he will support the Constitution and laws of the United States and of the State of North Carolina, and that he will faithfully perform the duties pertaining to the office of governor.

Sec. 5. Duties of Governor.

(1) Residence. The Governor shall reside at the seat of government of this State.

(2) Information to General Assembly. The Governor shall from time to time give the General Assembly information of the affairs of the State and recommend to their consideration such measures as he shall deem expedient.

(3) Budget. The Governor shall prepare and recommend to the General Assembly a comprehensive budget of the anticipated revenue and proposed expenditures of the State for the ensuing fiscal period. The budget as enacted by the General Assembly shall be administered by the Governor.

The total expenditures of the State for the fiscal period covered by the budget shall not exceed the total of receipts during that fiscal period and the surplus remaining in the State Treasury at the beginning of the period. To insure that the State does not incur a deficit for any fiscal period, the Governor shall continually survey the collection of the revenue and shall effect the necessary economies in State expenditures, after first making adequate provision for the prompt payment of the principal of and interest on bonds and notes of the State according to their terms, whenever he determines that receipts during the fiscal period, when added to any surplus remaining in the State Treasury at the beginning of the period, will not be sufficient to meet budgeted expenditures. This section shall not be construed to impair the power of the State to issue its bonds and notes within the limitations imposed in Article V of this Constitution, nor to impair the obligation of bonds and notes of the State now outstanding or issued hereafter.

(4) Execution of laws. The Governor shall take care that the laws be faithfully executed.

(5) Commander in Chief. The Governor shall be Commander in Chief of the military forces of the State except when they shall be called into the service of the United States.

(6) Clemency. The Governor may grant reprieves, commutations, and pardons, after conviction, for all offenses (except in cases of impeachment), upon such conditions as he may think proper, subject to regulations prescribed by law relative to the manner of applying for pardons. The terms reprieves, commutations, and pardons shall not include paroles.

(7) Extra sessions. The Governor may, on extraordinary occasions, by and with the advice of the Council of State, convene the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

(8) Appointments. The Governor shall nominate and by and with the advice and consent of a majority of the Senators appoint all officers whose appointments are not otherwise provided for.

(9) Information. The Governor may at any time require information in writing from the head of any administrative department or agency upon any subject relating to the duties of his office.

(10) Administrative reorganization. The General Assembly shall prescribe the functions, powers, and duties of the administrative departments and agencies of the State and may alter them from time to time, but the Governor may make such changes in the allocation of offices and agencies and in the allocation of those functions, powers, and duties as he considers necessary for efficient administration. If those changes affect existing law, they shall be set forth in executive orders, which shall be submitted to the General Assembly not later than the sixtieth calendar day of its session, and shall become effective and shall have the force of law upon adjournment sine die of the session, unless specifically disapproved by resolution of either house of the General Assembly or specifically modified by joint resolution of both houses of the General Assembly.

(11) Reconvened sessions. The Governor shall, when required by Section 22 of Article II of this Constitution, reconvene a session of the General Assembly. At such reconvened session, the General Assembly may only consider such bills as were returned by the Governor to that reconvened session for reconsideration. Such reconvened session shall begin on a date set by the Governor, but no later than 40 days after the General Assembly adjourned:

(a) For more than 30 days jointly as provided under Section 20 of Article II of this Constitution; or

(b) Sine die. If the date of reconvening the session occurs after the expiration of the terms of office of the members of the General Assembly, then the members serving for the reconvened session shall be the members for the succeeding term. (1969, c. 932, s. 1; 1977, c. 690, s. 1; 1995, c. 5, s. 2.)

Sec. 6. Duties of the Lieutenant Governor.

The Lieutenant Governor shall be President of the Senate, but shall have no vote unless the Senate is equally divided. He shall perform such additional duties as the General Assembly or the Governor may assign to him. He shall receive the compensation and allowances prescribed by law.

Sec. 7. Other elective officers.

(1) Officers. A Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Labor, and a Commissioner of Insurance shall be elected by the qualified voters of the State in 1972 and every four years thereafter, at the same time and places as members of the General Assembly are elected. Their term of office shall be four years and shall commence on the first day of January next after their election and continue until their successors are elected and qualified.

(2) Duties. Their respective duties shall be prescribed by law.

(3) Vacancies. If the office of any of these officers is vacated by death, resignation, or otherwise, it shall be the duty of the Governor to appoint another to serve until his successor is elected and qualified. Every such vacancy shall be filled by election at the first election for members of the General Assembly that occurs more than 60 days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in this Section. When a vacancy occurs in the office of any of the officers named in this Section and the term expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill the vacancy for the unexpired term of the office.

(4) Interim officers. Upon the occurrence of a vacancy in the office of any one of these officers for any of the causes stated in the preceding paragraph, the Governor may appoint an interim officer to perform the duties of that office until a person is appointed or elected pursuant to this Section to fill the vacancy and is qualified.

(5) Acting officers. During the physical or mental incapacity of any one of these officers to perform the duties of his office, as determined pursuant to this Section, the duties of his office shall be performed by an acting officer who shall be appointed by the Governor.

(6) Determination of incapacity. The General Assembly shall by law prescribe with respect to those officers, other than the Governor, whose offices are created by this Article, procedures for determining the physical or mental incapacity of any officer to perform the duties of his office, and for determining whether an officer who has been temporarily incapacitated has sufficiently recovered his physical or mental capacity to perform the duties of his office. Removal of those officers from office for any other cause shall be by impeachment.

(7) Special Qualifications for Attorney General. Only persons duly authorized to practice law in the courts of this State shall be eligible for appointment or election as Attorney General.

Sec. 8. Council of State.

The Council of State shall consist of the officers whose offices are established by this Article.

Sec. 9. Compensation and allowances.

The officers whose offices are established by this Article shall at stated periods receive the compensation and allowances prescribed by law, which shall not be diminished during the time for which they have been chosen.

Sec. 10. Seal of State.

There shall be a seal of the State, which shall be kept by the Governor and used by him as occasion may require, and shall be called "The Great Seal of the State of North Carolina". All grants or commissions shall be issued in the name and by the authority of the State of North Carolina, sealed with "The Great Seal of the State of North Carolina", and signed by the Governor.

Sec. 11. Administrative departments.

Not later than July 1, 1975, all administrative departments, agencies, and offices of the State and their respective functions, powers, and duties shall be allocated by law among and within not more than 25 principal administrative departments so as to group them as far as practicable according to major purposes. Regulatory, quasi-judicial, and temporary agencies may, but need not, be allocated within a principal department.

ARTICLE IV
JUDICIAL

Section 1. Judicial power.

The judicial power of the State shall, except as provided in Section 3 of this Article, be vested in a Court for the Trial of Impeachments and in a General Court of Justice. The General Assembly shall have no power to deprive the judicial department of any power or jurisdiction that rightfully pertains to it as a co-ordinate department of the government, nor shall it establish or authorize any courts other than as permitted by this Article.

Sec. 2. General Court of Justice.

The General Court of Justice shall constitute a unified judicial system for purposes of jurisdiction, operation, and administration, and shall consist of an Appellate Division, a Superior Court Division, and a District Court Division.

Sec. 3. Judicial powers of administrative agencies.

The General Assembly may vest in administrative agencies established pursuant to law such judicial powers as may be reasonably necessary as an incident to the accomplishment of the purposes for which the agencies were created. Appeals from administrative agencies shall be to the General Court of Justice.

Sec. 4. Court for the Trial of Impeachments.

The House of Representatives solely shall have the power of impeaching. The Court for the Trial of Impeachments shall be the Senate. When the Governor or Lieutenant Governor is impeached, the Chief Justice shall preside over the Court. A majority of the members shall be necessary to a quorum, and no person shall be convicted without the concurrence of two-thirds of the Senators present. Judgment upon conviction shall not extend beyond removal from and disqualification to hold office in this State, but the party shall be liable to indictment and punishment according to law.

Sec. 5. Appellate division.

The Appellate Division of the General Court of Justice shall consist of the Supreme Court and the Court of Appeals.

Sec. 6. Supreme Court.

(1) Membership. The Supreme Court shall consist of a Chief Justice and six Associate Justices, but the General Assembly may increase the number of Associate Justices to not more than eight. In the event the Chief Justice is unable, on account of absence or temporary incapacity, to perform any of the duties placed upon him, the senior Associate Justice available may discharge those duties.

(2) Sessions of the Supreme Court. The sessions of the Supreme Court shall be held in the City of Raleigh unless otherwise provided by the General Assembly.

Sec. 7. Court of Appeals.

The structure, organization, and composition of the Court of Appeals shall be determined by the General Assembly. The Court shall have not less than five members, and may be authorized to sit in divisions, or other than en banc. Sessions of the Court shall be held at such times and places as the General Assembly may prescribe.

Sec. 8. Retirement of Justices and Judges.

The General Assembly shall provide by general law for the retirement of Justices and Judges of the General Court of Justice, and may provide for the temporary recall of any retired Justice or Judge to serve on the court or courts of the division from which he was retired. The General Assembly shall also prescribe maximum age limits for service as a Justice or Judge.

Sec. 9. Superior Courts.

(1) Superior Court districts. The General Assembly shall, from time to time, divide the State into a convenient number of Superior Court judicial districts and shall provide for the election of one or more Superior Court Judges for each district. Each regular Superior Court Judge shall reside in the district for which he is elected. The General Assembly may provide by general law for the selection or appointment of special or emergency Superior Court Judges not selected for a particular judicial district.

(2) Open at all times; sessions for trial of cases. The Superior Courts shall be open at all times for the transaction of all business except the trial of issues of fact requiring a jury. Regular trial sessions of the Superior Court shall be held at times fixed pursuant to a calendar of courts promulgated by the Supreme Court. At least two sessions for the trial of jury cases shall be held annually in each county.

(3) Clerks. A Clerk of the Superior Court for each county shall be elected for a term of four years by the qualified voters thereof, at the same time and places as members of the General Assembly are elected. If the office of Clerk of the Superior Court becomes vacant otherwise than by the expiration of the term, or if the people fail to elect, the senior regular resident Judge of the Superior Court serving the county shall appoint to fill the vacancy until an election can be regularly held.

Sec. 10. District Courts.

The General Assembly shall, from time to time, divide the State into a convenient number of local court districts and shall prescribe where the District Courts shall sit, but a District Court must sit in at least one place in each county. District Judges shall be elected for each district for a term of four years, in a manner prescribed by law. When more than one District Judge is authorized and elected for a district, the Chief Justice of the Supreme Court shall designate one of the judges as Chief District Judge. Every District Judge shall reside in the district for which he is elected. For each county, the senior regular resident Judge of the Superior Court serving the county shall appoint from nominations submitted by the Clerk of the Superior Court of the county, one or more Magistrates who shall be officers of the District Court. The initial term of appointment for a magistrate shall be for two years and subsequent terms shall be for four years. The number of District Judges and Magistrates shall, from time to time, be determined by the General Assembly. Vacancies in the office of District Judge shall be filled for the unexpired term in a manner prescribed by law. Vacancies in the office of Magistrate shall be filled for the unexpired term in the manner provided for original appointment to the office, unless otherwise provided by the General Assembly. (2004-128, s. 16.)

Sec. 11. Assignment of Judges.

The Chief Justice of the Supreme Court, acting in accordance with rules of the Supreme Court, shall make assignments of Judges of the Superior Court and may transfer District Judges from one district to another for temporary or specialized duty. The principle of rotating Superior Court Judges among the various districts of a division is a salutary one and shall be observed. For this purpose the General Assembly may divide the State into a number of judicial divisions. Subject to the general supervision of the Chief Justice of the Supreme Court, assignment of District Judges within each local court district shall be made by the Chief District Judge.

Sec. 12. Jurisdiction of the General Court of Justice.

(1) Supreme Court. The Supreme Court shall have jurisdiction to review upon appeal any decision of the courts below, upon any matter of law or legal inference. The jurisdiction of the Supreme Court over "issues of fact" and "questions of fact" shall be the same exercised by it prior to the adoption of this Article, and the Court may issue any remedial writs necessary to give it general supervision and control over the proceedings of the other courts. The Supreme Court also has jurisdiction to review, when authorized by law, direct appeals from a final order or decision of the North Carolina Utilities Commission.

(2) Court of Appeals. The Court of Appeals shall have such appellate jurisdiction as the General Assembly may prescribe.

(3) Superior Court. Except as otherwise provided by the General Assembly, the Superior Court shall have original general jurisdiction throughout the State. The Clerks of the Superior Court shall have

such jurisdiction and powers as the General Assembly shall prescribe by general law uniformly applicable in every county of the State.

(4) District Courts; Magistrates. The General Assembly shall, by general law uniformly applicable in every local court district of the State, prescribe the jurisdiction and powers of the District Courts and Magistrates.

(5) Waiver. The General Assembly may by general law provide that the jurisdictional limits may be waived in civil cases.

(6) Appeals. The General Assembly shall by general law provide a proper system of appeals. Appeals from Magistrates shall be heard de novo, with the right of trial by jury as defined in this Constitution and the laws of this State.

Sec. 13. Forms of action; rules of procedure.

(1) Forms of action. There shall be in this State but one form of action for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action, and in which there shall be a right to have issues of fact tried before a jury. Every action prosecuted by the people of the State as a party against a person charged with a public offense, for the punishment thereof, shall be termed a criminal action.

(2) Rules of procedure. The Supreme Court shall have exclusive authority to make rules of procedure and practice for the Appellate Division. The General Assembly may make rules of procedure and practice for the Superior Court and District Court Divisions, and the General Assembly may delegate this authority to the Supreme Court. No rule of procedure or practice shall abridge substantive rights or abrogate or limit the right of trial by jury. If the General Assembly should delegate to the Supreme Court the rule-making power, the General Assembly may, nevertheless, alter, amend, or repeal any rule of procedure or practice adopted by the Supreme Court for the Superior Court or District Court Divisions.

Sec. 14. Waiver of jury trial.

In all issues of fact joined in any court, the parties in any civil case may waive the right to have the issues determined by a jury, in which case the finding of the judge upon the facts shall have the force and effect of a verdict by a jury.

Sec. 15. Administration.

The General Assembly shall provide for an administrative office of the courts to carry out the provisions of this Article.

Sec. 16. Terms of office and election of Justices of the Supreme Court, Judges of the Court of Appeals, and Judges of the Superior Court.

Justices of the Supreme Court, Judges of the Court of Appeals, and regular Judges of the Superior Court shall be elected by the qualified voters and shall hold office for terms of eight years and until their successors are elected and qualified. Justices of the Supreme Court and Judges of the Court of Appeals shall be elected by the qualified voters of the State. Regular Judges of the Superior Court may be elected by the qualified voters of the State or by the voters of their respective districts, as the General Assembly may prescribe.

Sec. 17. Removal of Judges, Magistrates and Clerks.

(1) Removal of Judges by the General Assembly. Any Justice or Judge of the General Court of Justice may be removed from office for mental or physical incapacity by joint resolution of two-thirds of all the members of each house of the General Assembly. Any Justice or Judge against whom the General Assembly may be about to proceed shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least 20 days before the day on which either house of the General Assembly shall act thereon. Removal from office by the General Assembly for any other cause shall be by impeachment.

(2) Additional method of removal of Judges. The General Assembly shall prescribe a procedure, in addition to impeachment and address set forth in this Section, for the removal of a Justice or Judge of the General Court of Justice for mental or physical incapacity interfering with the performance of his

duties which is, or is likely to become, permanent, and for the censure and removal of a Justice or Judge of the General Court of Justice for wilful misconduct in office, wilful and persistent failure to perform his duties, habitual intemperance, conviction of a crime involving moral turpitude, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

(3) Removal of Magistrates. The General Assembly shall provide by general law for the removal of Magistrates for misconduct or mental or physical incapacity.

(4) Removal of Clerks. Any Clerk of the Superior Court may be removed from office for misconduct or mental or physical incapacity by the senior regular resident Superior Court Judge serving the county. Any Clerk against whom proceedings are instituted shall receive written notice of the charges against him at least 10 days before the hearing upon the charges. Any Clerk so removed from office shall be entitled to an appeal as provided by law.

Sec. 18. District Attorney and Prosecutorial Districts.

(1) District Attorneys. The General Assembly shall, from time to time, divide the State into a convenient number of prosecutorial districts, for each of which a District Attorney shall be chosen for a term of four years by the qualified voters thereof, at the same time and places as members of the General Assembly are elected. Only persons duly authorized to practice law in the courts of this State shall be eligible for election or appointment as a District Attorney. The District Attorney shall advise the officers of justice in his district, be responsible for the prosecution on behalf of the State of all criminal actions in the Superior Courts of his district, perform such duties related to appeals therefrom as the Attorney General may require, and perform such other duties as the General Assembly may prescribe.

(2) Prosecution in District Court Division. Criminal actions in the District Court Division shall be prosecuted in such manner as the General Assembly may prescribe by general law uniformly applicable in every local court district of the State.

Sec. 19. Vacancies.

Unless otherwise provided in this Article, all vacancies occurring in the offices provided for by this Article shall be filled by appointment of the Governor, and the appointees shall hold their places until the next election for members of the General Assembly that is held more than 60 days after the vacancy occurs, when elections shall be held to fill the offices. When the unexpired term of any of the offices named in this Article of the Constitution in which a vacancy has occurred, and in which it is herein provided that the Governor shall fill the vacancy, expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill that vacancy for the unexpired term of the office. If any person elected or appointed to any of these offices shall fail to qualify, the office shall be appointed to, held and filled as provided in case of vacancies occurring therein. All incumbents of these offices shall hold until their successors are qualified.

Sec. 20. Revenues and expenses of the judicial department.

The General Assembly shall provide for the establishment of a schedule of court fees and costs which shall be uniform throughout the State within each division of the General Court of Justice. The operating expenses of the judicial department, other than compensation to process servers and other locally paid non-judicial officers, shall be paid from State funds.

Sec. 21. Fees, salaries, and emoluments.

The General Assembly shall prescribe and regulate the fees, salaries, and emoluments of all officers provided for in this Article, but the salaries of Judges shall not be diminished during their continuance in office. In no case shall the compensation of any Judge or Magistrate be dependent upon his decision or upon the collection of costs.

Sec. 22. Qualification of Justices and Judges.

Only persons duly authorized to practice law in the courts of this State shall be eligible for election or appointment as a Justice of the Supreme Court, Judge of the Court of Appeals, Judge of the Superior Court, or Judge of District Court. This section shall not apply to persons elected to or serving in such capacities on or before January 1, 1981.

ARTICLE V
FINANCE

Section 1. No capitation tax to be levied.

No poll or capitation tax shall be levied by the General Assembly or by any county, city or town, or other taxing unit.

Sec. 2. State and local taxation.

(1) Power of taxation. The power of taxation shall be exercised in a just and equitable manner, for public purposes only, and shall never be surrendered, suspended, or contracted away.

(2) Classification. Only the General Assembly shall have the power to classify property for taxation, which power shall be exercised only on a State-wide basis and shall not be delegated. No class of property shall be taxed except by uniform rule, and every classification shall be made by general law uniformly applicable in every county, city and town, and other unit of local government.

(3) Exemptions. Property belonging to the State, counties, and municipal corporations shall be exempt from taxation. The General Assembly may exempt cemeteries and property held for educational, scientific, literary, cultural, charitable, or religious purposes, and, to a value not exceeding $300, any personal property. The General Assembly may exempt from taxation not exceeding $1,000 in value of property held and used as the place of residence of the owner. Every exemption shall be on a State-wide basis and shall be made by general law uniformly applicable in every county, city and town, and other unit of local government. No taxing authority other than the General Assembly may grant exemptions, and the General Assembly shall not delegate the powers accorded to it by this subsection.

(4) Special tax areas. Subject to the limitations imposed by Section 4, the General Assembly may enact general laws authorizing the governing body of any county, city, or town to define territorial areas and to levy taxes within those areas, in addition to those levied throughout the county, city, or town, in order to finance, provide, or maintain services, facilities, and functions in addition to or to a greater extent than those financed, provided, or maintained for the entire county, city, or town.

(5) Purposes of property tax. The General Assembly shall not authorize any county, city or town, special district, or other unit of local government to levy taxes on property, except for purposes authorized by general law uniformly applicable throughout the State, unless the tax is approved by a majority of the qualified voters of the unit who vote thereon.

(6) Income tax. The rate of tax on incomes shall not in any case exceed ten percent, and there shall be allowed personal exemptions and deductions so that only net incomes are taxed.

(7) Contracts. The General Assembly may enact laws whereby the State, any county, city or town, and any other public corporation may contract with and appropriate money to any person, association, or corporation for the accomplishment of public purposes only.

Sec. 3. Limitations upon the increase of State debt.

(1) Authorized purposes; two-thirds limitation. The General Assembly shall have no power to contract debts secured by a pledge of the faith and credit of the State, unless approved by a majority of the qualified voters of the State who vote thereon, except for the following purposes:

(a) to fund or refund a valid existing debt;

(b) to supply an unforeseen deficiency in the revenue;

(c) to borrow in anticipation of the collection of taxes due and payable within the current fiscal year to an amount not exceeding 50 per cent of such taxes;

(d) to suppress riots or insurrections, or to repel invasions;

(e) to meet emergencies immediately threatening the public health or safety, as conclusively determined in writing by the Governor;

(f) for any other lawful purpose, to the extent of two-thirds of the amount by which the State's outstanding indebtedness shall have been reduced during the next preceding biennium.

(2) Gift or loan of credit regulated. The General Assembly shall have no power to give or lend the credit of the State in aid of any person, association, or corporation, except a corporation in which the

State has a controlling interest, unless the subject is submitted to a direct vote of the people of the State, and is approved by a majority of the qualified voters who vote thereon.

(3) Definitions. A debt is incurred within the meaning of this Section when the State borrows money. A pledge of the faith and credit within the meaning of this Section is a pledge of the taxing power. A loan of credit within the meaning of this Section occurs when the State exchanges its obligations with or in any way guarantees the debts of an individual, association, or private corporation.

(4) Certain debts barred. The General Assembly shall never assume or pay any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States. Neither shall the General Assembly assume or pay any debt or bond incurred or issued by authority of the Convention of 1868, the special session of the General Assembly of 1868, or the General Assemblies of 1868-69 and 1869-70, unless the subject is submitted to the people of the State and is approved by a majority of all the qualified voters at a referendum held for that sole purpose.

(5) Outstanding debt. Except as provided in subsection (4), nothing in this Section shall be construed to invalidate or impair the obligation of any bond, note, or other evidence of indebtedness outstanding or authorized for issue as of July 1, 1973.

Sec. 4. Limitations upon the increase of local government debt.

(1) Regulation of borrowing and debt. The General Assembly shall enact general laws relating to the borrowing of money secured by a pledge of the faith and credit and the contracting of other debts by counties, cities and towns, special districts, and other units, authorities, and agencies of local government.

(2) Authorized purposes; two-thirds limitation. The General Assembly shall have no power to authorize any county, city or town, special district, or other unit of local government to contract debts secured by a pledge of its faith and credit unless approved by a majority of the qualified voters of the unit who vote thereon, except for the following purposes:

(a) to fund or refund a valid existing debt;

(b) to supply an unforseen deficiency in the revenue;

(c) to borrow in anticipation of the collection of taxes due and payable within the current fiscal year to an amount not exceeding 50 per cent of such taxes;

(d) to suppress riots or insurrections;

(e) to meet emergencies immediately threatening the public health or safety, as conclusively determined in writing by the Governor;

(f) for purposes authorized by general laws uniformly applicable throughout the State, to the extent of two-thirds of the amount by which the unit's outstanding indebtedness shall have been reduced during the next preceding fiscal year.

(3) Gift or loan of credit regulated. No county, city or town, special district, or other unit of local government shall give or lend its credit in aid of any person, association, or corporation, except for public purposes as authorized by general law, and unless approved by a majority of the qualified voters of the unit who vote thereon.

(4) Certain debts barred. No county, city or town, or other unit of local government shall assume or pay any debt or the interest thereon contracted directly or indirectly in aid or support of rebellion or insurrection against the United States.

(5) Definitions. A debt is incurred within the meaning of this Section when a county, city or town, special district, or other unit, authority, or agency of local government borrows money. A pledge of faith and credit within the meaning of this Section is a pledge of the taxing power. A loan of credit within the meaning of this Section occurs when a county, city or town, special district, or other unit, authority, or agency of local government exchanges its obligations with or in any way guarantees the debts of an individual, association, or private corporation.

(6) Outstanding debt. Except as provided in subsection (4), nothing in this Section shall be construed to invalidate or impair the obligation of any bond, note, or other evidence of indebtedness outstanding or authorized for issue as of July 1, 1973.

Sec. 5. Acts levying taxes to state objects.

Every act of the General Assembly levying a tax shall state the special object to which it is to be applied, and it shall be applied to no other purpose.

Sec. 6. Inviolability of sinking funds and retirement funds.

(1) Sinking funds. The General Assembly shall not use or authorize to be used any part of the amount of any sinking fund for any purpose other than the retirement of the bonds for which the sinking fund has been created, except that these funds may be invested as authorized by law.

(2) Retirement funds. Neither the General Assembly nor any public officer, employee, or agency shall use or authorize to be used any part of the funds of the Teachers' and State Employees' Retirement System or the Local Governmental Employees' Retirement System for any purpose other than retirement system benefits and purposes, administrative expenses, and refunds; except that retirement system funds may be invested as authorized by law, subject to the investment limitation that the funds of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System shall not be applied, diverted, loaned to, or used by the State, any State agency, State officer, public officer, or public employee.

Sec. 7. Drawing public money.

(1) State treasury. No money shall be drawn from the State treasury but in consequence of appropriations made by law, and an accurate account of the receipts and expenditures of State funds shall be published annually.

(2) Local treasury. No money shall be drawn from the treasury of any county, city or town, or other unit of local government except by authority of law.

Sec. 8. Health care facilities.

Notwithstanding any other provisions of this Constitution, the General Assembly may enact general laws to authorize the State, counties, cities or towns, and other State and local governmental entities to issue revenue bonds to finance or refinance for any such governmental entity or any nonprofit private corporation, regardless of any church or religious relationship, the cost of acquiring, constructing, and financing health care facility projects to be operated to serve and benefit the public; provided, no cost incurred earlier than two years prior to the effective date of this section shall be refinanced. Such bonds shall be payable from the revenues, gross or net, of any such projects and any other health care facilities of any such governmental entity or nonprofit private corporation pledged therefor; shall not be secured by a pledge of the full faith and credit, or deemed to create an indebtedness requiring voter approval of any governmental entity; and may be secured by an agreement which may provide for the conveyance of title of, with or without consideration, any such project or facilities to the governmental entity or nonprofit private corporation. The power of eminent domain shall not be used pursuant hereto for nonprofit private corporations.

Sec. 9. Capital projects for industry.

Nothwithstanding any other provision of this Constitution, the General Assembly may enact general laws to authorize counties to create authorities to issue revenue bonds to finance, but not to refinance, the cost of capital projects consisting of industrial, manufacturing and pollution control facilities for industry and pollution control facilities for public utilities, and to refund such bonds.

In no event shall such revenue bonds be secured by or payable from any public moneys whatsoever, but such revenue bonds shall be secured by and payable only from revenues or property derived from private parties. All such capital projects and all transactions therefor shall be subject to taxation to the extent such projects and transactions would be subject to taxation if no public body were involved therewith; provided, however, that the General Assembly may provide that the interest on such revenue bonds shall be exempt from income taxes within the State.

The power of eminent domain shall not be exercised to provide any property for any such capital project.

Sec. 10. Joint ownership of generation and transmission facilities.

In addition to other powers conferred upon them by law, municipalities owning or operating facilities for the generation, transmission or distribution of electric power and energy and joint agencies formed by such municipalities for the purpose of owning or operating facilities for the generation and transmission of electric power and energy (each, respectively, "a unit of municipal government") may jointly or

severally own, operate and maintain works, plants and facilities, within or without the State, for the generation and transmission of electric power and energy, or both, with any person, firm, association or corporation, public or private, engaged in the generation, transmission or distribution of electric power and energy for resale (each, respectively, "a co-owner") within this State or any state contiguous to this State, and may enter into and carry out agreements with respect to such jointly owned facilities. For the purpose of financing its share of the cost of any such jointly owned electric generation or transmission facilities, a unit of municipal government may issue its revenue bonds in the manner prescribed by the General Assembly, payable as to both principal and interest solely from and secured by a lien and charge on all or any part of the revenue derived, or to be derived, by such unit of municipal government from the ownership and operation of its electric facilities; provided, however, that no unit of municipal government shall be liable, either jointly or severally, for any acts, omissions or obligations of any co-owner, nor shall any money or property of any unit of municipal government be credited or otherwise applied to the account of any co-owner or be charged with any debt, lien or mortgage as a result of any debt or obligation of any co-owner.

Sec. 11. Capital projects for agriculture.

Notwithstanding any other provision of the Constitution the General Assembly may enact general laws to authorize the creation of an agency to issue revenue bonds to finance the cost of capital projects consisting of agricultural facilities, and to refund such bonds.

In no event shall such revenue bonds be secured by or payable from any public moneys whatsoever, but such revenue bonds shall be secured by and payable only from revenues or property derived from private parties. All such capital projects and all transactions therefor shall be subject to taxation to the extent such projects and transactions would be subject to taxation if no public body were involved therewith; provided, however, that the General Assembly may provide that the interest on such revenue bonds shall be exempt from income taxes within the State.

The power of eminent domain shall not be exercised to provide any property for any such capital project.

Sec. 12. Higher Education Facilities.

Notwithstanding any other provisions of this Constitution, the General Assembly may enact general laws to authorize the State or any State entity to issue revenue bonds to finance and refinance the cost of acquiring, constructing, and financing higher education facilities to be operated to serve and benefit the public for any nonprofit private corporation, regardless of any church or religious relationship provided no cost incurred earlier than five years prior to the effective date of this section shall be refinanced. Such bonds shall be payable from any revenues or assets of any such nonprofit private corporation pledged therefor, shall not be secured by a pledge of the full faith and credit of the State or such State entity or deemed to create an indebtedness requiring voter approval of the State or such entity, and, where the title to such facilities is vested in the State or any State entity, may be secured by an agreement which may provide for the conveyance of title to, with or without consideration, such facilities to the nonprofit private corporation. The power of eminent domain shall not be used pursuant hereto.

Sec. 13. Seaport and airport facilities.

(1) Notwithstanding any other provision of this Constitution, the General Assembly may enact general laws to grant to the State, counties, municipalities, and other State and local governmental entities all powers useful in connection with the development of new and existing seaports and airports, and to authorize such public bodies:

(a) to acquire, construct, own, own jointly with public and private parties, lease as lessee, mortgage, sell, lease as lessor, or otherwise dispose of lands and facilities and improvements, including undivided interest therein;

(b) to finance and refinance for public and private parties seaport and airport facilities and improvements which relate to, develop or further waterborne or airborne commerce and cargo and passenger traffic, including commercial, industrial, manufacturing, processing, mining, transportation, distribution, storage, marine, aviation and environmental facilities and improvements; and

(c) to secure any such financing or refinancing by all or any portion of their revenues, income or assets or other available monies associated with any of their seaport or airport facilities and with the facilities and improvements to be financed or refinanced, and by foreclosable liens on all or any part of their properties associated with any of their seaport or airport facilities and with the facilities and improvements to be financed or refinanced, but in no event to create a debt secured by a pledge of the faith and credit of the State or any other public body in the State.

Sec. 14. Project development financing.

Notwithstanding Section 4 of this Article, the General Assembly may enact general laws authorizing any county, city, or town to define territorial areas in the county, city, or town and borrow money to be used to finance public improvements associated with private development projects within the territorial areas, as provided in this section. The General Assembly shall set forth by statute the method for determining the size of the territorial area and the issuing unit. This method is conclusive. When a territorial area is defined pursuant to this section, the county shall determine the current assessed value of taxable real and personal property in the territorial area. Thereafter, property in the territorial area continues to be subject to taxation to the same extent and in like manner as property not in the territorial area, but the net proceeds of taxes levied on the excess, if any, of the assessed value of taxable real and personal property in the territorial area at the time the taxes are levied over the assessed value of taxable real and personal property in the territorial area at the time the territorial area was defined may be set aside. The instruments of indebtedness authorized by this section shall be secured by these set-aside proceeds. The General Assembly may authorize a county, city, or town issuing these instruments of indebtedness to pledge, as additional security, revenues available to the issuing unit from sources other than the issuing unit's exercise of its taxing power. As long as no revenues are pledged other than the set-aside proceeds authorized by this section and the revenues authorized in the preceding sentence, these instruments of indebtedness may be issued without approval by referendum. The county, city, or town may not pledge as security for these instruments of indebtedness any property tax revenues other than the set-aside proceeds authorized in this section, or in any other manner pledge its full faith and credit as security for these instruments of indebtedness unless a vote of the people is held as required by and in compliance with the requirements of Section 4 of this Article.

Notwithstanding the provisions of Section 2 of this Article, the General Assembly may enact general laws authorizing a county, city, or town that has defined a territorial area pursuant to this section to assess property within the territorial area at a minimum value if agreed to by the owner of the property, which agreed minimum value shall be binding on the current owner and any future owners as long as the defined territorial area is in effect. (2003-403, s.1.)

ARTICLE VI
SUFFRAGE AND ELIGIBILITY TO OFFICE

Section 1. Who may vote.

Every person born in the United States and every person who has been naturalized, 18 years of age, and possessing the qualifications set out in this Article, shall be entitled to vote at any election by the people of the State, except as herein otherwise provided.

Sec. 2. Qualifications of voter.

(1) Residence period for State elections. Any person who has resided in the State of North Carolina for one year and in the precinct, ward, or other election district for 30 days next preceding an election, and possesses the other qualifications set out in this Article, shall be entitled to vote at any election held in this State. Removal from one precinct, ward, or other election district to another in this State shall not operate to deprive any person of the right to vote in the precinct, ward, or other election district from which that person has removed until 30 days after the removal.

(2) Residence period for presidential elections. The General Assembly may reduce the time of residence for persons voting in presidential elections. A person made eligible by reason of a reduction in time of residence shall possess the other qualifications set out in this Article, shall only be entitled to vote for President and Vice President of the United States or for electors for President and Vice President, and shall not thereby become eligible to hold office in this State.

(3) Disqualification of felon. No person adjudged guilty of a felony against this State or the United States, or adjudged guilty of a felony in another state that also would be a felony if it had been committed in this State, shall be permitted to vote unless that person shall be first restored to the rights of citizenship in the manner prescribed by law.

Sec. 3. Registration.

Every person offering to vote shall be at the time legally registered as a voter as herein prescribed and in the manner provided by law. The General Assembly shall enact general laws governing the registration of voters.

Sec. 4. Qualification for registration.

Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language.

Sec. 5. Elections by people and General Assembly.

All elections by the people shall be by ballot, and all elections by the General Assembly shall be viva voce. A contested election for any office established by Article III of this Constitution shall be determined by joint ballot of both houses of the General Assembly in the manner prescribed by law.

Sec. 6. Eligibility to elective office.

Every qualified voter in North Carolina who is 21 years of age, except as in this Constitution disqualified, shall be eligible for election by the people to office.

Sec. 7. Oath.

Before entering upon the duties of an office, a person elected or appointed to the office shall take and subscribe the following oath:

"I, _____, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as _____, so help me God."

Sec. 8. Disqualifications for office.

The following persons shall be disqualified for office:

First, any person who shall deny the being of Almighty God.

Second, with respect to any office that is filled by election by the people, any person who is not qualified to vote in an election for that office.

Third, any person who has been adjudged guilty of treason or any other felony against this State or the United States, or any person who has been adjudged guilty of a felony in another state that also would be a felony if it had been committed in this State, or any person who has been adjudged guilty of corruption or malpractice in any office, or any person who has been removed by impeachment from any office, and who has not been restored to the rights of citizenship in the manner prescribed by law.

Sec. 9. Dual office holding.

(1) Prohibitions. It is salutary that the responsibilities of self-government be widely shared among the citizens of the State and that the potential abuse of authority inherent in the holding of multiple offices by an individual be avoided. Therefore, no person who holds any office or place of trust or profit under the United States or any department thereof, or under any other state or government, shall be eligible to hold any office in this State that is filled by election by the people. No person shall hold concurrently any two offices in this State that are filled by election of the people. No person shall hold concurrently any two or more appointive offices or places of trust or profit, or any combination of elective and appointive offices or places of trust or profit, except as the General Assembly shall provide by general law.

(2) Exceptions. The provisions of this Section shall not prohibit any officer of the military forces of the State or of the United States not on active duty for an extensive period of time, any notary public, or any delegate to a Convention of the People from holding concurrently another office or place of trust or profit under this State or the United States or any department thereof.

Sec. 10. Continuation in office.

In the absence of any contrary provision, all officers in this State, whether appointed or elected, shall hold their positions until other appointments are made or, if the offices are elective, until their successors are chosen and qualified.

ARTICLE VII
LOCAL GOVERNMENT

Section 1. General Assembly to provide for local government.

The General Assembly shall provide for the organization and government and the fixing of boundaries of counties, cities and towns, and other governmental subdivisions, and, except as otherwise prohibited by this Constitution, may give such powers and duties to counties, cities and towns, and other governmental subdivisions as it may deem advisable.

The General Assembly shall not incorporate as a city or town, nor shall it authorize to be incorporated as a city or town, any territory lying within one mile of the corporate limits of any other city or town having a population of 5,000 or more according to the most recent decennial census of population taken by order of Congress, or lying within three miles of the corporate limits of any other city or town having a population of 10,000 or more according to the most recent decennial census of population taken by order of Congress, or lying within four miles of the corporate limits of any other city or town having a population of 25,000 or more according to the most recent decennial census of population taken by order of Congress, or lying within five miles of the corporate limits of any other city or town having a population of 50,000 or more according to the most recent decennial census of population taken by order of Congress. Notwithstanding the foregoing limitations, the General Assembly may incorporate a city or town by an act adopted by vote of three-fifths of all the members of each house.

Sec. 2. Sheriffs.

In each county a Sheriff shall be elected by the qualified voters thereof at the same time and places as members of the General Assembly are elected and shall hold his office for a period of four years, subject to removal for cause as provided by law.

Sec. 3. Merged or consolidated counties.

Any unit of local government formed by the merger or consolidation of a county or counties and the cities and towns therein shall be deemed both a county and a city for the purposes of this Constitution, and may exercise any authority conferred by law on counties, or on cities and towns, or both, as the General Assembly may provide.

ARTICLE VIII
CORPORATIONS

Section 1. Corporate charters.

No corporation shall be created, nor shall its charter be extended, altered, or amended by special act, except corporations for charitable, educational, penal, or reformatory purposes that are to be and remain under the patronage and control of the State; but the General Assembly shall provide by general laws for the chartering, organization, and powers of all corporations, and for the amending, extending, and forfeiture of all charters, except those above permitted by special act. All such general acts may be altered from time to time or repealed. The General Assembly may at any time by special act repeal the charter of any corporation.

Sec. 2. Corporations defined.

The term "corporation" as used in this Section shall be construed to include all associations and joint-stock companies having any of the powers and privileges of corporations not possessed by individuals or partnerships. All corporations shall have the right to sue and shall be subject to be sued in all courts, in like cases as natural persons.

ARTICLE IX
EDUCATION

Section 1. Education encouraged.

Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools, libraries, and the means of education shall forever be encouraged.

Sec. 2. Uniform system of schools.

(1) General and uniform system: term. The General Assembly shall provide by taxation and otherwise for a general and uniform system of free public schools, which shall be maintained at least nine months in every year, and wherein equal opportunities shall be provided for all students.

(2) Local responsibility. The General Assembly may assign to units of local government such responsibility for the financial support of the free public schools as it may deem appropriate. The governing boards of units of local government with financial responsibility for public education may use local revenues to add to or supplement any public school or post-secondary school program.

Sec. 3. School attendance.

The General Assembly shall provide that every child of appropriate age and of sufficient mental and physical ability shall attend the public schools, unless educated by other means.

Sec. 4. State Board of Education.

(1) Board. The State Board of Education shall consist of the Lieutenant Governor, the Treasurer, and eleven members appointed by the Governor, subject to confirmation by the General Assembly in joint session. The General Assembly shall divide the State into eight educational districts. Of the appointive members of the Board, one shall be appointed from each of the eight educational districts and three shall be appointed from the State at large. Appointments shall be for overlapping terms of eight years. Appointments to fill vacancies shall be made by the Governor for the unexpired terms and shall not be subject to confirmation.

(2) Superintendent of Public Instruction. The Superintendent of Public Instruction shall be the secretary and chief administrative officer of the State Board of Education.

Sec. 5. Powers and duties of Board.

The State Board of Education shall supervise and administer the free public school system and the educational funds provided for its support, except the funds mentioned in Section 7 of this Article, and shall make all needed rules and regulations in relation thereto, subject to laws enacted by the General Assembly.

Sec. 6. State school fund.

The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; all moneys, stocks, bonds, and other property belonging to the State for purposes of public education; the net proceeds of all sales of the swamp lands belonging to the State; and all other grants, gifts, and devises that have been or hereafter may be made to the State, and not otherwise appropriated by the State or by the terms of the grant, gift, or devise, shall be paid into the State Treasury and, together with so much of the revenue of the State as may be set apart for that purpose, shall be faithfully appropriated and used exclusively for establishing and maintaining a uniform system of free public schools.

Sec. 7. County school fund; State fund for certain moneys.

(a) Except as provided in subsection (b) of this section, all moneys, stocks, bonds, and other property belonging to a county school fund, and the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal laws of the State, shall belong to and remain in the several counties, and shall be faithfully appropriated and used exclusively for maintaining free public schools.

(b) The General Assembly may place in a State fund the clear proceeds of all civil penalties, forfeitures, and fines which are collected by State agencies and which belong to the public schools pursuant to subsection (a) of this section. Moneys in such State fund shall be faithfully appropriated by the General Assembly, on a per pupil basis, to the counties, to be used exclusively for maintaining free public schools. (2003-423, s.1.)

Sec. 8. Higher education.

The General Assembly shall maintain a public system of higher education, comprising The University of North Carolina and such other institutions of higher education as the General Assembly may deem wise. The General Assembly shall provide for the selection of trustees of The University of North Carolina and of the other institutions of higher education, in whom shall be vested all the privileges, rights, franchises, and endowments heretofore granted to or conferred upon the trustees of these institutions. The General Assembly may enact laws necessary and expedient for the maintenance and management of The University of North Carolina and the other public institutions of higher education.

Sec. 9. Benefits of public institutions of higher education.

The General Assembly shall provide that the benefits of The University of North Carolina and other public institutions of higher education, as far as practicable, be extended to the people of the State free of expense.

Sec. 10. Escheats.

(1) Escheats prior to July 1, 1971. All property that prior to July 1, 1971, accrued to the State from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons shall be appropriated to the use of The University of North Carolina.

(2) Escheats after June 30, 1971. All property that, after June 30, 1971, shall accrue to the State from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons shall be used to aid worthy and needy students who are residents of this State and are enrolled in public institutions of higher education in this State. The method, amount, and type of distribution shall be prescribed by law.

ARTICLE X
HOMESTEADS AND EXEMPTIONS

Section 1. Personal property exemptions.

The personal property of any resident of this State, to a value fixed by the General Assembly but not less than $500, to be selected by the resident, is exempted from sale under execution or other final process of any court, issued for the collection of any debt.

Sec. 2. Homestead exemptions.

(1) Exemption from sale; exceptions. Every homestead and the dwellings and buildings used therewith, to a value fixed by the General Assembly but not less than $1,000, to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city or town with the dwellings and buildings used thereon, and to the same value, owned and occupied by a resident of the State, shall be exempt from sale under execution or other final process obtained on any debt. But no property shall be exempt from sale for taxes, or for payment of obligations contracted for its purchase.

(2) Exemption for benefit of children. The homestead, after the death of the owner thereof, shall be exempt from the payment of any debt during the minority of the owner's children, or any of them.

(3) Exemption for benefit of surviving spouse. If the owner of a homestead dies, leaving a surviving spouse but no minor children, the homestead shall be exempt from the debts of the owner, and the rents and profits thereof shall inure to the benefit of the surviving spouse until he or she remarries, unless the surviving spouse is the owner of a separate homestead.

(4) Conveyance of homestead. Nothing contained in this Article shall operate to prevent the owner of a homestead from disposing of it by deed, but no deed made by a married owner of a homestead shall be valid without the signature and acknowledgement of his or her spouse.

Sec. 3. Mechanics' and laborers' liens.

The General Assembly shall provide by proper legislation for giving to mechanics and laborers an adequate lien on the subject-matter of their labor. The provisions of Sections 1 and 2 of this Article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming the exemption or a mechanic's lien for work done on the premises.

Sec. 4. Property of married women secured to them.

The real and personal property of any female in this State acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations, or engagements of her husband, and may be devised and bequeathed and conveyed by her, subject to such regulations and limitations as the General Assembly may prescribe. Every married woman may exercise powers of attorney conferred upon her by her husband, including the power to execute and acknowledge deeds to property owned by herself and her husband or by her husband.

Sec. 5. Insurance.

A person may insure his or her own life for the sole use and benefit of his or her spouse or children or both, and upon his or her death the proceeds from the insurance shall be paid to or for the benefit of the spouse or children or both, or to a guardian, free from all claims of the representatives or creditors of the insured or his or her estate. Any insurance policy which insures the life of a person for the sole use and benefit of that person's spouse or children or both shall not be subject to the claims of creditors of the insured during his or her lifetime, whether or not the policy reserves to the insured during his or her lifetime any or all rights provided for by the policy and whether or not the policy proceeds are payable to the estate of the insured in the event the beneficiary or beneficiaries predecease the insured.

ARTICLE XI
PUNISHMENTS, CORRECTIONS, AND CHARITIES

Section 1. Punishments.

The following punishments only shall be known to the laws of this State: death, imprisonment, fines, suspension of a jail or prison term with or without conditions, restitution, community service, restraints on liberty, work programs, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under this State. (1995, c. 429, s. 2.)

Sec. 2. Death punishment.

The object of punishments being not only to satisfy justice, but also to reform the offender and thus prevent crime, murder, arson, burglary, and rape, and these only, may be punishable with death, if the General Assembly shall so enact.

Sec. 3. Charitable and correctional institutions and agencies.

Such charitable, benevolent, penal, and correctional institutions and agencies as the needs of humanity and the public good may require shall be established and operated by the State under such organization and in such manner as the General Assembly may prescribe.

Sec. 4. Welfare policy; board of public welfare.

Beneficent provision for the poor, the unfortunate, and the orphan is one of the first duties of a civilized and a Christian state. Therefore the General Assembly shall provide for and define the duties of a board of public welfare.

ARTICLE XII
MILITARY FORCES

Section 1. Governor is Commander in Chief.

The Governor shall be Commander in Chief of the military forces of the State and may call out those forces to execute the law, suppress riots and insurrections, and repel invasion.

ARTICLE XIII
CONVENTIONS; CONSTITUTIONAL AMENDMENT AND REVISION

Section 1. Convention of the People.

No Convention of the People of this State shall ever be called unless by the concurrence of two-thirds of all the members of each house of the General Assembly, and unless the proposition "Convention or No Convention" is first submitted to the qualified voters of the State at the time and in the manner prescribed by the General Assembly. If a majority of the votes cast upon the proposition are in favor of a Convention, it shall assemble on the day prescribed by the General Assembly. The General Assembly shall, in the act submitting the convention proposition, propose limitations upon the authority of the Convention; and if a majority of the votes cast upon the proposition are in favor of a Convention, those limitations shall become binding upon the Convention. Delegates to the Convention shall be elected by the qualified voters at the time and in the manner prescribed in the act of submission. The Convention shall consist of a number of delegates equal to the membership of the House of Representatives of the General Assembly that submits the convention proposition and the delegates shall be apportioned as is the House of Representatives. A Convention shall adopt no ordinance not necessary to the purpose for which the Convention has been called.

Sec. 2. Power to revise or amend Constitution reserved to people.

The people of this State reserve the power to amend this Constitution and to adopt a new or revised Constitution. This power may be exercised by either of the methods set out hereinafter in this Article, but in no other way.

Sec. 3. Revision or amendment by Convention of the People.

A Convention of the People of this State may be called pursuant to Section 1 of this Article to propose a new or revised Constitution or to propose amendments to this Constitution. Every new or revised Constitution and every constitutional amendment adopted by a Convention shall be submitted to the qualified voters of the State at the time and in the manner prescribed by the Convention. If a majority of the votes cast thereon are in favor of ratification of the new or revised Constitution or the constitutional amendment or amendments, it or they shall become effective January first next after ratification by the qualified voters unless a different effective date is prescribed by the Convention.

Sec. 4. Revision or amendment by legislative initiation.

A proposal of a new or revised Constitution or an amendment or amendments to this Constitution may be initiated by the General Assembly, but only if three-fifths of all the members of each house shall adopt an act submitting the proposal to the qualified voters of the State for their ratification or rejection. The proposal shall be submitted at the time and in the manner prescribed by the General Assembly. If a majority of the votes cast thereon are in favor of the proposed new or revised Constitution or constitutional amendment or amendments, it or they shall become effective January first next after ratification by the voters unless a different effective date is prescribed in the act submitting the proposal or proposals to the qualified voters.

ARTICLE XIV
MISCELLANEOUS

Section 1. Seat of government.

The permanent seat of government of this State shall be at the City of Raleigh.

Sec. 2. State boundaries.

The limits and boundaries of the State shall be and remain as they now are.

Sec. 3. General laws defined.

Whenever the General Assembly is directed or authorized by this Constitution to enact general laws, or general laws uniformly applicable throughout the State, or general laws uniformly applicable in every county, city and town, and other unit of local government, or in every local court district, no special or local act shall be enacted concerning the subject matter directed or authorized to be accomplished by general or uniformly applicable laws, and every amendment or repeal of any law relating to such subject matter shall also be general and uniform in its effect throughout the State. General laws may be enacted for classes defined by population or other criteria. General laws uniformly applicable throughout the State shall be made applicable without classification or exception in every unit of local government of like kind, such as every county, or every city and town, but need not be made applicable in every unit of local government in the State. General laws uniformly applicable in every county, city and town, and other unit of local government, or in every local court district, shall be made applicable without classification or exception in every unit of local government, or in every local court district, as the case may be. The General Assembly may at any time repeal any special, local, or private act.

Sec. 4. Continuity of laws; protection of office holders.

The laws of North Carolina not in conflict with this Constitution shall continue in force until lawfully altered. Except as otherwise specifically provided, the adoption of this Constitution shall not have the effect of vacating any office or term of office now filled or held by virtue of any election or appointment made under the prior Constitution of North Carolina and the laws of the State enacted pursuant thereto.

Sec. 5. Conservation of natural resources.

It shall be the policy of this State to conserve and protect its lands and waters for the benefit of all its citizenry, and to this end it shall be a proper function of the State of North Carolina and its political subdivisions to acquire and preserve park, recreational, and scenic areas, to control and limit the pollution of our air and water, to control excessive noise, and in every other appropriate way to preserve as a part of the common heritage of this State its forests, wetlands, estuaries, beaches, historical sites, openlands, and places of beauty.

To accomplish the aforementioned public purposes, the State and its counties, cities and towns, and other units of local government may acquire by purchase or gift properties or interests in properties which shall, upon their special dedication to and acceptance by a law enacted by a vote of three-fifths of the members of each house of the General Assembly for those public purposes, constitute part of the 'State Nature and Historic Preserve,' and which shall not be used for other purposes except as authorized by law enacted by a vote of three-fifths of the members of each house of the General Assembly. The General Assembly shall prescribe by general law the conditions and procedures under which such properties or interests therein shall be dedicated for the aforementioned public purposes. (1971, c. 630, s. 1; S.L. 1999-268, ss 3-5; S.L. 2001-217, s. 3; S.L. 2002-3 Extra Session.)

2008

HOUSE SELECT COMMITTEE TO INVESTIGATE.... THOMAS E. WRIGHT

WITNESSES/FIFTH AMENDMENT

Witnesses to be called in Wright Case - Special Counsel (alpha order)

1. Ronnie L. Burbank
North State Bank
1411 Commonwealth Drive
Wilmington, N.C. 28403 (910) 679-1252 (910) 791-2729

2. John Lewis Dew
Office of State Controller
3512 Bush Street
Raleigh, N.C. 27609 (919) 715-9397

3. Daniel Gottovi
609 Leonidas Court
Raleigh, N.C. 27604 (919) 834-0438

4. Lewis McKinney
Anheuser-Busch Corp.
1 Portland Court
St. Louis, Missouri 63108 (314) 577-7066

5. Thomas John Policastro
N.C. Automobile Dealers Association
1029 Wade Avenue
Raleigh, N.C. 27605 (919) 828-4421 (919) 846-7798

6. Dan Rose
IRS
2303 West Meadowview Road
Greensboro, N.C. 27407 (336) 378-2858

7. Brian Shank
AstraZeneca Pharmaceuticals
104 Mancino Court
Morrisville, N.C. 27560 (919) 931-1018

8. Kimberly W. Strach
N.C. State Board of Elections
506 N. Harrington Street
Raleigh, N.C. 27603 (919) 515-2334

9. ASAC J.E. Umphlet
SBI
Greenville, N.C. (252) 756-4755

10. Torlen L. Wade
1622 Park Drive
Raleigh, N.C. (919) 834-2281

11. Teresa Hill Williams
132 Gracie Point
Winnabow, N.C. 28479

1) **Ronnie Lynn Burbank**
North State Bank
1411 Commonwealth Drive
Wilmington, N.C. 28403 (910) 679-1252 (910) 791-2729

- Ronnie Burbank worked at Coastal Federal Credit Union from October, 2001 until February, 2007
- He recognized and recalls the grant letter from Torlen Wade to Thomas Wright indicating funding for The Community's Health Foundation, Inc.
- He can't remember whether he got the letter by fax, by mail, or by hand delivery by Wright. Coastal Federal put a lot of weight on the letter
- It was important that money would be forthcoming, and the primary repayment source was grant money
    - It played a part, but was not overwhelming
    - It was one factor considered in approving the loan
    - Burbank's gut instinct tells him that he would not have approved the loan without the letter
    - Burbank stated that he was repeatedly told by Wright that grant money was forthcoming
    - He thinks that he required the letter, and he may have told Wright that closing the loan was subject to getting a letter showing the funding
- Burbank recognized the bank document that showed that the primary source of repayment of the loan was grant money from State and federal government
- Conversion of assets was listed as the secondary source of repayment
- The tax value of $180,000.00 was higher than the loan value of $150,000.00
- There was no guarantor on the loan

Exhibit 3
January 9, 2008

North Carolina Department of Health and Human Services
Office of Research, Demonstrations, and
Rural Health Development
2009 Mail Service Center • Raleigh, North Carolina 27699-2009
Tel 919-733-2040 • Fax 919-733-8300

James D. Bernstein, Director

Michael F. Easley, Governor
Carmen Hooker Odom, Secretary

March 15, 2002

Thomas E. Wright, Chairman
Community's Health Foundation
322 South 17th Street
Wilmington, NC 28401

Dear Mr. Wright:

On behalf of the Office of Research, Demonstrations, and Rural Health Development, I am writing to enthusiastically endorse the Community's Health Foundation's effort to convert the building located on the 900 block of 4th Street into Foundation offices, New Hanover Community Health Center offices and into a History Museum.

With this endorsement, the Office is committing $150,000 in funding toward the completion of this conversion project. The funding will be awarded by June 30, 2002.

We wish you all the best as you embark on this important project.

Sincerely,

Torlen L. Wade
Acting Director

TLW/lw

(1)
17

Exhibit 4
January 9, 2008

2004034119

FOR REGISTRATION REGISTER OF DEEDS
REBECCA T. CHRISTIAN
NEW HANOVER COUNTY, NC
2004 JUN 28 03:40:12 PM
BK:4385 PG:765-766 FEE:$12.00

INSTRUMENT # 2004034119

NOTICE OF FORECLOSURE

Drawn By: H. Terry Hutchens, PA
PRESENT RECORD OWNER: The Community Health Foundation, Inc.
aka The Community's Health Foundation, Inc

Mail To: H. Terry Hutchens, PA
P.O. Box 1028
Fayetteville, North Carolina 28302
Case No: 597.69856

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

This notice of foreclosure is filed for recordation pursuant to the provisions of N.C.G.S. 45-38.

GRANTOR:	Thomas E. Wright, President of The Community Health Foundation Inc. and Daniel Gottovi, Treasurer of The Community Health Foundation, Inc.
ORIGINAL TRUSTEE:	Michael C. Gerald
BENEFICIARY:	Coastal Federal Bank

in the amount of $150,000.00 recorded in Book 3259, Page 842, and foreclosed and conveyed to John L. Battle and wife, Mary A. Battle on May 18, 2004.

See Book 4340, Page 911, and Appointment of Substitute Trustee recorded in Book 4052, Page 756.

This the 22nd day of June, 2004.

H. TERRY HUTCHENS, PA
SUBSTITUTE TRUSTEE

BY: Debra L. Milligan
Debra L. Milligan
Assistant Vice President

REBECCA T. CHRISTIAN
REGISTER OF DEEDS, NEW HANOVER
216 NORTH SECOND STREET

WILMINGTON, NC 28401

Filed For Registration:	06/28/2004 03:40:12 PM
Book:	RE 4385 Page: 765-766
Document No.:	2004034119
	N/F 2 PGS $12.00
Recorder:	MARVIS ANN STORER

State of North Carolina, County of New Hanover

REBECCA T. CHRISTIAN , REGISTER OF DEEDS

By: Marvis Ann Storer
Deputy/~~Assistant~~ Register of Deeds

YELLOW PROBATE SHEET IS A VITAL PART OF YOUR RECORDED DOCUMENT.
PLEASE RETAIN WITH ORIGINAL DOCUMENT AND SUBMIT FOR RE-RECORDING.

2004034119
2004034119

2) **John Lewis Dew**
Office of State Controller
3512 Bush Street
Raleigh, N.C. 27609 (919) 715-9397

- Mr. Dew is an employee of the Office of State Controller
- He will testify that The Community's Health Foundation was never properly listed with the Office of Secretary of State in North Carolina

3) **Dr. Daniel Gottovi**
609 Leonidas Court
Raleigh, N.C. 27604 (919) 834-0438

- Dr. Gottovi stated that The Community's Health Foundation, Inc. was put together by Thomas Wright. It was Wright's idea
- Gottovi was not sure of the process
- Gottovi was supposed to be the treasurer
- The Board of Directors never met
- Gottovi never saw any by-laws for the Foundation
- Gottovi signed the loan papers at Coastal Federal Bank for the purchase of the Lofton property
- He understood that Wright intended to get some appropriations, federal funds, and corporate and private contributions to meet the needs of the Foundation
- A few days before the purchase of the property, Wright approached him
    - Wright already had everything set up at Coastal Federal
    - Gottovi was surprised that there was no guarantor
    - He asked Wright how he intended to repay the loan
    - Wright said that he was working on state, federal, corporate, and private funding
- Gottovi never knew about the Torlen Wade letter

4) **Lewis L. McKinney**
Anheuser-Busch Corp.
1 Portland Court
St. Louis, Missouri 63108 (314) 577-7066

- Mr. McKinney was a Regional Government Relations employee at Anheuser-Busch in 2004
- He knew Representative Wright from the Legislature
- Wright orally solicited a contribution from him, and McKinney explained the process that included writing a letter
- The letter followed, with the same content as the oral solicitation
- McKinney was able to get approval for up to $5000.00 and recommended approval for the entire amount
- He directed that a check be written and sent to The Community's Health Foundation, Inc. in the amount of $5000.00 for the Foundation

Exhibit 5
January 9, 2008

THE COMMUNITY'S HEALTH FOUNDATION, INC.
Thomas E. Wright, President
322 S. 17TH Street
Wilmington, NC 28401
Ofc. #(910) 343-9842
Fed. Tax ID# 56-2252434

February 6, 2004

Mr. Lewis McKinney
Anheuser-Busch Companies, Inc.
1 Busch Place, 202-8
St. Louis, Missouri 63118

Michele
Okay for
$ 500 ea.

Dear Mr. McKinney,

The Community's Health Foundation, Inc is requesting your support in the acquisition and development of a building in Wilmington, North Carolina that will serve as a historical relic and museum about the 1898 Race Riot that occurred in Wilmington, North Carolina. The museum will exhibit historical events that took place and recapture these moments for future generations to explore, examine, and uncover the truth about such a horrific time in American History. This is a very important endeavor for the community of Wilmington, the state of North Carolina and our nation.

We are requesting your support to aid this foundation's efforts. Please make the check payable to **The Community's Health Foundation, Inc.**, in care of **Thomas E. Wright.** Contributions are tax deductible under the 501 (c) (3) of the Internal Revenue Code. **Our Tax Id# is 56-2252434.**

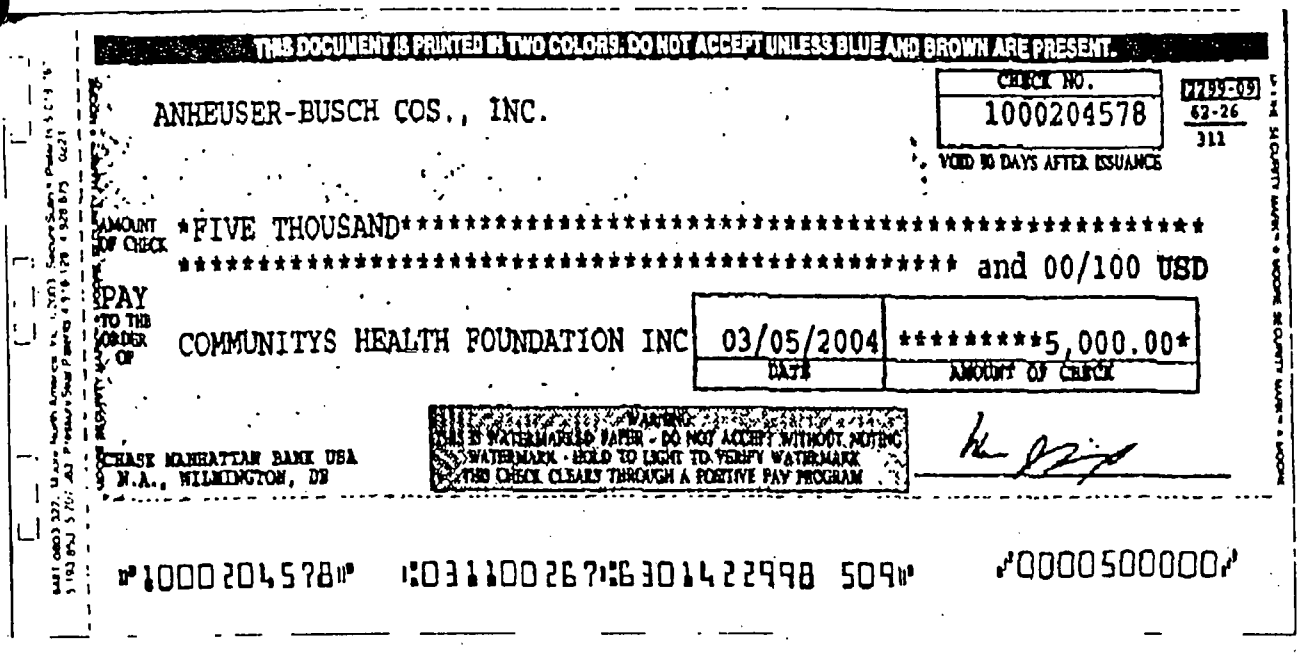
If you need to contact me or need additional information, please do not hesitate to give me a call. Again, thanks for your support.

Sincerely,

Thomas E. Wright

Board EXHIBIT 10

Amount:	$5,000.00	Sequence Number:	6400501484
Account:	6301422998509	Capture Date:	08/11/2004
Bank Number:	03110026	Check Number:	1000204578



THIS DOCUMENT IS PRINTED IN TWO COLORS. DO NOT ACCEPT UNLESS BLUE AND BROWN ARE PRESENT.

ANHEUSER-BUSCH COS., INC.

CHECK NO. 1000204578

17799-09
62-26
311

VOID 90 DAYS AFTER ISSUANCE

AMOUNT OF CHECK *FIVE THOUSAND********** and 00/100 USD

PAY TO THE ORDER OF COMMUNITYS HEALTH FOUNDATION INC

DATE	AMOUNT OF CHECK
03/05/2004	*********5,000.00*

CHASE MANHATTAN BANK USA N.A., WILMINGTON, DE

WARNING: THIS IS WATERMARKED PAPER - DO NOT ACCEPT WITHOUT NOTING WATERMARK - HOLD TO LIGHT TO VERIFY WATERMARK. THIS CHECK CLEARS THROUGH A POSITIVE PAY PROGRAM

⑈1000204578⑈ ⑆031100267⑆6301422998 509⑈ ⑈0000500000⑈

5) **Thomas John Policastro**
N.C. Automobile Dealers Association
1029 Wade Avenue
Raleigh, N.C. 27605 (919) 828-4421 (919) 846-7798

- Mr. Policastro worked for AT&T from August, 1997 until December 2004
- He was the State Director in the Law and Government Affairs Section
- AT&T's check written to and sent to The Community's Health Foundation, Inc. was intended as a charitable contribution to a 501(c)(3) corporation
- He received the invoice from Representative Wright for $1500.00
- He recommended through AT&T's approval process that the contribution be approved to support Wright as a legislator by supporting Wright's local charity.

Amount:	$1,500.00	Sequence Number:	6200948986
Account:	31172621	Capture Date:	07/26/2004
Bank Number:	07192382	Check Number:	11390100

DO NOT CASH WITHOUT BLUE / GREEN BACKGROUND – POSITIVE IDENTIFICATION REQUIRED

70-2382/719

AT&T

The Northern Trust Company
Chicago, IL 0710
Payable through Northern Trust Bank / DuPage, Oak Brook, IL
Account Number 31172621

Check No.	Payable Mo. Day Yr.
11390100	04|01|04

AP Payment

ONE THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS IN US DOLLARS

PAY TO THE ORDER OF

COMMUNITYS HEALTH FOUNDATION I
322 S 17TH ST
WILMINGTON NC 28401

$******1,500.00

PLEASE CASH PROMPTLY. VOID AFTER 180 DAYS

VENDOR NO. 483977 INVOICE NO. OTPC

Edward M. Dwyer
Authorized Signature

⑈11390100⑈ ⑆071923828⑆03117262 1⑈ ⑈0000150000⑈

BANK OF AMERICA/LA CAP
07/26/04

WARNING: DO NOT CASH UNLESS VOID AFTER 180 DAYS
SEE BACK FOR WATERMARK.
VERIFY WATERMARK.
ENDORSEMENT

6) **Dan Rose**
IRS
2303 West Meadowview Road
Greensboro, N.C. 27407 (336) 378-2858

- Mr. Rose is an employee of the IRS
- He will testify that The Community's Health Foundation, Inc. was never properly registered with and approved by the IRS as a 501(c)(3) charitable organization

0007515

Exhibit 1

January 9, 2008

State of North Carolina
Department of the Secretary of State

SOSID: 588358
Date Filed: 4/18/2001 3:59 PM
Elaine F. Marshall
North Carolina Secretary of State

ARTICLES OF INCORPORATION
NONPROFIT CORPORATION

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 corporation is: The Community's Health Foundation, Inc.

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

3. The street address and county of the initial registered office of the corporation is:

   Number and Street 322 S. 17th Street

   City, State, Zip Code Wilmington, NC 28401 County New Hanover

4. The mailing address *if different from the street address* of the initial registered office is:

   same

5. The name of the initial registered agent is:

   Thomas E. Wright

6. The name and address of each incorporator is as follows:
   Thomas E. Wright, 322 S. 17th St., Wilmington, NC 28401
   Daniel Gottovi, MD, 116 Martingale Ln., Wilmington, NC 28409
   James Lofton, 117 Avent Dr., Wilmington, NC 28405
   Bessie Flynderburg, 414 S. 14th St., Wilmington, NC 28401

7. (Check either a or b below.)
   a. x The corporation will have members.
   b. ___ The corporation will not have members.

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

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

10. The street address and county of the principal office of the corporation is:

    925 North 4th St., Wilmington, NC 28401 County New Hanover

11. The mailing address *if different from the street address* of the principal office is:

    Same

Ex. 1

Revised January 2000

Form N-01

CORPORATIONS DIVISION P. O. BOX 29622 RALEIGH, NC 27626-0622

Purpose of Corporation

This corporation is organized for the following purpose(s) (*check as applicable*):

___religious,

_x_charitable,

_x_educational,

___testing for public safety,

_x_scientific,

___literary,

___fostering national or international amateur sports competition, and/or

___prevention of cruelty to children or animals,

including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under Sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1986 (herein the "Code") (or the corresponding provisions of any future United States Internal Revenue Code).

Prohibited Activities

No part of the net earnings of the corporation shall inure to the benefit of or be distributable to, its members, directors, officers, or other private persons except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of purposes set forth in these articles of incorporation. No substantial part of the activities of the corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation, and the corporation shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provisions of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 501(c)(3) of the Code or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Code.

Distributions Upon Dissolution

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

This is the ____ day of _____, 20____.

Thomas E. Wright

Signature of Incorporator

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

NOTES:
Filing fee is $60. This document and one exact or conformed copy of these articles must be filed with the Secretary of State.

Form N-01

February 2000

CORPORATIONS DIVISION

P. O. BOX 29622

RALEIGH, NC 27626-0622

919-807-2063 11:54 04/11/2001

7) **Brian Shank**
AstraZeneca Pharmaceuticals
104 Mancino Court
Morrisville, N.C. 27560 (919) 931-1018

- Mr. Shank was the Associate Director of State Government Affairs at AstraZeneca in 2002 and 2003
- He knew and was a good friend of Representative Wright
- He remembers a conversation with Wright about a health care center
- About six months later, he received a letter from Wright soliciting a charitable contribution
- He channeled the request through the company's approval process
    - It was approved
    - The $2400.00 check was sent to The Community's Health Foundation, Inc. at the Foundation's address
- AstraZeneca's PAC donated to Wright's campaign.

Amount:	$2,400.00	Sequence Number:	6400501485
Account:	3299924268	Capture Date:	08/11/2004
Bank Number:	06111278	Check Number:	12343708

AstraZeneca

AstraZeneca Pharmaceuticals LP
1800 Concord Pike
PO Box 15437
Wilmington, DE 19850-5437

30020579 06 12343708

DOCUMENT NO.
12343708

MONTH	DAY	YEAR
12/15/03		

PAY TWO THOUSAND FOUR-HUNDRED AND 00/100 DOLLARS

64-1278
611

$ **********2,400.00

TO THE ORDER OF
COMMUNITYS HLTH FOUND INC
322 S 17TH ST
WILMINGTON NC 28401

Bank of America Customer Connection
Bank of America, N.A.
Atlanta, DeKalb County, Georgia

Authorized Signature

VOID AFTER 180 DAYS

THE BACK OF THIS DOCUMENT HAS THE ASTRAZENECA LOGO PRINTED IN WHITE INK IN MULTIPLE POSITIONS - HOLD AT AN ANGLE AND VIEW - VOID IF NOT PRESENT

⑈12343708⑈ ⑆061112788⑆ 329 992 4268⑈ ⑈0000240000⑈

Confidential Treatment Requested by Bank of America

8) **Kimberly Westbrook Strach**
N.C. State Board of Elections
506 N. Harrington Street
Raleigh, N.C. 27603 (919) 515-2334

- Kim Westbrook Strach is Deputy Director for the Campaign Finance Division of the North Carolina State Board of Elections ("State Board")
  - In that capacity, she was in charge of the State Board's investigation arising out of the complaint filed by Joe Sinsheimer alleging illegal campaign activity by the Thomas Wright campaign
  - In his complaint, Sinsheimer requested that the State Board investigate whether the Thomas Wright Campaign Committee filed false, incomplete or misleading campaign finance reports in 2006 to hide contributions from three sources: the developers of the proposed Hugo Neu landfill in Brunswick County, lobbyists for Atlanta-based CampuCredit, Inc., and the sub-prime consumer finance industry in general
- In the course of that investigation, Strach and her staff identified and reviewed activity in five back accounts related to Thomas Wright:
  - An interest checking account maintained by Thomas Wright at Bank of America from 7/14/1999 until the time of Strach's investigation;
  - A joint interest checking account maintained by Thomas Wright and his wife, Joyce N. Wright, at Bank of America from 7/14/1999 - 2/6/2001;
  - A business economy checking account maintained by the Thomas Wright campaign at Bank of America from 4/3/2000 - 11/4/2003;
  - A business checking account maintained by the Thomas Wright Campaign at First Citizen's bank from 4/23/2003 - 6/9/05; and
  - A Business Success account maintained by Thomas E. Wright dba Thomas Wright Campaign at Coastal Federal bank from 2/24/07 to the present
- Wright failed to disclose the existence of all of these campaign accounts in his filings with the Campaign Finance Division of the State Board, except for the business economy checking account maintained by the Thomas Wright campaign at Bank of America from 4/3/2000 - 11/4/2003
- In her investigation, Strach was unable to determine which of these accounts maintained by the Thomas Wright Campaign served the function of a campaign account because campaign contributions were deposited from time to time in each account and were commingled with personal monies deposited by Wright in those accounts
- Strach and her staff discovered that three checks from corporations and payable to the "The Community's Health Foundation:"
  - A check from AT&T in the amount of $1,500,
  - A check from AstraZeneca Pharmaceuticals in the amount of $2,400, and
  - A check from Anheuser-Busch in the amount of $5,000

  were deposited into the personal account maintained by Thomas Wright at Bank of America and were commingled with campaign contributions
- Likewise, both campaign and personal expenditures were made from these accounts; sometimes, it was difficult for Strach and her investigators to determine whether an expenditure was made for campaign purposes or personal purposes

- From 2000-2006, Strach and her staff identified at least $411,000 in expenditures that could not be determined to be for campaign purposes from accounts that were campaign accounts or commingled accounts
- The review of bank records made by Strach and her staff showed no expenditures on behalf of The Community's Health Foundation
- In their investigation, Strach and her staff identified approximately 408 contributions totaling $185,000 made to the Thomas Wright Campaign between January 1, 2000, and December 31, 2006, that were not reported to the State Board on any disclosure report filed by the Thomas Wright Campaign
    - Of this $185,000, $19,350 were monies transferred between the accounts maintained by Wright or his campaign and reviewed by Strach and her staff
    - Because the statutory definition of "contribution" includes "any . . . transfer of funds," these transfers should have been reported as contributions
    - These unreported contributions are delineated on a spreadsheet prepared by Strach and provided to Wright by special counsel to the committee (Ex. 9)
- Also, during their investigation, Strach and her staff identified $4,850 in contributions made by persons associated with the company Sims Hugo Neu in the second quarter of 2006 but not reported in that quarter
- In addition to the foregoing summary, Strach may testify as to any matter contained her testimony before the State Board at its May 15, 2007, hearing in *In Re: Investigation of Complaint of Joe Sinsheimer Alleging Illegal Campaign Activity by the Thomas Wright Campaign and Additional Potential Violations Identified during the Investigation.*

Amount:	$1,500.00	Sequence Number:	6200948986
Account:	31172621	Capture Date:	07/26/2004
Bank Number:	07192382	Check Number:	11390100

DO NOT CASH WITHOUT BLUE / GREEN BACKGROUND – POSITIVE IDENTIFICATION REQUIRED

70-2382/719

AT&T

The Northern Trust Company
Chicago, IL 0710
Payable through Northern Trust Bank / DuPage, Oak Brook, IL
Account Number 31172621

Check No.	Payable Mo. Day Yr.
11390100	04|01|04

AP Payment

ONE THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS IN US DOLLARS

PAY TO THE ORDER OF
COMMUNITYS HEALTH FOUNDATION I
322 S 17TH ST
WILMINGTON NC 28401

$******1,500.00

PLEASE CASH PROMPTLY. VOID AFTER 180 DAYS

VENDOR NO. 483977 | INVOICE NO. | OTPC

Edward M. Dwyer
Authorized Signature

⑈11390100⑈ ⑆071923828⑆03117262 21⑈ ⑈0000150000⑈

WARNING: DO NOT CASH UNLESS WATERMARK IS VISIBLE. HOLD AT ANGLE TO VIEW WATERMARK. KNOW YOUR ENDORSER.

BANK OF AMERICA-VA CAP
07/26/04

Amount:	$2,400.00	Sequence Number:	6400501485
Account:	3299924268	Capture Date:	08/11/2004
Bank Number:	06111278	Check Number:	12343708

AstraZeneca

AstraZeneca Pharmaceuticals LP
1800 Concord Pike
PO Box 15437
Wilmington, DE 19850-5437

30020579 06 12343708

DOCUMENT NO.
12343708

MONTH	DAY	YEAR
12	15	03

PAY TWO THOUSAND FOUR-HUNDRED AND 00/100 DOLLARS

64-1278
611

$ **********2,400.00

TO THE ORDER OF
COMMUNITYS HLTH FOUND INC
322 S 17TH ST
WILMINGTON NC 28401

Bank of America Customer Connection
Bank of America, N.A.
Atlanta, DeKalb County, Georgia

Authorized Signature

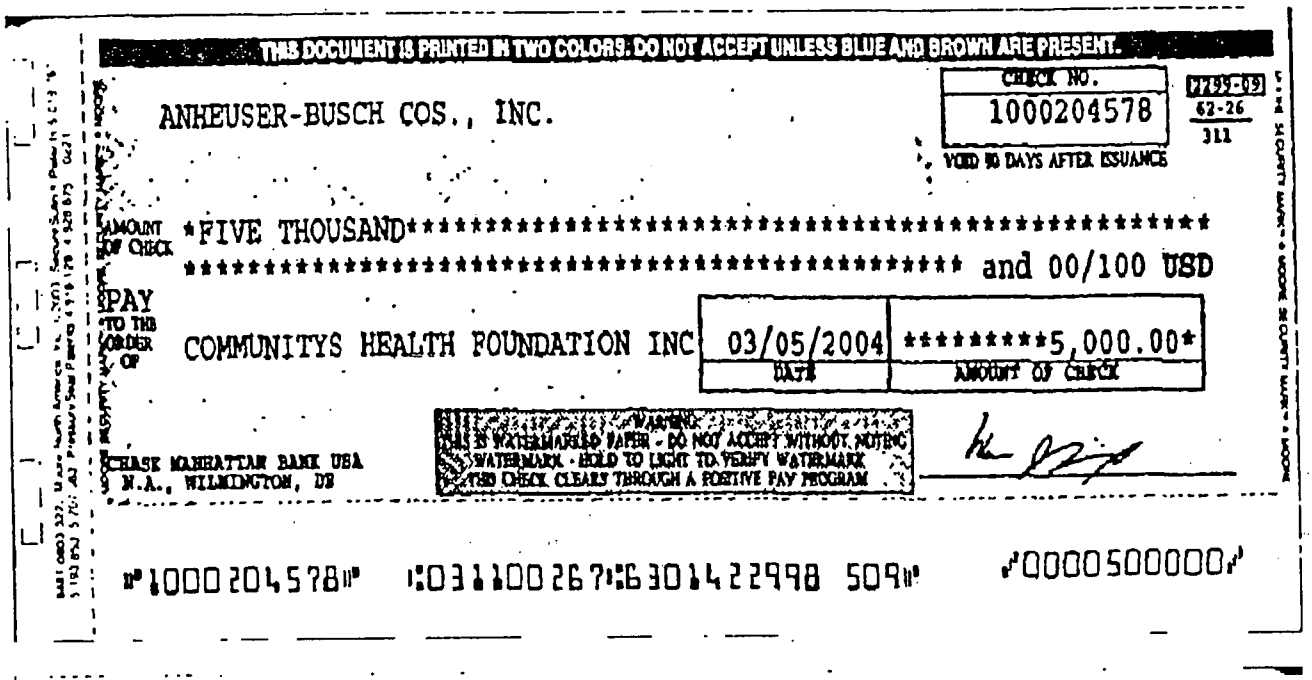
VOID AFTER 180 DAYS

THE BACK OF THIS DOCUMENT HAS THE ASTRAZENECA LOGO PRINTED IN WHITE AND IN MULTIPLE POSITIONS. HOLD AT AN ANGLE TO VIEW. VOID IF NOT PRESENT.

⑈12343708⑈ ⑆061112788⑆ 329 992 4268⑈ ⑈0000240000⑈

Confidential Treatment Requested by Bank of America

Amount:	$5,000.00	Sequence Number:	6400501484
Account:	6301422998509	Capture Date:	08/11/2004
Bank Number:	03110026	Check Number:	1000204578



THIS DOCUMENT IS PRINTED IN TWO COLORS. DO NOT ACCEPT UNLESS BLUE AND BROWN ARE PRESENT.

ANHEUSER-BUSCH COS., INC.

CHECK NO. 1000204578

VOID 90 DAYS AFTER ISSUANCE

7759-09 62-26 311

AMOUNT OF CHECK *FIVE THOUSAND********** and 00/100 USD

PAY TO THE ORDER OF COMMUNITYS HEALTH FOUNDATION INC

DATE	AMOUNT OF CHECK
03/05/2004	*********5,000.00*

CHASE MANHATTAN BANK USA N.A., WILMINGTON, DE

WARNING: THIS IS WATERMARKED PAPER - DO NOT ACCEPT WITHOUT NOTING WATERMARK - HOLD TO LIGHT TO VERIFY WATERMARK. THIS CHECK CLEARS THROUGH A POSITIVE PAY PROGRAM

⑈1000204578⑈ ⑆031100267⑆6301422998 509⑈ ⑈0000500000⑈

Committee to [redacted] Thomas E. Wright
Contrib[redacted] Not Disclosed
[redacted]-2006

Exhibit 9
January 9, [redacted]8

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
AIA PAC		Bank of America 5071	$ 500.00	3/24/2000	2000 First Quarter Plus
Alexander	William	Bank of America 5071	$ 100.00	3/13/2000	2000 First Quarter Plus
Bone	Roger	Bank of America 5071	$ 250.00	3/24/2000	2000 First Quarter Plus
Crossland	Thomas	Bank of America 1059	$ 100.00	4/3/2000	2000 First Quarter Plus
DUKE ENERGY CORP PAC		Bank of America 5071	$ 500.00	3/23/2000	2000 First Quarter Plus
Duncan	Allyson	Bank of America 1059	$ 100.00	4/3/2000	2000 First Quarter Plus
Gore	Rex	Bank of America 5071	$ 100.00	3/22/2000	2000 First Quarter Plus
McCoy	John	Bank of America 1059	$ 100.00	4/3/2000	2000 First Quarter Plus
Mercer	Linwood	Bank of America 5071	$ 500.00	3/22/2000	2000 First Quarter Plus
NC ACADEMY OF TRIAL LAWYERS PAC		Bank of America 5071	$ 500.00	3/28/2000	2000 First Quarter Plus
NC ASSIST LIVING ASSOC. PAC		Bank of America 5071	$ 250.00	3/22/2000	2000 First Quarter Plus
NC Assn of Nurse Anesthetists PAC		Bank of America 5071	$ 200.00	3/10/2000	2000 First Quarter Plus
NC ASSOC OF LONG TERM CARE FACILITIES		Bank of America 5071	$ 300.00	3/22/2000	2000 First Quarter Plus
NC BEER AND WINE WHOLESALERS ASSOC. PAC		Bank of America 5071	$ 400.00	3/24/2000	2000 First Quarter Plus
NC DENTAL PAC		Bank of America 5071	$ 1,000.00	3/15/2000	2000 First Quarter Plus
NC DENTAL PAC		Bank of America 5071	$ 500.00	3/22/2000	2000 First Quarter Plus
NC HCFA PAC		Bank of America 5071	$ 500.00	3/22/2000	2000 First Quarter Plus
NC HOSPITAL ASSOC		Bank of America 5071	$ 1,000.00	3/15/2000	2000 First Quarter Plus
NC LUPAC		Bank of America 5071	$ 500.00	3/22/2000	2000 First Quarter Plus
NC MEDICAL SOCIETY		Bank of America 1059	$ 1,000.00	4/13/2000	2000 First Quarter Plus
NC REALTORS PAC		Bank of America 5071	$ 1,000.00	4/6/2000	2000 First Quarter Plus
NC STATE AFL-CIO COPE-PAC		Bank of America 1059	$ 100.00	5/10/2000	2000 First Quarter Plus
Plage	Robert	Bank of America 5071	$ 250.00	3/15/2000	2000 First Quarter Plus
Roff	Roger	Bank of America 5071	$ 1,000.00	4/6/2000	2000 First Quarter Plus
ROSEMAN	L.A.	Bank of America 5071	$ 250.00	3/15/2000	2000 First Quarter Plus
Snyder	Richard	Bank of America 1059	$ 100.00	4/3/2000	2000 First Quarter Plus
Sutton	William	Bank of America 5071	$ 100.00	3/13/2000	2000 First Quarter Plus
Taylor	Joseph	Bank of America 5071	$ 300.00	3/22/2000	2000 First Quarter Plus
WARWICK	Nurham	Bank of America 5071	$ 500.00	3/23/2000	2000 First Quarter Plus
Wright	Thomas	Bank of America 1059	$ 100.00	4/3/2000	2000 First Quarter Plus
Anderson	Anthony	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Bowden	Jimmy	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Clarida	Jimmy	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Cliette	Pat	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Dees	Doris	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Evans	J.B.	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
George	Eugene	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
George	Roosevelt	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
George	Sarah	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Gerald	Carvin	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Gerald	Paul	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Hayes	Raymond	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
High	James	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Hill	Nancy	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Hill	Dewey	Bank of America 1059	$ 100.00	5/10/2000	2000 Second Quarter

Committee to Elect Thomas E. Wright
Contributions Not [redacted]sed
2000-200[redacted]

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
Jenkins	Geraldine	Bank of America 1059	$ 100.00	4/21/2000	2000 Second Quarter
Jones	Anne	Bank of America 1059	$ 100.00	4/21/2000	2000 Second Quarter
KEEP CONLON ON COUNCIL		Bank of America 1059	$ 100.00	4/25/2000	2000 Second Quarter
Lawrence	David	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
McKenzie	Amon	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Mercer	Leo	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
METROLINA AREA RADIOLOGISTS FOR QUALITY IN		Bank of America 5071	$ 1,000.00	5/12/2000	2000 Second Quarter
Parker	Constance	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Phipps	William	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Powell	Tonya	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Recko	Marc	Bank of America 1059	$ 100.00	5/2/2000	2000 Second Quarter
Sands	Alexander	Bank of America 1059	$ 100.00	4/21/2000	2000 Second Quarter
Sasser	Rhone	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Simpson	Jereline	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Soles	R.C	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Spaulding	James	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Spaulding	John	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Stines	Suzette	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Timmons	Jo Ann	Bank of America 1059	$ 100.00	4/21/2000	2000 Second Quarter
Troy	Harold	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Troy	Ralph	Bank of America 1059	$ 100.00	5/2/2000	2000 Second Quarter
Tyler	R. Mitchel	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Webster	John	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Webster	Victoria	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
White	Robert	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Wright	Thomas	Bank of America 1059	$ 200.00	5/3/2000	2000 Second Quarter
AT&T PAC		Bank of America 5071	$ 500.00	11/6/2000	2000 Third Quarter Plus
BADDOUR FOR NC HOUSE		Bank of America 5071	$ 500.00	8/4/2000	2000 Third Quarter Plus
Cutting	Robert	Bank of America 5071	$ 200.00	8/4/2000	2000 Third Quarter Plus
McCaffray	Edmund	Bank of America 5071	$ 100.00	8/4/2000	2000 Third Quarter Plus
NC Anesthesiologists PAC		Bank of America 5071	$ 300.00	11/6/2000	2000 Third Quarter Plus
NC ASSN LONG TERM CARE FACS PAC		Bank of America 5071	$ 250.00	11/6/2000	2000 Third Quarter Plus
NC BANK PAC		Bank of America 5071	$ 250.00	8/4/2000	2000 Third Quarter Plus
NC ORTHOPAEDIC PAC		Bank of America 5071	$ 250.00	8/4/2000	2000 Third Quarter Plus
NCHBA BUILD PAC		Bank of America 5071	$ 1,000.00	10/17/2000	2000 Third Quarter Plus
BROWN & WILLIAMSTON TOBACCO CORP. EMP PAC		Bank of America 5071	$ 250.00	11/16/2000	2000 Fourth Quarter
CVS Corp Fed PAC		Bank of America 5084	$ 500.00	12/29/2000	2000 Fourth Quarter
GE COMPANY, PAC		Bank of America 5071	$ 500.00	11/6/2000	2000 Fourth Quarter
Hemingway	Jerome	Bank of America 1059	$ 100.00	12/7/2000	2000 Fourth Quarter
MICROSOFT CORP PAC		Bank of America 5071	$ 250.00	11/16/2000	2000 Fourth Quarter
Mottola	D	Bank of America 5071	$ 500.00	11/6/2000	2000 Fourth Quarter
NC DEMOCRATIC HOUSE PAC		Bank of America 5071	$ 500.00	11/16/2000	2000 Fourth Quarter
NC HOSPITAL ASSOC		Bank of America 5071	$ 500.00	11/16/2000	2000 Fourth Quarter
NC PORK COUNCIL		Bank of America 5071	$ 500.00	11/6/2000	2000 Fourth Quarter
OPTOMETRY PAC		Bank of America 5071	$ 500.00	11/16/2000	2000 Fourth Quarter

Committee to Ele[redacted]mas E. Wright
Contributio[redacted]Disclosed
2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
Wilson	Lanny	Bank of America 5071	$ 1,000.00	11/6/2000	2000 Fourth Quarter
Cash Contributions		Bank of America 5071	$ 250.00	4/19/2001	2001 Mid Year Semi-Annual
Cash Contributions		Bank of America 5071	$ 800.00	5/18/2001	2001 Mid Year Semi-Annual
International Paper PAC (IP PAC)		Bank of America 5071	$ 500.00	1/26/2001	2001 Mid Year Semi-Annual
LAMB GROUP, INC.		Bank of America 5071	$ 1,500.00	1/29/2001	2001 Mid Year Semi-Annual
NOVARTIS EMPL GOOD GOVT FUND		Bank of America 5071	$ 200.00	4/18/2001	2001 Mid Year Semi-Annual
Cash Contributions		Bank of America 5071	$ 1,400.00	11/7/2001	2001 Year End Semi-Annual
Cash Contributions		Bank of America 5071	$ 500.00	11/23/2001	2001 Year End Semi-Annual
Alley	Zeb	Bank of America 5071	$ 250.00	4/2/2002	2002 First Quarter Plus
BELL SOUTH EMPLOYEES NC PAC		Bank of America 5071	$ 1,000.00	3/1/2002	2002 First Quarter Plus
Bone	Roger	Bank of America 5071	$ 200.00	4/2/2002	2002 First Quarter Plus
COMMITTEE FOR EDMISTEN		Bank of America 5071	$ 500.00	4/2/2002	2002 First Quarter Plus
GLAXOSMITHKLINE PAC		Bank of America 5071	$ 1,000.00	3/1/2002	2002 First Quarter Plus
Goodman	John	Bank of America 5071	$ 500.00	4/2/2002	2002 First Quarter Plus
HOUSE PAC		Bank of America 5071	$ 500.00	4/2/2002	2002 First Quarter Plus
JIM BLACK CAMPAIGN FUND		Bank of America 5071	$ 1,000.00	4/2/2002	2002 First Quarter Plus
MERCK PAC		Bank of America 5071	$ 1,000.00	3/22/2002	2002 First Quarter Plus
NC Amusement Machine Assoc. PAC Acct		Bank of America 5071	$ 1,000.00	4/9/2002	2002 First Quarter Plus
NC AUTO DEALERS PAC		Bank of America 5071	$ 500.00	4/2/2002	2002 First Quarter Plus
NC BEER/WINE WHOLESALERS PAC		Bank of America 5071	$ 500.00	4/9/2002	2002 First Quarter Plus
NC FIN. ASSOC. PAC		Bank of America 5071	$ 500.00	4/2/2002	2002 First Quarter Plus
NC HOSPITAL ASSN. PAC		Bank of America 5071	$ 2,000.00	4/2/2002	2002 First Quarter Plus
NC REALTORS PAC		Bank of America 5071	$ 500.00	4/2/2002	2002 First Quarter Plus
AIA PAC		Bank of America 1059	$ 250.00	5/29/2002	2002 Second Quarter
AMERICAN INTER. GROUP, INC. EMPLOY PAC		Bank of America 1059	$ 500.00	6/11/2002	2002 Second Quarter
AT&T PAC		Bank of America 5071	$ 500.00	5/6/2002	2002 Second Quarter
BANK OF AMERICA NC PAC		Bank of America 1059	$ 500.00	5/29/2002	2002 Second Quarter
CITIGROUP, INC. PAC		Bank of America 1059	$ 250.00	5/29/2002	2002 Second Quarter
COMMITTEE FOR EDMISTEN		Bank of America 1059	$ 500.00	6/11/2002	2002 Second Quarter
CREDIT UNION POLITICAL ACTION PAC		Bank of America 5071	$ 250.00	4/29/2002	2002 Second Quarter
DOMINION PAC		Bank of America 1059	$ 250.00	5/29/2002	2002 Second Quarter
DUKE ENERGY CORP. PAC- STATE		Bank of America 1059	$ 500.00	5/29/2002	2002 Second Quarter
ELI LILLY & CO. PAC		Bank of America 1059	$ 750.00	6/11/2002	2002 Second Quarter
JEFFERSON PILOT STATE GOOD GOV. COMM.		Bank of America 1059	$ 300.00	6/11/2002	2002 Second Quarter
JOHNSON&JOHNSON EMPLOY GOOD GOV FUND		Bank of America 1059	$ 500.00	6/11/2002	2002 Second Quarter
NC BANK PAC		Bank of America 5071	$ 600.00	4/29/2002	2002 Second Quarter
NC BEER & WINE WHOLESALERS ASSOC. PAC		Bank of America 1059	$ 250.00	5/29/2002	2002 Second Quarter
NC DENTAL PAC		Bank of America 5071	$ 500.00	5/21/2002	2002 Second Quarter
NC TRUCKING ASSOC. CGG		Bank of America 1059	$ 250.00	5/29/2002	2002 Second Quarter
VERIZON GOOD GOVT CLUB - NC		Bank of America 1059	$ 100.00	5/29/2002	2002 Second Quarter
VERIZON GOOD GOVT CLUB - NC		Bank of America 1059	$ 150.00	5/29/2002	2002 Second Quarter
NC DENTAL PAC		Bank of America 5071	$ 500.00	7/5/2002	2002 Interim
Cash Contributions		Bank of America 5071	$ 1,200.00	9/6/2002	2002 Third Quarter Plus
Cash Contributions		Bank of America 5071	$ 1,000.00	10/7/2002	2002 Third Quarter Plus
FOOD LION LLC, PAC		Bank of America 1059	$ 100.00	12/24/2002	2002 Fourth Quarter

Committee to Elect Th[redacted]E. Wright
Contributions Not [redacted]closed
2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
Lofton	Wayne	Bank of America 5071	$ 3,000.00	11/4/2002	2002 Fourth Quarter
REAP		Bank of America 1059	$ 250.00	12/24/2002	2002 Fourth Quarter
Simpson	Cleveland	Bank of America 1059	$ 100.00	10/29/2002	2002 Fourth Quarter
Simpson	Jereline	Bank of America 1059	$ 100.00	10/29/2002	2002 Fourth Quarter
Sutton	William	Bank of America 5071	$ 100.00	10/23/2002	2002 Fourth Quarter
Thomas Wright Campaign		Bank of America 5071	$ 3,000.00	11/4/2002	2002 Fourth Quarter
Thomas Wright Campaign		Bank of America 1059	$ 1,050.00	11/29/2002	2002 Fourth Quarter
Abbott Laboratories		Bank of America 5071	$ 250.00	2/14/2003	2003 Mid Year Semi-Annual
NC Veterinary Medical Association		Bank of America 5071	$ 100.00	2/14/2003	2003 Mid Year Semi-Annual
Allstate Insurance Company PAC		Bank of America 5071	$ 250.00	10/15/2003	2003 Year End Semi-Annual
Cigna Corporation		Bank of America 5071	$ 150.00	10/15/2003	2003 Year End Semi-Annual
Cash Contributions		Bank of America 5071	$ 4,000.00	4/6/2004	2004 First Quarter Plus
Dameron	Allan	Bank of America 5071	$ 1,000.00	4/8/2004	2004 First Quarter Plus
Rudd	SR	Bank of America 5071	$ 1,000.00	4/8/2004	2004 First Quarter Plus
ALTRIA GROUP PAC		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
Bank of America PAC		Bank of America 5071	$ 1,000.00	5/5/2004	2004 Second Quarter
BELLSOUTH PAC		First Citizens Bank 5211	$ 500.00	4/23/2004	2004 Second Quarter
BLUE CROSS PAC		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
BUILD PAC		First Citizens Bank 5211	$ 1,000.00	4/23/2004	2004 Second Quarter
CAPA-PAC Carolina Asphalt Assoc. PAC		Bank of America 5071	$ 500.00	5/12/2004	2004 Second Quarter
CASH AMERICA PAC		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
Cash Contributions		Bank of America 5071	$ 600.00	6/22/2004	2004 Second Quarter
Causey	Brian	First Citizens Bank 5211	$ 150.00	4/23/2004	2004 Second Quarter
Causey	Sidney	First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
CITIZENS FOR HIGHER EDUCATION		First Citizens Bank 5211	$ 2,000.00	5/17/2004	2004 Second Quarter
COCA-COLA PAC		First Citizens Bank 5211	$ 250.00	4/23/2004	2004 Second Quarter
COREPAC		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
Davis	Chris	First Citizens Bank 5211	$ 125.00	4/23/2004	2004 Second Quarter
DAVITA INC. PAC		First Citizens Bank 5211	$ 500.00	4/23/2004	2004 Second Quarter
DOMINION PAC		First Citizens Bank 5211	$ 300.00	4/23/2004	2004 Second Quarter
Eckerd	Jack	First Citizens Bank 5211	$ 300.00	5/7/2004	2004 Second Quarter
ELI LILLY PAC		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
Eudy	Kenneth	First Citizens Bank 5211	$ 250.00	5/17/2004	2004 Second Quarter
Hines	David	First Citizens Bank 5211	$ 125.00	4/23/2004	2004 Second Quarter
INTL PAPER PAC		First Citizens Bank 5211	$ 500.00	4/23/2004	2004 Second Quarter
Kelly	David	First Citizens Bank 5211	$ 50.00	4/23/2004	2004 Second Quarter
McKim	Catherine	Bank of America 5071	$ 50.00	6/18/2004	2004 Second Quarter
Mills	Fred	First Citizens Bank 5211	$ 250.00	5/3/2004	2004 Second Quarter
Moore	Robert	First Citizens Bank 5211	$ 250.00	4/23/2004	2004 Second Quarter
NATIONWIDE PAC		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
NC Amusement Machine Assoc. PAC Acct		Bank of America 5071	$ 1,000.00	5/12/2004	2004 Second Quarter
NC BANK PAC		First Citizens Bank 5211	$ 800.00	5/3/2004	2004 Second Quarter
NC DENTAL PAC		First Citizens Bank 5211	$ 1,000.00	4/23/2004	2004 Second Quarter
NC FARM BUREAU PAC		First Citizens Bank 5211	$ 250.00	4/23/2004	2004 Second Quarter
NC HOSPITAL ASSN PAC		First Citizens Bank 5211	$ 1,000.00	5/3/2004	2004 Second Quarter

Committee to E[redacted]omas E. Wright
Contributio[redacted] Disclosed
2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
NC ORTHOPAEDIC PAC		First Citizens Bank 5211	$ 500.00	5/17/2004	2004 Second Quarter
NC PORK COUNCIL PAC		First Citizens Bank 5211	$ 125.00	4/23/2004	2004 Second Quarter
NC PORK COUNCIL PAC		First Citizens Bank 5211	$ 250.00	5/17/2004	2004 Second Quarter
NC RPAC		First Citizens Bank 5211	$ 1,000.00	5/3/2004	2004 Second Quarter
NC STATE AFL-CIO COPE-PAC		First Citizens Bank 5211	$ 100.00	5/3/2004	2004 Second Quarter
NCAE PAC		First Citizens Bank 5211	$ 500.00	4/23/2004	2004 Second Quarter
NCAE PAC		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
NCHCFA PAC		First Citizens Bank 5211	$ 500.00	5/17/2004	2004 Second Quarter
NMRS NC STATE PAC		First Citizens Bank 5211	$ 250.00	5/3/2004	2004 Second Quarter
Norfolk Southern Corporation Good Govt Fund		Bank of America 5071	$ 100.00	5/19/2004	2004 Second Quarter
NOVARTIS PAC		First Citizens Bank 5211	$ 200.00	4/23/2004	2004 Second Quarter
OB-GYN Political Action & Education Comm		Bank of America 5071	$ 500.00	5/19/2004	2004 Second Quarter
PAC FOR MH-DD-SAS		First Citizens Bank 5211	$ 100.00	5/17/2004	2004 Second Quarter
Progress Energy Employees' Carolinas PAC		Bank of America 5071	$ 1,000.00	5/4/2004	2004 Second Quarter
REAP		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
RJR PAC		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
Thomas Wright Campaign		Bank of America 5071	$ 1,900.00	5/4/2004	2004 Second Quarter
Thomas Wright Campaign		Bank of America 5071	$ 1,000.00	6/2/2004	2004 Second Quarter
Thorpe	Bill	First Citizens Bank 5211	$ 50.00	4/23/2004	2004 Second Quarter
TIME WARNER PAC		First Citizens Bank 5211	$ 200.00	4/23/2004	2004 Second Quarter
VERIZON PAC		First Citizens Bank 5211	$ 175.00	4/23/2004	2004 Second Quarter
Bayer Corporation PAC		Bank of America 5071	$ 500.00	9/24/2004	2004 Third Quarter Plus
Ciardella	Margaret	First Citizens Bank 5211	$ 100.00	7/23/2004	2004 Third Quarter Plus
Davis	Allen	First Citizens Bank 5211	$ 250.00	8/19/2004	2004 Third Quarter Plus
Edwards	Melinda	First Citizens Bank 5211	$ 100.00	7/23/2004	2004 Third Quarter Plus
FRIENDS OF STAN WATSON		First Citizens Bank 5211	$ 250.00	7/23/2004	2004 Third Quarter Plus
Giddeons	Diane	First Citizens Bank 5211	$ 100.00	9/17/2004	2004 Third Quarter Plus
Grear	Peter	First Citizens Bank 5211	$ 50.00	7/23/2004	2004 Third Quarter Plus
Haddock	Nancy	First Citizens Bank 5211	$ 350.00	7/23/2004	2004 Third Quarter Plus
McCoy	Catrecia	First Citizens Bank 5211	$ 50.00	8/19/2004	2004 Third Quarter Plus
Morison	Roxie	First Citizens Bank 5211	$ 50.00	10/7/2004	2004 Third Quarter Plus
NCAE PAC		First Citizens Bank 5211	$ 1,000.00	7/23/2004	2004 Third Quarter Plus
SPRINT PAC		First Citizens Bank 5211	$ 500.00	8/19/2004	2004 Third Quarter Plus
Thomas Wright Campaign		Bank of America 5071	$ 3,000.00	9/17/2004	2004 Third Quarter Plus
Weston	Jonathan	First Citizens Bank 5211	$ 500.00	8/19/2004	2004 Third Quarter Plus
Young	David	First Citizens Bank 5211	$ 250.00	8/19/2004	2004 Third Quarter Plus
AETNA PAC		First Citizens Bank 5211	$ 150.00	11/24/2004	2004 Fourth Quarter
BELLSOUTH PAC		First Citizens Bank 5211	$ 500.00	11/24/2004	2004 Fourth Quarter
ELECTRICITIES PAC		First Citizens Bank 5211	$ 250.00	11/24/2004	2004 Fourth Quarter
Faison	Angela	First Citizens Bank 5211	$ 25.00	11/24/2004	2004 Fourth Quarter
MANUFACTURED HOUSING PAC		First Citizens Bank 5211	$ 250.00	11/24/2004	2004 Fourth Quarter
MERCK PAC		First Citizens Bank 5211	$ 250.00	11/24/2004	2004 Fourth Quarter
MICROSOFT PAC		First Citizens Bank 5211	$ 250.00	11/24/2004	2004 Fourth Quarter
NC AUTO DEALERS PAC		First Citizens Bank 5211	$ 500.00	11/24/2004	2004 Fourth Quarter
NC PORK COUNCIL		First Citizens Bank 5211	$ 125.00	11/24/2004	2004 Fourth Quarter

Committee to Elect Th[redacted]E. Wright
Contributions Not Disclosed
2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
PIEDMONT NATURAL GAS PAC		First Citizens Bank 5211	$ 250.00	11/24/2004	2004 Fourth Quarter
Quattlebaum	Benjamin	First Citizens Bank 5211	$ 75.00	11/24/2004	2004 Fourth Quarter
Thomas Wright Campaign		Bank of America 5071	$ 2,000.00	10/29/2004	2004 Fourth Quarter
Thomas Wright Campaign		Bank of America 5071	$ 2,300.00	11/9/2004	2004 Fourth Quarter
Thomas Wright Campaign		Bank of America 5071	$ 1,500.00	11/24/2004	2004 Fourth Quarter
Thomas Wright Campaign		Bank of America 5071	$ 2,000.00	12/20/2004	2004 Fourth Quarter
Thomas Wright Campaign		Bank of America 5071	$ 600.00	12/23/2004	2004 Fourth Quarter
CIGNA PAC		First Citizens Bank 5211	$ 200.00	2/17/2005	2005 Mid Year Semi-Annual
Davis	Jared	First Citizens Bank 5211	$ 1,000.00	2/17/2005	2005 Mid Year Semi-Annual
FAM PAC		First Citizens Bank 5211	$ 500.00	2/17/2005	2005 Mid Year Semi-Annual
NCALA PAC		First Citizens Bank 5211	$ 500.00	2/17/2005	2005 Mid Year Semi-Annual
PFIZER PAC		First Citizens Bank 5211	$ 500.00	2/17/2005	2005 Mid Year Semi-Annual
Thomas Wright Campaign		Bank of America 5071	$ 1,000.00	2/17/2005	2005 Mid Year Semi-Annual
Allen	Sandra	Bank of America 5071	$ 50.00	12/21/2005	2005 Year End Semi-Annual
Bonnette	John	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
Bullock	Paula	Bank of America 5071	$ 50.00	12/21/2005	2005 Year End Semi-Annual
Cash America Inc PAC		Bank of America 5071	$ 500.00	11/18/2005	2005 Year End Semi-Annual
Chalfa	Rebecca	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
Chandler	Lorraine	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
Evans	Janet	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
Gray	Joanne	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
JM Family Ent PAC		Bank of America 5071	$ 1,000.00	11/18/2005	2005 Year End Semi-Annual
Kelly	Myra	Bank of America 5071	$ 50.00	12/21/2005	2005 Year End Semi-Annual
Lopp	Judy	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
Maree	Nancy	Bank of America 5071	$ 45.00	12/21/2005	2005 Year End Semi-Annual
Mehaffey	E	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
Murray	Timothy	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
Nelson	Gilma	Bank of America 5071	$ 50.00	12/21/2005	2005 Year End Semi-Annual
Ouellette	Richard	Bank of America 5071	$ 50.00	12/21/2005	2005 Year End Semi-Annual
Reardon	Diane	Bank of America 5071	$ 250.00	12/21/2005	2005 Year End Semi-Annual
Sito Chiropractic, PA		Bank of America 5071	$ 250.00	12/21/2005	2005 Year End Semi-Annual
Southeastern Healthcare		Bank of America 5071	$ 250.00	12/21/2005	2005 Year End Semi-Annual
Wall	Konette	Bank of America 5071	$ 50.00	12/21/2005	2005 Year End Semi-Annual
Williford	Peggy	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
Anesthesia Airways, PLLC		Bank of America 5071	$ 500.00	1/26/2006	2006 First Quarter Plus
Bagshaw	Mindy	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Bell South NC PAC		Bank of America 5071	$ 1,500.00	3/16/2006	2006 First Quarter Plus
Berger	Susan	Bank of America 5071	$ 25.00	1/26/2006	2006 First Quarter Plus
Blue Cross & Blue Shield of NC PAC		Bank of America 5071	$ 1,000.00	1/17/2006	2006 First Quarter Plus
Boyd	Babette	Bank of America 5071	$ 50.00	3/31/2006	2006 First Quarter Plus
Bristol Myers Squibb PAC		Bank of America 5071	$ 500.00	1/17/2006	2006 First Quarter Plus
Brock	Danny	Bank of America 5071	$ 2,000.00	3/2/2006	2006 First Quarter Plus
Browning	Jeanne	Bank of America 5071	$ 50.00	1/17/2006	2006 First Quarter Plus
Burger	Linda	Bank of America 5071	$ 25.00	1/26/2006	2006 First Quarter Plus
Camp	Dale	Bank of America 5071	$ 1,000.00	1/17/2006	2006 First Quarter Plus

Committee to El[redacted]omas E. Wright
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2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
Caudle	Jeffery	Bank of America 5071	$ 1,150.00	1/17/2006	2006 First Quarter Plus
Clark	Yetta	Bank of America 5071	$ 125.00	3/31/2006	2006 First Quarter Plus
Coggin	Barbara	Bank of America 5071	$ 200.00	1/17/2006	2006 First Quarter Plus
Coley	Jeffery	Bank of America 5071	$ 40.00	1/17/2006	2006 First Quarter Plus
Collins	Margaret	Bank of America 5071	$ 25.00	1/26/2006	2006 First Quarter Plus
Combs	Jamie	Bank of America 5071	$ 200.00	1/17/2006	2006 First Quarter Plus
Coy	Jerry	Bank of America 5071	$ 200.00	1/17/2006	2006 First Quarter Plus
Dameron	Allan	Bank of America 5071	$ 1,000.00	3/16/2006	2006 First Quarter Plus
Dameron	Lydia	Bank of America 5071	$ 1,000.00	3/16/2006	2006 First Quarter Plus
Daniels	Windell	Bank of America 5071	$ 1,000.00	3/16/2006	2006 First Quarter Plus
Doyle	Rose	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Forbes	W. Ann	Bank of America 5071	$ 100.00	1/26/2006	2006 First Quarter Plus
Frye-Kryder	Sandra	Bank of America 5071	$ 30.00	1/26/2006	2006 First Quarter Plus
Gas Bill, Inc.		Bank of America 5071	$ 100.00	1/26/2006	2006 First Quarter Plus
Gray	R. Frank	Bank of America 5071	$ 250.00	1/17/2006	2006 First Quarter Plus
Griner	Richmond	Bank of America 5071	$ 30.00	1/17/2006	2006 First Quarter Plus
Haley	John	Bank of America 5071	$ 50.00	3/31/2006	2006 First Quarter Plus
Harp	Karen	Bank of America 5071	$ 50.00	1/17/2006	2006 First Quarter Plus
Harris	John	Bank of America 5071	$ 500.00	3/2/2006	2006 First Quarter Plus
Haynes	Brenda	Bank of America 5071	$ 50.00	1/26/2006	2006 First Quarter Plus
Headlee	Barbara	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Hilsman	Matthew	Bank of America 5071	$ 50.00	3/31/2006	2006 First Quarter Plus
Hodges	Jane	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Hoffmann-LaRoche PAC		Bank of America 5071	$ 500.00	1/17/2006	2006 First Quarter Plus
Hornberger	Carol	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Jenkins	Thomas	Bank of America 5071	$ 50.00	1/26/2006	2006 First Quarter Plus
Jordan	Erica	Bank of America 5071	$ 25.00	1/17/2006	2006 First Quarter Plus
JSM Nurse Anesthesia, PA		Bank of America 5071	$ 150.00	1/26/2006	2006 First Quarter Plus
Kane	Judy	Bank of America 5071	$ 25.00	1/26/2006	2006 First Quarter Plus
Kimball	Jimmy	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Kirkpatrick	Lisa	Bank of America 5071	$ 25.00	1/17/2006	2006 First Quarter Plus
KMB of NC, Inc		Bank of America 5071	$ 250.00	1/26/2006	2006 First Quarter Plus
Lawrance	Bruce	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Lee	Mary	Bank of America 5071	$ 250.00	1/17/2006	2006 First Quarter Plus
McGants	Gerry	Bank of America 5071	$ 500.00	1/17/2006	2006 First Quarter Plus
McVay	V. Billy	Bank of America 5071	$ 50.00	1/17/2006	2006 First Quarter Plus
Moore	Linda	Bank of America 5071	$ 250.00	1/17/2006	2006 First Quarter Plus
Morgan	Linda	Bank of America 5071	$ 50.00	1/26/2006	2006 First Quarter Plus
NC Dental PAC		Bank of America 5071	$ 500.00	3/16/2006	2006 First Quarter Plus
NC Home Builders PAC		Bank of America 5071	$ 1,000.00	1/17/2006	2006 First Quarter Plus
NC Realtors PAC		Bank of America 5071	$ 2,000.00	4/12/2006	2006 First Quarter Plus
Nitz	James	Bank of America 5071	$ 1,000.00	1/17/2006	2006 First Quarter Plus
Nitz	Lisa	Bank of America 5071	$ 1,000.00	1/17/2006	2006 First Quarter Plus
Novartis PAC		Bank of America 5071	$ 500.00	1/17/2006	2006 First Quarter Plus
Ouellette	Richard	Bank of America 5071	$ 50.00	1/26/2006	2006 First Quarter Plus

Committee to Elect Th[redacted]E. Wright
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CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
Owens	Janet	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Pendergrast	Walter	Bank of America 5071	$ 75.00	1/17/2006	2006 First Quarter Plus
Pierce	Susan	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Pojeski	Stephen	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Post	Moria	Bank of America 5071	$ 75.00	1/17/2006	2006 First Quarter Plus
Reynolds	Julie	Bank of America 5071	$ 200.00	1/17/2006	2006 First Quarter Plus
Reynolds	James	Bank of America 5071	$ 500.00	1/17/2006	2006 First Quarter Plus
Ruppe	Charles	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Safeway Chevrolet		Bank of America 5071	$ 1,000.00	1/26/2006	2006 First Quarter Plus
Sangiuliano	Linda	Bank of America 5071	$ 200.00	1/17/2006	2006 First Quarter Plus
Sheids	Colleen	Bank of America 5071	$ 50.00	1/17/2006	2006 First Quarter Plus
Smith	Michael	Bank of America 5071	$ 250.00	1/17/2006	2006 First Quarter Plus
Stein	Joan	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Stine	Peggy	Bank of America 5071	$ 50.00	1/17/2006	2006 First Quarter Plus
Stoter	Shanna	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Todd	BB	Bank of America 5071	$ 50.00	3/31/2006	2006 First Quarter Plus
Tripp	Lois	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Tyndal	Kristy	Bank of America 5071	$ 150.00	1/17/2006	2006 First Quarter Plus
Wilson	Jill	Bank of America 5071	$ 1,000.00	3/16/2006	2006 First Quarter Plus
Wilson	Lanny	Bank of America 5071	$ 1,000.00	3/16/2006	2006 First Quarter Plus
Yates	Teresa	Bank of America 5071	$ 75.00	1/26/2006	2006 First Quarter Plus
Alley	Zeb	Bank of America 5071	$ 250.00	5/30/2006	2006 Second Quarter
CitiGroup PAC		Bank of America 5071	$ 250.00	5/30/2006	2006 Second Quarter
Clark	G. Douglas	Bank of America 5071	$ 1,000.00	5/30/2006	2006 Second Quarter
Cloud	Randolph	Bank of America 5071	$ 250.00	5/30/2006	2006 Second Quarter
Coca-Cola Consolidated PAC		Bank of America 5071	$ 250.00	5/30/2006	2006 Second Quarter
Dinkins	Michael	Bank of America 5071	$ 100.00	5/30/2006	2006 Second Quarter
Drain	Allene	Bank of America 5071	$ 50.00	5/30/2006	2006 Second Quarter
Friends of Forestry PAC		Bank of America 5071	$ 500.00	5/30/2006	2006 Second Quarter
Friends of OT PAC		Bank of America 5071	$ 250.00	5/30/2006	2006 Second Quarter
Gramblicka	David	Bank of America 5071	$ 300.00	4/24/2006	2006 Second Quarter
Hunton & Williams PAC		Bank of America 5071	$ 250.00	5/30/2006	2006 Second Quarter
Lennon	Lawrence	Bank of America 5071	$ 50.00	5/30/2006	2006 Second Quarter
Matria Healthcare, Inc.		Bank of America 5071	$ 1,500.00	5/30/2006	2006 Second Quarter
Mottola	D	Bank of America 5071	$ 300.00	5/30/2006	2006 Second Quarter
NC Assoc of Auto Dealers PAC (NCAutoPAC)		Bank of America 5071	$ 500.00	5/30/2006	2006 Second Quarter
NC Association of Convenience Stores PAC		Bank of America 5071	$ 500.00	5/30/2006	2006 Second Quarter
NC Association of Educators PAC		Bank of America 5071	$ 500.00	5/30/2006	2006 Second Quarter
NP PAC		Bank of America 5071	$ 1,000.00	5/30/2006	2006 Second Quarter
Reeves	Venitta	Bank of America 5071	$ 2,000.00	5/30/2006	2006 Second Quarter
RJ Reynolds PAC		Bank of America 5071	$ 1,000.00	5/30/2006	2006 Second Quarter
Shepard	Leo	Bank of America 5071	$ 30.00	5/30/2006	2006 Second Quarter
Synder	Richard	Bank of America 5071	$ 100.00	4/24/2006	2006 Second Quarter
Taylor	Walker	Bank of America 5071	$ 50.00	4/24/2006	2006 Second Quarter
Taylor	Julie	Bank of America 5071	$ 200.00	5/30/2006	2006 Second Quarter

Committee to El[redacted] Thomas E. Wright
Contributi[redacted]t Disclosed
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CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
Turner	Jeffery	Bank of America 5071	$ 100.00	5/30/2006	2006 Second Quarter
Walker	Kevin	Bank of America 5071	$ 2,000.00	5/30/2006	2006 Second Quarter
Bank of America PAC		Bank of America 5071	$ 500.00	8/25/2006	2006 Third Quarter Plus
BAYER PAC		Bank of America 5071	$ 250.00	10/6/2006	2006 Third Quarter Plus
Beach	Martin	Bank of America 5071	$ 50.00	10/6/2006	2006 Third Quarter Plus
Duke Energy State PAC		Bank of America 5071	$ 1,000.00	10/6/2006	2006 Third Quarter Plus
FBC Combined PAC		Bank of America 5071	$ 300.00	9/1/2006	2006 Third Quarter Plus
Glaxo Smith Kline PAC		Bank of America 5071	$ 1,500.00	10/6/2006	2006 Third Quarter Plus
Haddock	Nancy	Bank of America 5071	$ 250.00	8/25/2006	2006 Third Quarter Plus
JM Family Enterprises PAC		Bank of America 5071	$ 1,500.00	10/6/2006	2006 Third Quarter Plus
Marshburn	Carl	Bank of America 5071	$ 1,000.00	9/15/2006	2006 Third Quarter Plus
Nationwide Carolina Political Participation Fund		Bank of America 5071	$ 500.00	10/6/2006	2006 Third Quarter Plus
NC Academy of Trial Lawyers		Bank of America 5071	$ 500.00	10/6/2006	2006 Third Quarter Plus
NC Dental PAC		Bank of America 5071	$ 750.00	9/1/2006	2006 Third Quarter Plus
REAP		Bank of America 5071	$ 200.00	8/14/2006	2006 Third Quarter Plus
Wyeth Good Government Fund		Bank of America 5071	$ 1,000.00	10/6/2006	2006 Third Quarter Plus
Assoc for Home and Hospice Care PAC		Bank of America 5071	$ 300.00	11/6/2006	2006 Fourth Quarter
Bill Faison for House		Bank of America 5071	$ 1,000.00	11/6/2006	2006 Fourth Quarter
CSX PAC		Bank of America 5071	$ 250.00	11/6/2006	2006 Fourth Quarter
Drive Committee PAC		Bank of America 5071	$ 750.00	11/6/2006	2006 Fourth Quarter
Eli Lilly PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
Engineers PAC of NC		Bank of America 5071	$ 400.00	11/6/2006	2006 Fourth Quarter
Enterprise Rent A Car PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
EP PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
Feezor	Allen	Bank of America 5071	$ 100.00	11/6/2006	2006 Fourth Quarter
GE PAC		Bank of America 5071	$ 750.00	11/6/2006	2006 Fourth Quarter
International Paper PAC (IP PAC)		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
Lorillard PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
Manufactured Housing PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
Mottola	D	Bank of America 5071	$ 300.00	11/6/2006	2006 Fourth Quarter
NC AHU PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
NC Assoc of Convenience Stores PAC		Bank of America 5071	$ 250.00	11/6/2006	2006 Fourth Quarter
NC Auto Dealer PAC (NC AUTO PAC)		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
NC Bank PAC		Bank of America 5071	$ 800.00	11/6/2006	2006 Fourth Quarter
NC Beer & Wine Wholesalers Assn PAC		Bank of America 5071	$ 1,500.00	11/6/2006	2006 Fourth Quarter
NC Chiropractic PAC		Bank of America 5071	$ 1,000.00	11/6/2006	2006 Fourth Quarter
NC Medical Society Federal PAC		Bank of America 5071	$ 1,000.00	11/6/2006	2006 Fourth Quarter
NC PGA PAC		Bank of America 5071	$ 300.00	11/6/2006	2006 Fourth Quarter
NC Pork Council PAC		Bank of America 5071	$ 250.00	11/6/2006	2006 Fourth Quarter
NC State Optremetric Society PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
NC Time Warner PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
Novartis PAC		Bank of America 5071	$ 750.00	11/6/2006	2006 Fourth Quarter
OB GYN PAC		Bank of America 5071	$ 250.00	11/6/2006	2006 Fourth Quarter
PAC for MH-DD-SAS		Bank of America 5071	$ 100.00	11/6/2006	2006 Fourth Quarter
Resident Lenders of NC PAC		Bank of America 5071	$ 300.00	11/6/2006	2006 Fourth Quarter

Committee to Elect T[redacted] E. Wright
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2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
Simpson	Cleveland	Bank of America 5071	$ 250.00	11/6/2006	2006 Fourth Quarter
Southeastern Radiology Org PAC		Bank of America 5071	$ 2,000.00	11/6/2006	2006 Fourth Quarter
Wachovia PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
TOTAL			$ 185,000.00		
Checks Made Payable to Community's Health Foundation		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	
At&T		Bank of America 5071	$ 1,500.00	7/26/2004	
AstraZeneca Pharmaceuticals, LP		Bank of America 5071	$ 2,400.00	8/11/2004	
Anheuser-Busch Companies, Inc.		Bank of America 5071	$ 5,000.00	8/11/2004	
TOTAL			$ 8,900.00		
TOTAL CONTRIBUTIONS NOT DISCLOSED			$ 193,900.00		

9) **ASAC J.E. Umphlet**
SBI
Greenville, N.C. (252) 756-4755

- On 9/20/07, Johnny Umphlet, Special Agent with the State Bureau of Investigation, spoke with Representative Wright by telephone
- Wright agreed to talk with Umphlet in person but said that he would be cautious, in case he was charged, so what he said could not be harmful to him in court
- Wright met with Agent Umphlet on 9/28/07 and video-taped the interview
  - Wright stated that the Community's Health Foundation was a fledgling organization and never really got going, there were
    - No by-laws,
    - No meetings, and
    - No minutes
  - Wright did not recall the conversation with Torlen Wade
    - He did not intend for Wade to be hurt
    - He intended for the loan to go over for a few year period until it could be paid off
    - He did not distribute to Torlen Wade letter to Coastal Federal Bank; the Bank did not need the letter
  - Wright did not recall sending the e-mail, though it was from his office
    - He would have had knowledge of it or would have authorized it
    - He saw nothing illegal about it
  - The $150,000.00 amount in the letter came from the amount that would be needed to retire the debt of the bank loan to purchase the Lofton property
    - The loan went into default because he was never able to obtain any grant money
    - He requested and received several extensions on the loan
    - He had hoped to get Special Projects money through the General Assembly to pay for the Lofton property, but was unable to do so, because of budget shortfalls
    - He stated that the Community Health Foundation, Inc. had no money at the time of the purchase of the Lofton property
    - The project went sour because the money was not there and he was unable to obtain funds; the project went belly-up
- Wright again met with Agent Umphlet on 10/5/07
  - He again video-taped the interview, at least most of it
  - Wright stated that he did submit a loan application to Coastal Federal Bank in the amount of $150,000.00 to cover the purchase of the Lofton property
  - He stated that the Bank never got the Torlen Wade letter and never needed the letter
  - Wright stated that he has found by-laws for the Foundation, and that he is keeping them in a safe place in case something happens to him
    - He stated that he tried to keep the Board informed of what was going on
  - Wright recognized and identified the letter to Brian Shank at AstraZeneca, and he stated that he wrote, signed, and sent that letter seeking a contribution from the

company
    - He stated that he received and signed the $2400.00 check and deposited it in his personal account at Bank of America.
- Wright recognized and identified the letter to Lewis McKinney at Anheuser-Busch, and he stated that he wrote, signed, and sent that letter seeking a contribution from the company
    - He stated that he received and signed the $5000.00 check and deposited it in his personal account at Bank of America
- Wright did not recognize the invoice to AT&T that appeared to be on Foundation letterhead and believed that he would not have written it
    - He does not remember how he communicated with and solicited the $1500.00 contribution from AT&T
    - He stated that he received and signed the $1500.00 check and deposited it in his personal account at Bank of America
- Wright stated that the purpose of the solicitations to AstraZeneca, Anheuser-Busch, and AT&T was to begin to assist the Foundation's process and for the work of the Foundation
    - He stated that he deposited the checks in his account to reimburse himself for all of the work he had done with the Foundation
    - He said that the checks were not restricted as to how they were to be used
    - He called his reimbursement "sweat equity"
    - When asked what kind of work he had done, he stated that he would save that, that he did not want to incriminate himself, as it looked like the investigators were trying to build a case against him
- At some point during that interview, Wright turned off the video recorder and showed Agent Umphlet three IRS forms and a copy of an Offer to Purchase
    - The IRS forms were:
        - Form JR158,
        - Form SS-4, and
        - Form W-9
    - Wright would not give Agent Umphlet a copy of the forms
    - After showing Agent Umphlet the documents, Wright turned the video recorder back on
- Wright stated that he ought to be given a chance to amend his Board of Election campaign reports
    - He said that this was his first notice of $185,000.00 not being reported
    - When asked if he had ever commingle funds between his campaign and personal bank accounts, Wright stated that he would save that answer
    - He stated that it was not illegal, but may be improper
- Wright stated that he did not remember anything about the loan from the Southeast Community Credit Union

10) **Torlen L. Wade**
1622 Park Drive
Raleigh, N.C. (919) 834-2281

- Torlen Wade, former Director of the Office of Rural Health of DHHS has known Representative Wright since 1991 when Wright was on the City Council in Wilmington
- Wade knew that Wright had started The Community's Health Foundation to assist the underserved in the Wilmington area
- Wright had received grant funds in the past for work he did on projects
- On Wednesday, March 13, 2002, Wright called Wade at Wade's office
    - Wright asked Wade to provide him with a letter that would help him secure a loan to buy a building on the 900 block of 4th Street in Wilmington that he wanted to turn into a History Museum
    - He asked Wade to direct the letter to him as Chairman of the Community's Health Foundation, Inc., indicating his agency's endorsement and commitment of $150,000.00 in funding toward the completion of the museum conversion project
    - Wade knew that he did not have funding to commit to the project and knew that the project was not an appropriate project to which he could commit funds, and he so informed Wright
    - Wright told Wade that he knew that Wade could not actually commit the funding and that he would not actually need any funds from Wade, that he already had other funding lined up, and that he just needed the letter to help obtain funding from a financial institution
- The above phone conversation was followed shortly thereafter by an e-mail memorializing the conversation and providing details necessary for the endorsement and commitment desired
    - It was sent to "Torlen Wade (E-mail)" <torlen.wade@ncmail.net> from "Vanda Wilson-Wormack (Rep. Wright)" <wrightla2@ncleg.net> at 16:47:04 -0500 on Wed, 13 Mar 2002
    - The e-mail requested both a faxed and hard copy endorsement and indicated that if Wade had any questions, he could call him at "the office at (919) 733-5754 or (910) 1007"
    - The contents of the e-mail was addressed to "Torlen," used the reference, "[p]er our conversation," and was "signed" as "Thomas Wright"
- After receiving the e-mail from Wright, Torlen Wade had his secretary prepare on his office stationery a letter to Thomas E. Wright, Chairman, Community's Health Foundation, endorsing the History Museum project and "committing $150,000.00 in funding toward the completion of this conversion project"
    - The letter committed to awarding the funding by June 30, 2002
    - After the letter was prepared at his request, Wade signed the letter and had it sent to Wright, as requested by Wright, on March 15, 2002
- Wade knew Wright as a legislator and as someone with whom he had worked on other community projects over the years
    - He agreed to write the letter because of his relationship with Wright and because Wright was a legislator
    - Wade would not have provided the letter to Wright if Wright had not been a

legislator
- Wade felt pressured because Wright was a legislator and worked in health care
- The procedure to procure grant authorization was not followed

Exhibit 3
January 9, 2008

North Carolina Department of Health and Human Services
Office of Research, Demonstrations, and
Rural Health Development
2009 Mail Service Center • Raleigh, North Carolina 27699-2009
Tel 919-733-2040 • Fax 919-733-8300

James D. Bernstein, Director

Michael F. Easley, Governor
Carmen Hooker Odom, Secretary

March 15, 2002

Thomas E. Wright, Chairman
Community's Health Foundation
322 South 17th Street
Wilmington, NC 28401

Dear Mr. Wright:

On behalf of the Office of Research, Demonstrations, and Rural Health Development, I am writing to enthusiastically endorse the Community's Health Foundation's effort to convert the building located on the 900 block of 4th Street into Foundation offices, New Hanover Community Health Center offices and into a History Museum.

With this endorsement, the Office is committing $150,000 in funding toward the completion of this conversion project. The funding will be awarded by June 30, 2002.

We wish you all the best as you embark on this important project.

Sincerely,

Torlen L. Wade
Acting Director

TLW/lw

Exhibit 2
January 9, 2008

Subject: Per our conversation
Date: Wed, 13 Mar 2002 16:47:04 -0500
From: "Vanda Wilson-Wormack (Rep. Wright)" <wrightla2@ncleg.net>
To: "Torlen Wade (E-mail)" <torlen.wade@ncmail.net>

Torlen,

Per our conversation, the letter of endorsement should be addressed to Chairman Thomas E. Wright, Community's Health Foundation, Inc. 322 South 17th Street Wilmington, NC 28401.

The language should include $150,000 in funding to be received no later than July or August.

The building will be located on the 900 block of 4th Street and will be used as office space for the Community's Health Foundation, Inc. Upon completion of the expansion project of the New Hanover Community Health Center, an effort would be made to convert the building into a History Museum.

Please fax the letter of endorsement to (910) 343-3339 and mail the hard copy to
Community's Health Foundation
322 South 17th Street
Wilmington, NC 28401.

If you have any further questions or comments, please call the office at (919) 733-5754 or (910) 232-1007.

Thanks

Thomas Wright

Exhibit 7
January 9, 2008

NORTH CAROLINA STATE BOARD OF ELECTIONS
CAMPAIGN FINANCE INVESTIGATION

MEMORANDUM OF INTERVIEW

In re:	Thomas Wright	Location:	State Board of Elections
Case #:	2006-CF-051		4:15pm
Date:	5/11/2007		

Participants: Torlen Wade
Kim Strach
Amy Strange

After being advised of the identities of the interviewing parties and the nature of the interview, Torlen Wade provided the following information:

Mr. Wade advised that he is the Director of the Division of Rural Health and Community Care, which is a division of the Department of Health and Human Services. Over the years he has been very active in setting up community health centers. He was asked if he recalled a grant award letter from his office to The Community's Health Foundation for a building loan in 2002. Mr. Wade immediately stated that he did remember such a letter. He recalled that Representative Wright asked him for a letter to secure a loan for a building he wanted to utilize as a museum. Representative Wright told Mr. Wade that he didn't expect him to actually provide the money, but he needed him to provide a letter stating that the Division would allocate these funds. Representative Wright further told him he wouldn't use the letter. Mr. Wade stated that his Division did not have the funding nor could they use their funding for the purpose that Representative Wright wanted. Mr. Wade stated that he told Representative Wright that the activities of the museum were not the type of activities funded by Mr. Wade's office. Representative Wright indicated that he understood and that he had already secured the money he needed. However, he needed a letter to show he had the funding. Mr. Wade stated that he probably shouldn't have written it, but he knew he wouldn't have to provide the funding because Representative Wright assured him he wouldn't hold him to the letter. In order to clarify that there was no actual grant award

intended, Mr. Wade was specifically asked if his Division provided any funding to The Community's Health Foundation. Mr. Wade stated that his Division did not provide any funding to The Community's Health Foundation. He stated that Representative Wright told him he didn't expect any money and that he didn't intend to use the letter.

Mr. Wade stated that he had worked with Wright and Dr. Dan Gottovi on the New Hanover Community Health Center and other projects. He stated that Wright had been extremely helpful in projects they had worked on.

Wade stated that he would provide a copy of the letter to our office. We provided him our fax number and expressed how we needed the letter for the May 15, 2007, hearing. He stated that he thought he had the letter in a file and would provide it to us.

Mr. Wade indicated that he would be out of town the week of May 15, 2007, attending a conference at Harvard University. He explained that his division was being considered for National recognition. He further indicated that he would be traveling with Secretary Hooker-Odom.

This memorandum was prepared on 5/15/2007, utilizing notes taken during the interview. I certify that this memorandum contains an accurate summary of all pertinent matters discussed during the interview.

Amy Strange/CF Compliance Specialist	Kim Strach/Deputy Director
Name/Title	Name/Title

Exhibit 8
January 9, 2008

KIMBERLY WESTBROOK STRACH, Deputy Director, State Board of Elections, 506 North Harrington Street, Raleigh, NC, Telephone: (919) 715-2334

Interviewed Thursday, October 11, 2007, 9:25am, by telephone by Bill Dowdy.

Strach was interviewed to determine what led her to interview **TORLEN WADE** and to determine if she was aware that **THOMAS WRIGHT** was seeking funding which included a museum.

Strach stated that she was attempting to find out about a loan from Coastal Federal Bank to The Community Health Foundation, Inc.

She stated in an interview on May 8, 2207, had stated that at Coastal Federal Bank, when questioned by about why the bank had made the loan to The Community Health Foundation, had shown Lofton a copy of some type of grant letter from a State agency.

When was interviewed on May 10, 2007 about Coastal Federal Bank's loan to The Community Health Foundation, stated there was a grant verification letter for the amount of the loan or higher and the letter was from the Golden Leaf Foundation or N. C. Rural Health.

As a result of the aforementioned information, **TORLEN WADE** was called in and interviewed by Strach and Amy Strange of the State Board of Elections on May 11, 2007.

The interview of **TORLEN WADE** began with Amy Strange asking **TORLEN WADE** if his agency had issued a grant award letter to The Community Health Foundation for a building loan in 2002. **TORLEN WADE** responded that he recalled a letter he had written as a result of **THOMAS WRIGHT** asking him to write a letter to secure a loan for a building he wanted to use as a museum. **WADE,** who became seemingly upset, stated that he should not have written the letter because N. C. Rural Health did not have the funding and N. C. Rural Health could not provide funding for a museum. and had both stated during interviews that **THOMAS WRIGHT** had an interest in using some portion of the building for a memorial or museum commemorating the 1898 race riots. **WADE** was not provided any information about **WRIGHT'S** purpose for the building, only that he had secured a loan for the building.

Strach stated that **WADE** related that **WRIGHT** said he did not expect **WADE** to provide any money but he just needed a letter that stated the funds would be allocated. **WADE** also stated that **THOMAS WRIGHT** indicated he had already secured the money he needed but he needed a letter to show he had the funds. **WADE** further stated that **THOMAS WRIGHT** told him that he did not intend on using **TORLEN WADE'S** letter.

According to **TORLEN WADE**, he had worked with **THOMAS WRIGHT** and Dr. Dan Gottovi on the New Hanover Community Health Center and other projects and he had found **THOMAS WRIGHT** to be very helpful.

Strach stated she did not recall any discussion with **TORLEN WADE** during this interview that the loan or funding in question involved the New Hanover Community Health Center or about the New Hanover Community Health Center moving its administrative offices to the Lofton property or about The Community Health Foundation, Inc. having its offices in the same building.

BD 10/11/07

11) **Teresa Hill Williams**
132 Gracie Point
Winnabow, N.C. 28479

Teresa Hill Williams & Tonya Branch

- On October 28, 2001, Thomas Wright solicited and obtained from South East Community Credit Union, a business line of credit in the amount of $10,000.00 for The Community's Health Foundation, Inc.
- Thereafter, between October 28, 2001 and November 21, 2001, he personally obtained funds based on that line of credit in the total amount of $9,910.27. On October 28, 2001, Wright obtained $7,500.00 on the line of credit
- On November 6, 2001, he obtained $1500.00 on the line of credit
- And, on November 21, 2001, he obtained the remaining amount of $980.27 on the line of credit
- Wright never paid any money back to South East Community Credit Union to repay the loan, and the loan was defaulted

U. S. v. White
C.A.Ga., 1979.

United States Court of Appeals,Fifth Circuit.
UNITED STATES of America, Plaintiff-Appellee,
v.
William D. WHITE and Terry L. Keno, Defendants-Appellants.
No. 78-5083.

Feb. 26, 1979.

Two defendants were convicted in the United States District Court for the Northern District of Georgia, Newell Edenfield, J., of conspiracy and mail fraud and they appealed. The Court of Appeals, Thornberry, Circuit Judge, held that: (1) uncounseled inculpatory testimony in a civil case given in ignorance of the Fifth Amendment privilege is not thereby inadmissible in a subsequent criminal case as violative of due process; (2) evidence of subsequent unexplained wealth was admissible; (3) compelling defendant to go to trial in the civil case while criminal charges arising out of same conduct were pending did not unconstitutionally force him to choose between preserving his Fifth Amendment privilege and losing his civil suit where there was no indication that invocation of the Fifth Amendment would necessarily result in an adverse civil judgment; (4) the trial judge did not take an improperly adversarial position when questioning an expert defense witness; (5) the judge's falling asleep during defense counsel's opening argument was not prejudicial error, and (6) the trial judge did not coerce the jury into reaching a verdict by denying their request for a recess after three hours on the second day of deliberations.

Affirmed.

West Headnotes

[1] Constitutional Law 92 ⚿4663

92 Constitutional Law
92XXVII Due Process
92XXVII(H) Criminal Law
92XXVII(H)5 Evidence and Witnesses
92k4661 Statements, Confessions, and Admissions
92k4663 k. Voluntariness, Compulsory Testimony, and Self-Incrimination in General. Most Cited Cases
(Formerly 92k266(2))
Uncounseled inculpatory testimony in civil case given in ignorance of Fifth Amendment privilege was not thereby inadmissible in subsequent criminal case as violative of due process. U.S.C.A.Const. Amend. 5.

[2] Criminal Law 110 ⚿349

110 Criminal Law
110XVII Evidence
110XVII(D) Facts in Issue and Relevance
110k349 k. Subsequent Incriminating or Exculpatory Circumstances. Most Cited Cases
In mail fraud prosecution, passbook covering $50,000 savings account of which defendant was beneficiary was admissible as subsequent unexplained wealth, notwithstanding contention that evidence was irrelevant because defendant was merely beneficiary of savings account without vested interest under state law and thus did not "possess" any subsequent unexplained wealth.

[3] Criminal Law 110 ⚿393(1)

110 Criminal Law
110XVII Evidence
110XVII(I) Competency in General
110k393 Compelling Self-Incrimination
110k393(1) k. In General. Most Cited Cases
Requiring defendant to go to trial in civil case while criminal charges arising out of same conduct were pending did not unconstitutionally force defendant to choose between preserving his Fifth Amendment privilege and losing civil suit, where there was no indication that invocation of Fifth Amendment would have necessarily resulted in adverse civil judgment. U.S.C.A.Const. Amend. 5.

[4] Criminal Law 110 ⚿393(1)

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110 Criminal Law
110XVII Evidence
110XVII(I) Competency in General
110k393 Compelling Self-Incrimination
110k393(1) k. In General. Most Cited Cases
In civil action involving conduct from which criminal charges were pending, trial judge's ordering defendants to be more responsive to summary judgment affidavits did not effectively compel waiver of defendant's Fifth Amendment rights. U.S.C.A.Const. Amend. 5.

[5] Criminal Law 110 ⚿747

110 Criminal Law
110XX Trial
110XX(F) Province of Court and Jury in General
110k733 Questions of Law or of Fact
110k747 k. Conflicting Evidence. Most Cited Cases
Where there was conflict of evidence regarding source of defendant's subsequent wealth, question of resolving such conflicts was properly left to jury.

[6] Criminal Law 110 ⚿1165(1)

110 Criminal Law
110XXIV Review
110XXIV(Q) Harmless and Reversible Error
110k1165 Prejudice to Defendant in General
110k1165(1) k. In General. Most Cited Cases
Absent showing that defendant had reasonable grounds to rely on immunity allegedly given defense witness by Government, any erroneous impression to that effect held by defendant did not entitle him to reversal of conviction.

[7] Criminal Law 110 ⚿1166.22(1)

110 Criminal Law
110XXIV Review
110XXIV(Q) Harmless and Reversible Error
110k1166.5 Conduct of Trial in General
110k1166.22 Remarks and Conduct of Judge
110k1166.22(1) k. In General. Most Cited Cases
Judge's questioning defendant's expert witness was not prejudicially erroneous where, though questioning might have disconcerted witness and might have contained some factual inaccuracies, judge instructed jury to ignore any factual assertions made by him during questioning and instructed that fact of his questioning should not be considered in jury deliberations.

[8] Criminal Law 110 ⚿1166.22(1)

110 Criminal Law
110XXIV Review
110XXIV(Q) Harmless and Reversible Error
110k1166.5 Conduct of Trial in General
110k1166.22 Remarks and Conduct of Judge
110k1166.22(1) k. In General. Most Cited Cases
Judge's falling asleep during defense counsel's opening argument was not prejudicially erroneous, particularly in light of judge's informing jury that he was under doctor's orders to either quit or cut down on his hours, thus making it likely that jury would consider sleeping incident manifestation of judge's reduced health and no comment upon defense.

[9] Criminal Law 110 ⚿730(1)

110 Criminal Law
110XX Trial
110XX(E) Arguments and Conduct of Counsel
110k730 Action of Court
110k730(1) k. In General. Most Cited Cases
Ordering of argument rests within sound discretion of trial court.

[10] Criminal Law 110 ⚿710

110 Criminal Law
110XX Trial
110XX(E) Arguments and Conduct of Counsel
110k708 Scope and Effect of Summing Up
110k710 k. For Defense. Most Cited Cases

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In mail fraud prosecution, limiting defense counsel's closing arguments to 30 minutes was not abuse of discretion.

[11] Criminal Law 110 ⚿783(1)

110 Criminal Law
110XX Trial
110XX(G) Instructions: Necessity, Requisites, and Sufficiency
110k783 Purpose and Effect of Evidence
110k783(1) k. In General. Most Cited Cases
Cautionary instruction is generally sufficient to dispel any prejudice that arises from informing jury of codefendant's plea of guilty.

[12] Criminal Law 110 ⚿655(1)

110 Criminal Law
110XX Trial
110XX(B) Course and Conduct of Trial in General
110k654 Remarks and Conduct of Judge
110k655 In General
110k655(1) k. In General. Most Cited Cases
In informing jury of codefendant's plea of nolo contendere, trial judge did not err in informing jury that finding of guilty had been entered on nolo contendere plea.

[13] Criminal Law 110 ⚿865(2)

110 Criminal Law
110XX Trial
110XX(J) Issues Relating to Jury Trial
110k865 Urging or Coercing Agreement
110k865(2) k. Time of Keeping Jury Together. Most Cited Cases
Generally, length of time of jury deliberations is matter of trial court discretion.

[14] Criminal Law 110 ⚿865(2)

110 Criminal Law
110XX Trial
110XX(J) Issues Relating to Jury Trial
110k865 Urging or Coercing Agreement
110k865(2) k. Time of Keeping Jury Together. Most Cited Cases
Absent some other circumstances, mere length of jury deliberations cannot constitute coercion.

[15] Criminal Law 110 ⚿865(2)

110 Criminal Law
110XX Trial
110XX(J) Issues Relating to Jury Trial
110k865 Urging or Coercing Agreement
110k865(2) k. Time of Keeping Jury Together. Most Cited Cases
In mail fraud prosecution, trial judge's denying jury request for recess after three hours on second day of deliberations, five minutes after which jury returned verdict of guilty, did not amount to coercion.

***1284** P. Bruce Kirwan, Federal Public Defender, Atlanta, Ga., for defendants-appellants.
J. Richard Young, Atlanta, Ga., for William D. White.
Glen A. Garrett, Atlanta, Ga., for Terry L. Keno.
William L. Harper, U. S. Atty., Gale McKenzie, Asst. U. S. Atty., Atlanta, Ga., for plaintiff-appellee.

Appeals from the United States District Court for the Northern District of Georgia.

Before BROWN, Chief Judge, and TUTTLE and THORNBERRY, Circuit Judges.
THORNBERRY, Circuit Judge:

Terry Keno was office manager for the Atlanta, Georgia, warehouse of Alside, Inc., a subsidiary of United States Steel Corporation. Alside manufactured and sold aluminum, steel, and fiberglass products for the home improvement industry. Ward Broussard was an Alside salesman working out of the Atlanta warehouse. William White was a close friend of Keno. In 1972 Keno and Broussard set up an account under the name of Georgia Remodeling, with White listed as firm president. Under Alside policy, Georgia Remodeling was entitled to a rebate on all purchases in order to offset discounts offered by Alside's competitors.

In 1976 Alside filed a state civil suit against Keno, Broussard, and White, alleging***1285** that they had employed Georgia Remodeling as a dummy account in order to skim off the amount of the rebated competitive discount.[FN1] This scheme became the focus of a federal grand jury

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investigation, and fifty count indictments were returned against the three.[FN2] After a jury trial, Keno and White were convicted on all counts.[FN3] They now appeal asserting separate contentions. We affirm.

FN1. Keno contended that the Georgia Remodeling account was opened at the direction of a superior to provide a vehicle for extending credit to customers who had been denied credit by the main office of Alside in Akron, Ohio.

FN2. The indictments contained forty-nine counts of mail fraud in violation of 18 U.S.C. s 1341, and one count of conspiracy to commit mail fraud under 18 U.S.C. s 371.

FN3. Keno received concurrent sentences of four years on each count. White received three year concurrent sentences on each count. Broussard pled nolo contendere; his sentence does not appear in this record.

I. White

A. White claims that his counsel in the civil trial, retained by Keno, failed to inform him of his fifth amendment right against self-incrimination and allowed him to testify in order to exculpate Keno, and that this amounted to ineffective assistance of counsel in violation of the sixth amendment [FN4] and deprivation of his fifth amendment right against self-incrimination. We fail to see any error in the admission of this testimony.

FN4. White has not adduced, nor have we found, a case in which the right to effective assistance of counsel has been extended under the aegis of the sixth or fourteenth amendment to a civil proceeding that was not analogous to a criminal prosecution. This case, in which private parties are litigating the possibility of civil liability, is not in furtherance of the criminal process, and we can perceive no justification for importing into such a civil case the stringent safeguards the Constitution provides in criminal or quasi-criminal proceedings. White's counsel at the criminal trial, Young, expressly disclaimed that he was attacking the competence of Garrett, the state trial counsel, during the suppression hearing. Record, Vol. I at 215. This assertion effectively foreclosed inquiry, under United States v. Woodall, 438 F.2d 1317 (5 Cir. 1970) (en banc), Cert. denied, 403 U.S. 933, 91 S.Ct. 2262, 29 L.Ed.2d 712 (1971), into Garrett's remembrance of the facts surrounding White's testimony. In light of our discussion of the merits, we need not determine whether counsel's actions amounted to a waiver of this contention.

[1] The crux of White's argument is that uncounseled inculpatory testimony in a civil case given in ignorance of the fifth amendment privilege is inadmissible in a subsequent criminal case as violative of due process. To the extent this argument could be construed to advocate Miranda -like warnings we reject it. See United States v. Vecchiarello, 187 U.S.App.D.C. 1, 569 F.2d 656 (1977); United States v. Cecil, 457 F.2d 1178 (8 Cir. 1972); Hale v. U. S., 406 F.2d 476 (10 Cir. 1969), Cert. denied, 395 U.S. 977, 89 S.Ct. 2129, 23 L.Ed.2d 765 (1970). In the absence of the special circumstances of custodial interrogation, the costs of such a prophylactic outweighs its utility. Moreover, the failure to inform White of his fifth amendment privilege in the civil context does not make the testimony given in the civil case involuntary. Cf. Cole v. Florida, 413 F.2d 1046 (5 Cir. 1969) (voluntariness of confession pre-Miranda based on totality of circumstances). White in fact admitted that he wanted to testify in order to rebut Alside's allegations.[FN5] He also was aware that an indictment was pending at the time of the civil trial, and he does not contend that he did not know that the testimony could be used against him in the criminal trial. Finally, there is no indication that White was in any way compelled to take the stand. Admission of testimony given under these circumstances is not violative of due process.[FN6]

FN5. Record, Vol. I at 211.

FN6. There is some question whether White was in fact ignorant of the privilege. His contention is that, although he did know he could invoke the privilege in a criminal context and although Garrett had invoked the fifth during depositions, he did not know

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he could invoke the privilege during a civil trial. White admitted at the suppression hearing, however, that he was not affirmatively stating that he was not informed, but that at the time of the hearing he Could not remember whether he had been informed. White's testimony is, at best, equivocal, and the district court could have properly discounted it.

[2] B. During the criminal trial, the United States introduced a passbook covering***1286** a $50,000 savings account of which White was the beneficiary. This evidence was proffered as subsequent unexplained wealth.[FN7] White contends on appeal that the admission of such evidence was irrelevant to his guilt because he was merely a beneficiary of the savings account without a vested interest under state law, and therefore, he did not "possess" any subsequent unexplained wealth.

FN7. "Where there is other evidence of the guilt of the accused and the crime is of such a nature that the acquisition of money may be regarded as a natural or ordinary result of its perpetration, evidence is admissible of the sudden acquisition of money by the defendant . . . at or subsequent to the time the offense was committed, although the source of the money is not definitely traced or identified by the prosecution." United States v. Manning, 440 F.2d 1105, 1110 (5 Cir.), Cert. denied, 404 U.S. 837, 92 S.Ct. 125, 30 L.Ed.2d 69 (1971) (quoting Anno., 91 A.L.R.2d 1046, 1049;United States v. Jackskion, 102 F.2d 683 (2 Cir.), Cert. denied, 307 U.S. 635, 59 S.Ct. 1032, 83 L.Ed. 1517 (1939)).

In the present case, however, the United States charged that White and Keno conspired in a scheme to defraud, the natural consequence of which would be an increase in the wealth of the conspirators. The fact that Keno retained the legal title to the funds did not make such increase in wealth irrelevant to White's guilt, in light of the facts that White was the beneficiary, that Keno and White owned other property in common, that they were close friends and housemates, and that they were admitted, albeit professedly innocent, participants in the Georgia Remodeling ploy. See United States v. Crisp, 435 F.2d 354 (7 Cir. 1970), Cert. denied, 402 U.S. 947, 91 S.Ct. 1640, 29 L.Ed.2d 116 (1971); United States v. Smith, 428 F.2d 1183 (4 Cir.), Cert. denied, 400 U.S. 907, 91 S.Ct. 149, 27 L.Ed.2d 145 (1970). Cf. Self v. United States, 249 F.2d 32 (5 Cir. 1959). Although Keno was caught "holding" the money, the existence of this account was not irrelevant as to his coconspirator. Submission of this evidence to the jury did not amount to an abuse of discretion.

II. Keno

[3] A. Keno contends that being forced to go to trial in a civil case while criminal charges arising out of the same conduct were pending forced him to choose between preserving his fifth amendment privilege and losing the civil suit. It appears to us, however, that Keno overstates his dilemma. He was not forced to surrender his privilege against self-incrimination in order to prevent a judgment against him; although he may have been denied his most effective defense by remaining silent,[FN8] there is no indication that invocation of the fifth amendment would have necessarily resulted in an adverse judgment.

FN8. This is assuming that Keno's explanation and his credibility would have a positive effect on the jury.

The Supreme Court has recently addressed a similar problem in Baxter v. Palmigiano, 425 U.S. 308, 96 S.Ct. 1551, 47 L.Ed.2d 810 (1976). In Baxter, plaintiff asserted that a Rhode Island rule allowing the fact-finder in a prison disciplinary proceeding to draw an adverse inference from a failure to testify derogated his fifth amendment privilege. The Court rejected this argument, finding that this rule was not an invalid attempt to penalize the exercise of the privilege. Justice White wrote for the majority,

. . . a prison inmate in Rhode Island electing to remain silent during his disciplinary hearing, as respondent Palmigiano did here, is not in consequence of his silence automatically found guilty of the infraction with which he has been charged. Under Rhode Island law, disciplinary decisions "must be based on substantial evidence manifested in the record of the disciplinary proceeding."Morris v. Travisono, 310 F.Supp. 857, 873 (R.I.1970). It is thus undisputed that an inmate's silence in and of itself is

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insufficient to *1287 support an adverse decision by the Disciplinary Board. In this respect, this case is very different from the circumstances before the Court in the Garrity (V. New Jersey, 385 U.S. 493, 87 S.Ct. 616, 17 L.Ed.2d 562)-Lefkowitz (V. Turley, 414 U.S. 70, 94 S.Ct. 316, 38 L.Ed.2d 274) decisions, where refusal to submit to interrogation and to waive the Fifth Amendment privilege, standing alone and without regard to the other evidence, resulted in loss of employment or opportunity to contract with the State. There, failure to respond to interrogation was treated as a final admission of guilt. Here, Palmigiano remained silent at the hearing in the face of evidence that incriminated him; and, as far as this record reveals, his silence was given no more evidentiary value than was warranted by the facts surrounding his case.

Id. at 1557-58.

Similarly, there is no indication that invocation of the fifth amendment in this case would have resulted in an adverse judgment. Alside, as plaintiff, was put to the proof of its case, See Brown v. Techdata Corp., 238 Ga. 622, 234 S.E.2d 787 (1977), and there is no indication that under Georgia law silence on the part of defendant would compel a verdict for plaintiff. Since there is no forfeiture of any property or benefit, we can see no impermissible effect on Keno's fifth amendment privilege in the present case. See also Arthurs v. Stern, 560 F.2d 477 (1 Cir. 1977), Cert. denied, 434 U.S. 1034, 98 S.Ct. 768, 54 L.Ed.2d 782 (1978); DeVita v. Sills, 422 F.2d 1172 (3 Cir. 1970); United States v. Sloan, 388 F.Supp. 1062 (S.D.N.Y.1975); Keene v. Rodgers, 316 F.Supp. 217 (D.Me.1970).

[4] Keno also asserts that the state trial court effectively compelled waiver of self-incrimination in ordering him to respond to a motion for summary judgment. As an initial matter, we accept the proposition that a grant of summary judgment merely because of the invocation of the fifth amendment would unduly penalize the employment of the privilege. See 8, C. Wright & A. Miller, Federal Practice & Procedure s 2018, at 148 (1970). There is no indication in the federal or state court records that the state judge actually foreclosed invocation of the privilege. From what we can determine, the state judge merely ordered defendants to be more responsive to the affidavits of Alside. It does not appear that the judge was in fact hostile to the invocation of the fifth amendment. In fact, the record does reveal that the judge issued an order limiting discovery on the basis of possible self-incrimination, a stance clearly inconsistent with an antagonistic attitude toward the defendant's claim. We fail to perceive how the judge's order to respond compelled an abandonment of fifth amendment rights.

Once it is recognized that Keno was not compelled to testify, it becomes clear that his decision to do so was a product of trial strategy. Any "waiver" of the fifth amendment must be voluntary, but invocation of the privilege does not release defendant from any choice concerning the use of his or her testimony. The fifth amendment preserves the right to choose, and the voluntariness of the choice is always affected in some way by the exigencies of a particular situation. The voluntariness inquiry necessarily incorporates an understanding that defendant cannot be free from conflicting concerns, and in any case, defendant must weigh the relative advantages of silence and explanation. In the present case, the state court did not so unduly burden the employment of silence as to make the decision to testify involuntary.[FN9]

> FN9. Keno also asserts that the use of this testimony from the civil trial "forced" him to take the stand in the criminal trial to explain his prior statements. If, however, the testimony was not elicited unconstitutionally, then its use no more forced him to take the stand than does any strong prosecution case.

[5] B. The prosecution introduced evidence that Keno had acquired considerable assets on a limited income. Keno adduced evidence, based upon his own testimony, that much of his personal wealth had been accumulated through his skills as a real *1288 estate investor. Keno contends that submission of the prosecution's evidence of subsequent wealth [FN10] to the jury was error after his rebuttal. We can perceive no error in the trial judge's failure to instruct the jury to disregard the evidence. If there is a conflict of evidence concerning the source of defendant's wealth, the better rule is to leave the question of resolving such a conflict to the jury. See United States v. Michaelson, 453 F.2d 1248 (9 Cir. 1972); Sidders v. United States, 381 F.2d 513 (9 Cir.

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1967). This is especially appropriate when the evidence rests in large part upon the credibility of a witness.

FN10. See note 7 Supra.

[6] C. Keno contends that conduct on the part of the prosecutor in relation to a defense witness irreparably prejudiced his defense. He contends that he called Tom Shaw [FN11] as a witness in reliance upon a purported grant of immunity by the United States Attorney. When it appeared during Shaw's testimony that the grant of immunity was fallacious, Keno contends Shaw invoked his fifth amendment privilege, and Keno therefore lost irreplaceable testimony upon which he had constructed his defense. Keno also contends that when Shaw invoked the fifth amendment, the jury necessarily projected an "obvious inference of guilt" onto Keno because of the similarity of positions occupied by him and Shaw. We reject this argument in all its permutations.

FN11. Shaw had worked in the Atlanta warehouse during the relevant time period. Keno contends that Shaw would have supported his version of the purpose behind Georgia Remodeling.

First, Keno does not contend nor does the record show that the United States Attorney erroneously represented to him the status of Shaw's immunity. Absent some showing that Keno in fact had reasonable grounds to rely upon this putative immunity, we fail to see how any erroneous impression possibly given to Shaw could rebound to Keno's benefit.[FN12]

FN12. It is somewhat unclear whether even Shaw was misled by this supposed grant of immunity, despite his protestations. In fact, Shaw testified:

THE WITNESS: Okay, So at that point, Mr. Dutch (Shaw's attorney) came and says, "This is not a formal immunity, this is from Miss McKenzie and her superior and the Postal Inspector that's involved in the case."And he said, "It's pretty strong and if you don't lie, they're going to have a hard time taking you to Court. We can sit here and touch (sic) it out for immunity or go on that."He left the decision up to me. I went and testified before the Grand Jury based on because Mr. Dutch felt secure with the document, and I testified before the Grand Jury based on that fact. And that's where I sit in this matter.

Record, Vol. III at 41-42.

Second, an examination of the criminal trial record raises some question concerning the fact of Keno's reliance. During cross-examination of Shaw, Keno's attorney interrupted, and the following exchange ensued:

MR. GARRETT: Your Honor, before we persue (sic) this any further, I would like to find out if Mr. Shaw's aware of his Constitutional rights in this particular question.

I think she's about to ask him some things we may have to need a hearing outside the jury on.

THE COURT: Well, I don't know how his Constitutional rights are involved.

You mean what Constitutional right did you have in mind?

MR. GARRETT: Well, sir, if she's about to ask him about his personal knowledge of this account and how it operated down there, and they're prosecuting Terry for it, I think it would be, what the State, or the Government would consider incriminating evidence against him, and I think he has a right to know about his rights in this case.

Record, Vol. III at 32. We believe that this discussion clearly indicates that even if the defense knew of Shaw's supposed immunity, they discounted it.

Third, we can perceive no prejudice arising out of the mid-trial discovery of the ineffectiveness of Shaw's protection. Despite Keno's present assertion of the crucial importance of Shaw's testimony, at trial, ***1289** counsel described Shaw's testimony as cumulative. Record, Vol. III at 58. Also, Shaw did testify and his testimony was favorable to Keno's defense. Finally, even if we accept Keno's argument of prejudice arising out of imputation of an impermissible inference of guilt, Shaw did not invoke the fifth amendment during his testimony.

D. Finally, Keno complains of a number of instances of error on the part of the district court, which, in their totality, deprived him of a fair trial. We will deal with each separately.

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[7] (1) Keno contends that the trial judge took an improperly adversarial position when questioning his expert witness, Jolley. In examination of the judge's interrogation of Jolley, we cannot perceive that the trial judge so overstepped the requirement of impartiality that his actions reflected a bias to the jury.

In his questioning of Jolley, the judge was apparently attempting to clarify the points at which Jolley contradicted the prosecution's expert witness. His questioning might have disconcerted Jolley, and his line of questions was based in part upon his remembrance of the prosecution witness' testimony. The district court, however, instructed the jury to ignore any factual assertions made by him during the questioning, and his final charge instructed the jury that the fact of his questioning should not be considered in their deliberations. Also, his questioning was neither as lengthy nor as antagonistic as those instances that required reversal in United States v. Hoker, 483 F.2d 359 (5 Cir. 1973), and United States v. Lanham, 416 F.2d 1140 (5 Cir. 1969). Moreover, in our examination of the record as a whole, See United States v. James, 528 F.2d 999 (5 Cir. 1976), Cert. denied, 429 U.S. 959, 97 S.Ct. 382, 50 L.Ed.2d 326 (1977), it does not appear that the district judge was either overzealous or that his impartial attitude is open to question. See United States v. Siegel, 587 F.2d 721 (5 Cir. 1979).

[8] (2) Keno contends that the judge fell asleep during his counsel's opening argument, and that this gave rise to impermissible prejudice to his defense.[FN13] Keno does not assert that he was in fact deprived of a fundamental element of a criminal trial, Compare appellant's contention in United States v. Boswell, 565 F.2d 1338 (5 Cir. 1978); instead, he argues that such an occurrence during the initial presentation of his defense amounted to judicial disparagement of counsel's argument, which affected the jury. Although a judge falling asleep is unfortunate, we believe that any possible prejudice was so attenuated as to be nonexistent. We find it difficult to believe that the jury would infer from this judicial somnolence any judgment concerning the validity of counsel's arguments. This disbelief is buttressed by the fact that the judge informed the jury, in explanation of frequent recesses and short sessions, that he was under doctor's orders to "either quit entirely or cut down on my hours."Record, Vol. II at 167. Under these circumstances, it is far more likely that the jury would consider the sleeping incident as a manifestation of his reduced health, and not any comment upon the defense.

> FN13. This occurrence does not appear on the record, and counsel has not acted under F.R.A.P. 10(e) for correction of this purported omission. This failure by counsel, however, would not necessarily foreclose subsequent proceedings in order to complete the record. See 9 J. Moore & B. Ward, Moore's Federal Practice P 210.08(2) (2d ed. 1975). Cf. United States v. Garner, 581 F.2d 481 (5 Cir. 1978) (duty of district court to ensure that requirements of Court Reporters Act, 28 U.S.C. s 753, are complied with). Since we find that, even under the facts as asserted, there was no reversible error, we need not decide if a remand in this case would have been necessary to determine if the facts alleged actually occurred.

[9][10] (3) In ordering of closing arguments, the trial judge limited defense counsels to thirty minutes apiece. Keno complains that this limitation made it impossible for his counsel to adequately summarize his defense. It is clear that the ordering of argument rests within the sound discretion of the trial court. See, e. g., United States v. Owens, 453 F.2d 355 (5 Cir. 1971). We cannot perceive that that discretion was abused. Although the case was complex, ***1290** limiting argument to thirty minutes does not appear to be unreasonable. Also, counsel acquiesced in the limitation without objection, even after the judge had shown himself amenable to extending the time for argument. Record, Vol. III at 226-27.

[11][12] (4) Keno also complains that the judge erred when he instructed the jury:

I instruct you, however, that the mere fact that Mr. Broussard has pled nolo contendere, which is on which the Court has found him guilty, the mere fact that he entered such a plea in his case is to be taken by you as no evidence whatsoever as to the guilt or innocence of the other two Defendants on trial. The mere fact that one Defendant has seen fit to plead guilty or nolo contendere and had his case disposed of in that fashion is not any evidence whatsoever against the two Defendants on trial. And they are

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entitled to have their guilt or innocence determined entirely on the evidence presented in this trial. And you are to draw no inferences whatsoever as to their guilt or innocence merely because of some plea entered by a third Defendant.

Record, Vol. III at 240. Keno asserts that conflating a plea of nolo contendere by a codefendant with a finding of guilt gave rise to prejudice. Keno apparently argues that the statement "on which the Court has found him guilty" gave rise to an inference of guilt by association that was not dissipated by the court's direction to disregard the Plea of nolo contendere.[FN14] The trial judge's comments, however, were in the context of explaining to the jury the nature of a plea of nolo contendere, and, the court previously had limited the equating of the plea and determination of guilt to the effects of such a plea in the sentencing process. Record, Vol. III at 240. It is unreasonable to assume that the jury would have relied upon this comment in this context as evidence of the defendant's guilt in direct disregard of the clear statement of the judge that they were to entirely ignore the fact of Broussard's plea.

FN14. A cautionary instruction is generally sufficient to dispel any prejudice that arises from informing the jury of a codefendant's plea of guilty. See United States v. King, 505 F.2d 602 (5 Cir. 1974); United States v. Davis, 487 F.2d 112 (5 Cir. 1973), Cert. denied, 415 U.S. 981, 94 S.Ct. 1573, 39 L.Ed.2d 878 (1974). Keno does not argue that the instructions in this case did not dispel the prejudice arising from the jury's knowledge of Broussard's plea of nolo contendere.
Counsel for Keno did not object to this wording in the instruction; counsel for White did. We believe objection by codefendant's counsel is sufficient to preserve any error. See United States v. Lefkowitz, 284 F.2d 310, 313 n.1 (2 Cir. 1960).

[13][14][15] (5) Keno asserts that after three hours on the second day of deliberations, the jury informed the trial judge that it was deadlocked and requested a recess.[FN15] The trial judge denied this request. Five minutes later, the jury returned a verdict of guilty on all counts. Keno argues that the court's failure to grant a recess amounted to coercion. As a general rule, the length of time of jury deliberations is a matter of trial court discretion.United States v. Caracci, 446 F.2d 173 (5 Cir. 1973). Absent some other circumstances, mere length of time cannot constitute coercion. In the present case, Keno asserts that the rendering of a verdict within five minutes of a request for a recess compels a conclusion that the recalcitrant jurors were overcome because of the denial of a recess. The trial judge's refusal, however, could not reasonably be perceived as a threat of extended deliberations. The record does not reveal nor does defendant contend that the judge had kept the jury at its deliberations an unreasonable amount of time. In light of these circumstances, the decision by the judge to make the jury continue deliberations was not an abuse of discretion.

FN15. This exchange does not appear in the record. See note 12 Supra.

Finding this trial free of reversible error, we AFFIRM.

C.A.Ga., 1979.
U.S. v. White
589 F.2d 1283

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Diebold v. Civil Service Commission of St. Louis County
C.A.Mo., 1979.

United States Court of Appeals,Eighth Circuit.
Roy F. DIEBOLD, Appellant,
v.
CIVIL SERVICE COMMISSION OF ST. LOUIS COUNTY, etc., et al., Appellees.
No. 79-1192.

Submitted Oct. 8, 1979.
Decided Dec. 10, 1979.

Former employee of county civil service commission who had been dismissed following his arrest for child molestation brought action to have commission enjoined from holding dismissal appeal hearing until after criminal case against plaintiff had been concluded. The United States District Court for the Eastern District of Missouri, 81 F.R.D. 631, James H. Meredith, Senior District Judge, denied relief and plaintiff appealed. The Court of Appeals, Ross, Circuit Judge, held that plaintiff was not deprived of Fifth Amendment privilege against self-incrimination by being required to participate in administrative proceeding to contest loss of job, despite contention that he had been required to elect to remain silent while commission heard evidence of his criminal conduct, virtually guaranteeing loss of job, or to testify and waive Fifth Amendment privilege, where there was no indication that he was or would have been penalized for invoking Fifth Amendment at hearing at which chairman stated that employee's invocation of privilege would not provide separate grounds for dismissal under the commission's rules.

Affirmed.

West Headnotes

[1] Federal Courts 170B ⚿766

170B Federal Courts
170BVIII Courts of Appeals
170BVIII(K) Scope, Standards, and Extent
170BVIII(K)1 In General
170Bk763 Extent of Review Dependent on Nature of Decision Appealed from
170Bk766 k. Summary Judgment. Most Cited Cases
In reviewing district court's decision granting summary judgment, Court of Appeals applied same standard as trial court. Fed.Rules Civ.Proc. Rule 56(c), 28 U.S.C.A.

[2] Federal Civil Procedure 170A ⚿2543

170A Federal Civil Procedure
170AXVII Judgment
170AXVII(C) Summary Judgment
170AXVII(C)3 Proceedings
170Ak2542 Evidence
170Ak2543 k. Presumptions. Most Cited Cases
On motion for summary judgment, facts must be viewed in light most favorable to party opposing the motion and court must give that party the benefit of all reasonable inferences to be drawn from the facts. Fed.Rules Civ.Proc. Rule 56(c), 28 U.S.C.A.

[3] Criminal Law 110 ⚿393(1)

110 Criminal Law
110XVII Evidence
110XVII(I) Competency in General
110k393 Compelling Self-Incrimination
110k393(1) k. In General. Most Cited Cases
Former county civil service commission employee who had been dismissed following arrest for child molestation was not deprived of Fifth Amendment privilege against self-incrimination by being required to participate in administrative proceeding to contest loss of job, despite contention that he had been required to elect either to remain silent while commission heard evidence of his criminal conduct, virtually guaranteeing loss of job, or to testify and waive Fifth Amendment privilege. U.S.C.A.Const. Amend. 5.

[4] Declaratory Judgment 118A ⚿209

118A Declaratory Judgment

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118AII Subjects of Declaratory Relief
118AII(K) Public Officers and Agencies
118Ak209 k. Counties and Municipalities and Their Officers. Most Cited Cases
Where there was no indication that former county civil service commission employee was or would have been penalized for invoking Fifth Amendment at hearing at which commission chairman stated that employee's indication of privilege would not provide separate grounds for dismissal under the commission's rules, no live controversy existed for court's resolution in former employee's suit for injunctive relief, declaratory relief and reinstatement to his job. U.S.C.A.Const. Amend. 5; 28 U.S.C.A. §§ 1343, 2201; 42 U.S.C.A. § 1983.

[5] Declaratory Judgment 118A ⇐201

118A Declaratory Judgment
118AII Subjects of Declaratory Relief
118AII(K) Public Officers and Agencies
118Ak201 k. Officers and Official Acts in General. Most Cited Cases
Mere threat that civil service commission's rules might someday be enforced against plaintiff did not provide concrete or specific issue sufficient to maintain declaratory judgment action. 28 U.S.C.A. § 2201.

[6] Criminal Law 110 ⇐393(1)

110 Criminal Law
110XVII Evidence
110XVII(I) Competency in General
110k393 Compelling Self-Incrimination
110k393(1) k. In General. Most Cited Cases
As long as public employee is not faced with decision to surrender either his job or his constitutional privilege against self-incrimination in administrative proceedings, his predicament, no matter how undesirable, does not raise constitutional questions. U.S.C.A.Const. Amend. 5.

***698** Stephen J. Nangle, Clayton, Mo., for appellant.
Dennis C. Affolter, Asst. County Counselor, Clayton, Mo., for appellees; Thomas W. Wehrle, St. Louis County Counselor, Clayton, Mo., on brief.

Before ROSS and STEPHENSON, Circuit Judges, and McMANUS, District Judge.[FN*]

FN* The Honorable EDWARD J. McMANUS, Chief Judge, United States District Court for the Northern District of Iowa, sitting by designation.

ROSS, Circuit Judge.

This appeal poses the difficult constitutional question of whether an indicted individual's fifth amendment privilege against self-incrimination is threatened if he must participate in an administrative proceeding, as the sole means of contesting the loss of his job, which involves consideration of matters related to or similar to those for which a criminal indictment has been issued. Even where, as here, the accused employee is free to assert the privilege in the administrative proceeding, the choices available to him are still undesirable. He may either elect to remain silent while the administrative commission hears evidence of his criminal conduct, and virtually guarantee the loss of his job, or he may voluntarily testify and waive the fifth amendment privilege.

Preferring neither of these choices, the employee in this action filed suit in the district court [FN1] seeking injunctive relief under 28 U.S.C. s 1343, [FN2] declaratory relief ***699** under 28 U.S.C. s 2201, reinstatement to his job, and alleging violation of his constitutional rights under 42 U.S.C. s 1983. The district court denied injunctive relief on November 8, 1978, and granted defendants' motion for summary judgment on February 6, 1979, holding that no case or controversy existed and that, as a matter of law, the administrative proceeding in this case was constitutionally sound. We agree with the district court that there existed no justiciable controversy over the employee's participation in the proceeding. Moreover, we agree that, as a matter of law, the dilemma forced upon the appellant was a constitutionally permissible one.

FN1. The Honorable James H. Meredith, Chief Judge, United States District Court for the Eastern District of Missouri.

FN2. Diebold sought to enjoin the Commission from holding a dismissal appeal hearing until after the criminal case had been concluded.

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The appellant in this action, Roy F. Diebold, was dismissed from his job with the St. Louis County Civil Service (Commission) on September 7, 1978, following his arrest for child molestation. The letter of dismissal listed both his alleged criminal and immoral conduct And his incompetency and inefficiency as reasons for termination of the employment relationship. It should be noted that either of these grounds would be sufficient for the dismissal of an employee under the Civil Service Commission's rules.

The following day, September 8, Diebold's attorney filed an appeal of the dismissal, requesting a hearing before the Commission. On October 4 he informed the Commission that his client would invoke his fifth amendment privilege until the criminal charges for child molestation were resolved, since it appeared that the Commission proceeding would cover allegations of child molestation similar to those for which he was indicted. Certain rules of the Commission, however, presented potential problems resulting from this approach:

(a) Rule XVIII Sec. 2(B)(5):

Unless incapacitated, the person placing an appeal before the Commission shall appear personally and may not be excused from answering questions and supplying information. Either party may have legal counsel at such a hearing.

(b) Rule XVIII Sec. 2(B)(8):

Employees in the Classified Service shall be required to attend and testify without subpoena. If any employee shall wilfully refuse to testify or answer any questions relative to the matter being heard by the Commission on any grounds, He may be dismissed from the classified service.

(Emphasis supplied.) Fearing that Diebold's invocation of the fifth amendment might provide separate grounds for dismissal, the attorney requested a policy statement from the Commission assuring Diebold that the assertion of the privilege would not prejudice his appeal.

On the same day that the Commission mailed its refusal to issue the policy statement, Diebold filed the complaint and motion for preliminary injunction with the district court. The preliminary injunction was denied, and the Commission began its administrative proceedings on November 9. It was during this session that the Commission's chairman stated that Diebold's refusal to answer a question on fifth amendment grounds would not provide "separate grounds for mandatory dismissal under our rules."On December 21, the Commission upheld Diebold's dismissal, and on February 6, the defendants' motion for summary judgment was granted.

On appeal, Diebold asserts that the granting of a summary judgment on the defendants' behalf was improper because genuine issues as to material facts were in existence at the time it was granted. In addition, Diebold contends that, as a matter of law, the Commission was not entitled to a judgment on the merits.

I.

[1][2] At the outset, we recognize that in reviewing a decision of a district court to grant a summary judgment, we apply the same standard as the trial court. Butler v. MFA Life Insurance Co., 591 F.2d 448, 451 (8th Cir. 1979). Under Fed.R.Civ.P. 56(c) a summary judgment should be granted only where there "is no genuine issue as to any material fact and * * * the moving party is entitled to a judgment as a matter of law."Furthermore, the facts must be viewed in the light most favorable to the party opposing the motion, and the court ***700** must give that party the benefit of all reasonable inferences to be drawn from the facts. Butler v. MFA Life Insurance Co., supra, 591 F.2d at 451. Even viewed in this light, however, we are convinced that this case presents neither genuine factual issues nor a case and controversy.

[3][4] In denying Diebold's request for injunctive relief, the district court determined that there was no indication that Diebold was or would have been penalized for invoking the fifth amendment in the Commission's proceedings. There was not even a showing that Diebold would have been required to testify at the hearing. Furthermore, at a Commission hearing the following day, November 9, the chairman stated that Diebold's invocation of the privilege would not provide separate grounds for dismissal under the Commission's rules.[FN3] The Commission then moved for a summary judgment, claiming that no live controversy existed over the application of the rules to Diebold's case, and the motion was granted. We agree with the district court that no deprivation of constitutional rights has yet

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occurred. And since no further hearings are contemplated, we hold that no factual issues are presented to us for resolution.

FN3. At the hearing the chairman made the following statement:

We do not believe that there is anything in the rules which would require or mandate as a separate grounds for dismissal would not mandate Mr. Diebold's dismissal if he refused to answer a question invoking his Fifth Amendment privileges. In other words, we do not believe that would be a separate grounds for mandatory dismissal under our rules.

[5] Diebold nevertheless contends that he is at least entitled to a declaratory judgment since the Commission's rules are still in existence and could be enforced in spite of the chairman's intentions. We disagree with this argument. Diebold's position seems to ignore the clear message of this court in Cass County v. United States, 570 F.2d 737, 740 (8th Cir. 1978), wherein we stated that even under the Declaratory Judgment Act, 28 U.S.C. s 2201, "(i)n order to present a 'controversy,' a question must not be abstract but must define an issue which is concrete and specific."The mere threat that the Commission's rules might someday be enforced does not provide us with a concrete or specific issue, as was pointed out in United Public Workers of America (CIO) v. Mitchell, 330 U.S. 75, 91, 67 S.Ct. 556, 91 L.Ed. 754 (1947).

II.

[6] Even if this case presented a justiciable controversy or genuine factual issues, the Commission still would be entitled to a judgment as a matter of law. As the district court pointed out, the fifth amendment presents no obstacle to administrative proceedings such as the one we are examining in this appeal. It is well settled that as long as an employee such as Diebold is not faced with the decision to surrender either his job or his constitutional privilege against self-incrimination, his predicament, no matter how undesirable, does not raise constitutional questions. Sanitation Men v. Sanitation Comm'r, 392 U.S. 280, 284, 88 S.Ct. 1917, 20 L.Ed.2d 1089 (1968).

The Supreme Court has long held that the fifth amendment "not only protects the individual against being involuntarily called as a witness against himself in a criminal prosecution but also privileges him not to answer official questions put to him in any other proceeding, civil or criminal, formal or informal, where the answers might incriminate him in future criminal proceedings."Lefkowitz v. Turley, 414 U.S. 70, 77, 94 S.Ct. 316, 322, 38 L.Ed.2d 274 (1973). Although we feel that this same rationale applies to administrative proceedings such as the ones we are here dealing with, this position renders no support to Diebold's argument. The Supreme Court's major concern in this area has been in preventing testimony obtained from an employee under threat of dismissal from being used against that person in subsequent criminal proceedings. For example, in Garrity v. New Jersey, 385 U.S. 493, 500, 87 S.Ct. 616, 620, 17 L.Ed.2d 562 (1966), police officers who were being questioned about alleged ticket fixing *701 were informed that a refusal to answer questions on fifth amendment grounds would result in their dismissal. The Court held that "the protection of the individual under the Fourteenth Amendment against coerced statements prohibits use in subsequent criminal proceedings of statements obtained under threat of removal from office * * *." Similarly, in Sanitation Men v. Sanitation Comm'r, supra, 392 U.S. at 284, 88 S.Ct. at 1920, city employees who refused to sign waivers of fifth amendment immunity before a grand jury were fired from their jobs. The Court acknowledged that the possible ineffectiveness of the waiver did not diminish the impropriety of the state's action. The real constitutional controversy arose from the alternatives with which the employees were faced, because "the precise and plain impact of the proceedings * * * was to present them with a choice between their constitutional rights or their jobs."

We are dealing with an entirely different factual situation. There exists here no requirement that Diebold waive his immunity under the fifth amendment. Nor is there a threat that he will be fired simply for invoking that privilege. See Baxter v. Palmigiano, 425 U.S. 308, 317-18, 96 S.Ct. 1551, 1557-1558, 47 L.Ed.2d 810 (1975). ("In this respect, this case is very different from the circumstances before the Court in the Garrity-Lefkowitz decisions, where refusal to submit to interrogation and to waive the Fifth Amendment privilege, Standing alone and without regard to the other evidence, resulted in loss of employment or opportunity to contract with the State.") (Emphasis added.) Since there is no showing

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that Diebold must either answer questions which might incriminate him in future criminal proceedings or forfeit his job, we find no impermissible sanction in the Commission's rules.

Finally, Diebold argues that his situation presents a special problem because he has already been indicted, and perhaps faces a greater threat to his fifth amendment rights. We feel that this distinction has no bearing on the constitutional issues involved. Furthermore, we agree with the position of the Fifth Circuit Court of Appeals in United States v. White, 589 F.2d 1283, 1286 (5th Cir. 1979), which was issued in response to the same arguments Diebold sets forth in this appeal:

Keno contends that being forced to go to trial in a civil case while criminal charges arising out of the same conduct were pending forced him to choose between preserving his fifth amendment privilege and losing the civil suit. It appears to us, however, that Keno overstates his dilemma. He was not forced to surrender his privilege against self-incrimination in order to prevent a judgment against him; although he may have been denied his most effective defense by remaining silent, there is no indication that invocation of the fifth amendment would have necessarily resulted in an adverse judgment.

We have examined Diebold's other arguments and find them similarly to be without merit. Accordingly, we affirm the decision of the district court.

C.A.Mo., 1979.
Diebold v. Civil Service Commission of St. Louis County
611 F.2d 697

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S.E.C. v. Tome
S.D.N.Y.,1986.

United States District Court,S.D. New York.
SECURITIES AND EXCHANGE COMMISSION, Plaintiff,
v.
Giuseppe B. TOME, Paolo Mario Leati, Lombardfin S.p.A., Trasatlantic Financial Co., S.A., Nayarit Investments, S.A., Finvest Underwriters and Dealers Corp., Certain Purchasers of the Common Stock and Call Options for the Common Stock of St. Joe Minerals Corp., and Banca Della Svizzera Italiana, Defendants.
No. 81 Civ. 1836 (MP).

June 3, 1986.

SEC brought civil action challenging trading in securities of a specific company. On challenges to admissibility of evidence, the District Court, Milton Pollack, Senior District Judge, held that: (1) adverse inference could be drawn from civil defendant's assertion of privilege against self-incrimination, and (2) testimony of chief executive officer who had confided confidential information to civil defendant that officer considered confidant a European consultant to the company generally although there was no formal relationship, that he did not feel it was necessary to tell confidant the information being discussed was confidential because the confidant had been in management 20 years and he ought to know the rules, and that he called the confidant and questioned him as soon as the SEC initiated action against unknown purchasers was admissible.

Evidence ruled admissible in part and inadmissible in part.

West Headnotes

[1] Witnesses 410 ⚿309

410 Witnesses
410III Examination
410III(D) Privilege of Witness
410k309 k. Effect of Refusal to Answer. Most Cited Cases
Civil defendant's assertion of the privilege against self-incrimination in action by the SEC could be used as basis for adverse inference against the defendant, even though potential of criminal liability existed. U.S.C.A. Const.Amend. 5.

[2] Evidence 157 ⚿253(1)

157 Evidence
157VII Admissions
157VII(D) By Agents or Other Representatives
157k253 Conspirators and Persons Acting Together
157k253(1) k. In General. Most Cited Cases
It is not necessary to charge conspiracy in complaint in order to invoke coconspirator exclusion from hearsay rule in civil proceeding. Fed.Rules Evid.Rule 801(d)(2)(E), 28 U.S.C.A.

[3] Evidence 157 ⚿253(1)

157 Evidence
157VII Admissions
157VII(D) By Agents or Other Representatives
157k253 Conspirators and Persons Acting Together
157k253(1) k. In General. Most Cited Cases
Charging substantive violation in complaint is sufficient to permit invocation of coconspirator exclusion from hearsay rule in civil proceeding, without charge of conspiracy. Fed.Rules Evid.Rule 801(d)(2)(E), 28 U.S.C.A.

[4] Evidence 157 ⚿253(1)

157 Evidence
157VII Admissions
157VII(D) By Agents or Other Representatives
157k253 Conspirators and Persons Acting Together
157k253(1) k. In General. Most Cited

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Cases
Testimony by business partner to statements of copartner who was civil defendant in action by SEC regarding what copartner told partner about business telephone conversations between copartner and another civil defendant was admissible under coconspirator exclusion from hearsay rule, where statements were made while the civil defendant who was party to copartner's conversation was anticipating recompense of $200,000 for inside information supplied to copartner and used in purchasing securities, and statements copartner made to witness partner were intended to bring partner up-to-date and solicit partner's ratification of prior stock transactions and approval for further purchases. Fed.Rules Evid.Rule 801(d)(2)(E), 28 U.S.C.A.

[5] Securities Regulation 349B ⚿60.61

349B Securities Regulation
349BI Federal Regulation
349BI(C) Trading and Markets
349BI(C)7 Fraud and Manipulation
349Bk60.60 Evidence
349Bk60.61 k. In General; Admissibility. Most Cited Cases
Testimony of chief executive officer of company who disclosed information used for trading to individual who was civil defendant in action by SEC that officer considered the individual to whom he made disclosure a European consultant to the company generally although there was no formal relationship was relevant and admissible to determine whether chief executive officer and his company had expectation that individual to whom information was disclosed would keep nonpublic information disclosed to him within confines of fiduciary or similar relationship confidential, and to determine scope of individual's access to confidential information.

[6] Securities Regulation 349B ⚿60.61

349B Securities Regulation
349BI Federal Regulation
349BI(C) Trading and Markets
349BI(C)7 Fraud and Manipulation
349Bk60.60 Evidence
349Bk60.61 k. In General; Admissibility. Most Cited Cases
Testimony by chief executive officer of company who disclosed information to individual who was subject of action by SEC that he did not tell individual to whom he disclosed information that the information was confidential because he did not think it was necessary as the individual had been in management 20 years in the business and he ought to know the rules was admissible, where individual to whom information was disclosed provided direct evidence that he communicated his understanding that information confided by chief executive officer for corporate purposes of officer's corporation was to be kept confidential, and chief executive officer's understanding of company's relationship with individual to whom information was disclosed was relevant as bearing on expectation that the information confided would be kept confidential.

[7] Securities Regulation 349B ⚿60.61

349B Securities Regulation
349BI Federal Regulation
349BI(C) Trading and Markets
349BI(C)7 Fraud and Manipulation
349Bk60.60 Evidence
349Bk60.61 k. In General; Admissibility. Most Cited Cases
Testimony of chief executive officer that he called individual to whom he had disclosed information after SEC brought action against unknown purchasers of securities because chief executive officer was concerned that perhaps individual to whom he had confided information had done something, and officer wanted to make sure that confidant had not done anything with the information because the only person he knew of in Switzerland who would have any knowledge of anything that was going on was the individual to whom officer had confided the information, was admissible in action by SEC against individual to whom information had been confided, it was relevant that chief executive officer called confidant to ask whether confidant had done anything improper with the information confided to him.

[8] Federal Civil Procedure 170A ⚿2011

170A Federal Civil Procedure
170AXV Trial
170AXV(C) Reception of Evidence
170Ak2011 k. In General. Most Cited Cases
Exhibits submitted by SEC after trial to which

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defendants offered only generalized objection would be received in evidence in action brought by the SEC, where court advised defendants in response to generalized objection that permission had been granted to supply the data and that if defendants had any specific objection to any specific portion of exhibits, court would entertain the objections if received within five days after receipt of letter, and no specific objection was presented.

[9] Federal Civil Procedure 170A 2011

170A Federal Civil Procedure
170AXV Trial
170AXV(C) Reception of Evidence
170Ak2011 k. In General. Most Cited Cases
Trading records of transactions referring to transactions in call options or stock in specific company that trading in was allegedly related to inside information would be received in SEC action based on SEC's posttrial offer of the records, although records referring to other stocks or transactions in other stocks or options would be excluded, where records of items relating to the specific company were known to civil defendants well in advance of trial and data therefrom was incorporated in the agreed findings of fact. Fed.Rules Evid.Rule 803(6, 8, 17, 24), 28 U.S.C.A.

***631** Ira Lee Sorkin, Regional Adm'r, S.E.C. by Anne C. Flannery, Robert B. Blackburn, Joseph G. Mari, Philip M. Giordano, Jennifer M. Russell, New York City, for plaintiff.
John F.X. Peloso, Daniel B. McIntyre, Sage Gray Todd & Sims, New York City, for defendant Giuseppe B. Tome.
Bruno Schachner, New York City, for defendants Trasatlantic Financial Co., S.A., Nayarit Investments, S.A., Finvest Underwriters and Dealers Corp.
Chester J. Straub, David Trachtenberg, Willkie Farr and Gallagher, New York City, for defendant Banca Della Svizzera Italiana.

MEMORANDUM

MILTON POLLACK, Senior District Judge.

Evidentiary Rulings

During the course of the non-jury trial herein, motions were presented by the parties for evidentiary rulings on which decision was reserved. The questions raised by the parties relate to the effect to be given to defendant Tome's assertion of his Fifth Amendment privilege against self-incrimination and to the admissibility of portions of depositions and other exhibits submitted as evidence.

A. *The Effect of Tome's Assertion of His Fifth Amendment Privilege Against Self-Incrimination*

[1] The plaintiff SEC sought to obtain responses from defendant Tome to interrogatories to be addressed to him in Switzerland. In an affidavit, Tome asserted his Fifth Amendment privilege against self-incrimination and refused to answer any interrogatories related to the transactions at issue in this case. Tome contends, however, that it is constitutionally impermissible for this Court to draw an adverse inference from that assertion of the privilege. Implicitly conceding that an adverse inference may be drawn in a civil case between private parties, Tome contends that it is constitutionally impermissible for this Court to do so in a civil case in which the government is the plaintiff or in which the defendant invoking the privilege is also a defendant in a parallel criminal proceeding. He relies upon language in a dissent in *Baxter v. Palmigiano*, 425 U.S. 308, 334, 96 S.Ct. 1551, 47 L.Ed.2d 810 (1976) (Brennan, J. dissenting) and some glancing dicta in *SEC v. Musella*, 578 F.Supp. 425, 431 (S.D.N.Y.1984). Tome's contention is contrary to the settled law. *See United States v. Segal*, 549 F.2d 1293, 1299 (9th Cir.)(*Baxter* "held that a negative, though not conclusive, inference can be drawn from the failure of a prisoner to testify ... even though the testimony if given could lead to criminal prosecution."), *cert. denied*, 431 U.S. 919, 97 S.Ct. 2187, 53 L.Ed.2d 231 (1977).

The authorities cited below would have fully justified drawing an adverse inference against Tome from his assertion of the privilege against self-incrimination herein. In the circumstances presented, however, it is unnecessary to utilize the inference to establish liability. Even if needed to establish liability, it would have been merely one inference among a number of evidentiary factors considered by this Court in reaching its conclusions. Tome's liability herein has been established by a

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preponderance of the credible evidence, without regard to the adverse inference.

Baxter, supra, established that the Constitution does not prohibit drawing an adverse inference from a party's assertion of the privilege in civil cases since "silence in the face of accusation is a relevant fact.... [and] 'is often evidence of the most persuasive character.' " *Baxter,* 425 U.S. at 319, 96 S.Ct. at 1558 (quoting *United States ex rel. Bilokumsky v. Tod,* 263 U.S. 149, 153-54, 44 S.Ct. 54, 56, 68 L.Ed.2d 221 (1923) (Brandeis, J.)). The next year, in ***632***Lefkowitz v. Cunningham,* 431 U.S. 801, 808 n. 5, 97 S.Ct. 2132, 2137 n. 5, 53 L.Ed.2d 1 (1977), the Supreme Court read its *Baxter* decision to mean that:

> *Baxter* did no more than permit an inference to be drawn in a civil case from a party's refusal to testify. Respondent's silence in *Baxter* was only one of a number of factors to be considered by the finder of fact in assessing a penalty, and was given no more probative value than the facts of the case warranted[.]

The Second Circuit has interpreted the *Baxter* rule to apply to witnesses as well as parties and through these witnesses, former employees of a party, against a party. *Brink's Inc. v. City of New York,* 717 F.2d 700, 708-10 (2d Cir.1983).

Subsequent to *Baxter* and *Lefkowitz, supra,* decisions by federal courts have established that an adverse inference is equally to be drawn where the government is a party to the civil proceeding. *see e.g., FTC v. Kitco of Nevada, Inc.,* 612 F.Supp. 1282, 1291 (D.Minn.1985) (adverse inference drawn in an FTC enforcement action); *United States v. Local 560, International Brotherhood of Teamsters,* 581 F.Supp. 279, 306 (D.N.J.1984) (adverse inference drawn in a civil RICO case brought by the government), *rev'd as to this point on other grounds,* 780 F.2d 267, 292-93 n.32 (3d Cir.1985); *CFTC v. U.S. Metals Depositary Co.,* 468 F. Supp. 1149, 1162 & n. 56 (S.D.N.Y.1979). Particularly relevant hereto, courts have drawn an adverse inference in enforcement actions brought by the SEC. *See e.g., SEC v. Netelkos,* 592 F.Supp. 906, 917-18 (S.D.N.Y.1984); *SEC v. Musella,* 578 F.Supp. 425, 429-30 (S.D.N.Y.1984); *SEC v. Scott,* 565 F.Supp. 1513, 1533-34 (S.D.N.Y.1983), *aff'd sub nom., SEC v. Cayman Islands Reinsurance Corp.,* 734 F.2d 118 (2d Cir.1984); *SEC v. Gilbert,* 79 F.R.D. 683, 686 (S.D.N.Y.1978). In addition, federal courts have held that the pendency of related criminal proceedings is irrelevant in determining whether to draw an adverse inference, *see e.g., Diebold v. Civil Service Commission,* 611 F.2d 697, 701 (8th Cir.1979) (holding that the fact that the defendant asserting the privilege in a civil action has already been indicted "has no bearing on the constitutional issues involved"); *Roberts v. Taylor,* 540 F.2d 540, 542 (1st Cir. 1976) (stating that the *Baxter* decision does not "accord leeway" for distinctions between a situation in which criminal charges are pending and a situation in which only a *possibility* of criminal charges are involved), *cert. denied sub nom., Roberts v. Director, Department of Corrections,* 429 U.S. 1076, 97 S.Ct. 819, 50 L.Ed.2d 796 (1977), and many decisions have drawn an adverse inference when criminal charges are pending. *See e.g., Hoover v. Knight,* 678 F.2d 578, 582 & n. 1 (5th Cir.1982); *Book v. United States Postal Service,* 675 F.2d 158, 160 n.4 (8th Cir. 1982) (per curiam); *Arthurs v. Stern,* 560 F.2d 477, 478 (1st Cir.1977), *cert. denied,* 434 U.S. 1034, 98 S.Ct. 768, 54 L.Ed.2d 782 (1978); *Rhode Island v. Cardillo,* 592 F.Supp. 655, 658 (D.R.I.1984); *Marcello v. Long Island Railroad,* 465 F.Supp. 54, 61 (S.D.N.Y.1979).

The permissible adverse inference has been used, however, only for the purpose of determining the *scope* of Tome's liability, following a determination of his liability without use of that inference. It is used herein only for some of the transactions engaged in by those whom Tome tipped regarding the Seagram tender offer for St. Joe, specifically the transactions engaged in by Banque Gutzwiller and by Trade Development Bank.

B. *Objections To Testimony and Exhibits*

Except for two live witnesses testifying at trial, Marc Cohen, an analyst in mining industries for the brokerage firm of Kidder, Peabody & Co., and Kevin Feehan, the New York Stock Exchange specialist in St. Joe stock, all testimony in this case was received by deposition testimony. All parties appearing in this action stipulated that the deposition testimony would be admissible as though that person were testifying live at trial, and thus absence from the trial poses no hearsay objection because of that absence.

***633** The testimony of some foreign nationals, Mrs. Patricia Arbucias, Mr. Riccardo Argenziano,

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and defendant Leati, all officers and/or directors of defendant Lombardfin S.p.A., was taken pursuant to a special Letter Rogatory procedure. The range of questions permitted in such proceedings is much narrower than the range permitted in our deposition procedure; thus the information obtained is much less complete.

After giving the parties an opportunity to object on the grounds of competency, relevancy, or hearsay, to the receipt by the Court of any portions of any of the deposition testimony, defendant Tome, joined by defendants NICO, TFCO, and Finvest Panama, objected to three isolated statements in Bronfman's deposition and to Csopey's deposition testimony to the extent that he repeated what Leati told him that Tome had said in telephone conversations between Leati and Tome on March 10, 1981. All other possible objections to the deposition testimony are waived.

In addition, both plaintiff and defendants objected to documents offered into evidence as exhibits. The SEC's objections are overruled and all of defendants' exhibits, including those offered after the trial on October 23, 1985, are received into evidence. The defendants' objections to the SEC's exhibits are sustained in part, overruled in part as discussed below in more detail.

1. *Defendants' Hearsay Objections To Csopey's Testimony*

Defendants object to Csopey's testimony on hearsay grounds to the extent that he testified concerning what his partner Leati had told him about business telephone conversations between Tome and Leati on March 10, 1981. Csopey was an interested party in the business. The SEC asserts that this contested testimony is not hearsay since it is "a statement by a coconspirator of a party during the course and in furtherance of the conspiracy." Rule 801(d)(2)(E), Fed.R.Evid. The SEC claims that since Leati was Tome's coconspirator in the illegal St. Joe purchases, Leati's statements to Csopey are admissible against Tome since they were made during the course of and in furtherance of the conspiracy. In the alternative, the SEC argues that even if the contested statements are hearsay, several exceptions to the hearsay rule are applicable. Since the coconspirator exclusion from hearsay, Rule 801(d)(2)(E), by itself permits receipt of the matter objected to, it is unnecessary to discuss the SEC's other grounds for admitting the contested testimony.

Although the vast majority of cases discussing the coconspirator exclusion from the hearsay rule are criminal cases, *see generally* Annot., *Admissibility of Statement By Coconspirator Under Rule 801(d)(2)(E) of Federal Rules of Evidence,* 44 A.L.R.Fed. 627 (1979) (collecting cases), it is clear that the rule is equally applicable to civil cases. Rule 1101(b), Fed.R.Evid.; *see e.g., Filco v. Amana Refrigeration, Inc.,* 709 F.2d 1257, 1267 (9th Cir.) (discussing coconspirator exclusion in a civil case), *cert. dismissed,* 464 U.S. 956, 104 S.Ct. 385, 78 L.Ed.2d 331 (1983); *Oreck Corp. v. Whirlpool Corp.,* 639 F.2d 75, 80-81 (2d Cir.1980) (same), *cert. denied,* 454 U.S. 1083, 102 S.Ct. 639, 70 L.Ed.2d 618 (1981). There is a paucity of civil cases involving the coconspirator exclusion, however, and it is not clear whether the same principles applicable to its use in the criminal area are equally applicable in the civil area. *See generally* Note, *Reconciling The Conflict Between The Coconspirator Exemption From The Hearsay Rule and The Confrontation Clause of The Sixth Amendment,* 35 Colum.L.Rev. 1294 (1985) (discussing possible Confrontation Clause problems on the criminal side). *But see United States v. Inadi,* 475 U.S. 387, 106 S.Ct. 1121, 89 L.Ed.2d 390 (1986) (holding that the Confrontation Clause does not require a showing that the declarant is unavailable as a condition to admission of out-of-court statements by a nontestifying coconspirator).[FN1] In addition, the coconspirator***634** exemption, in effect, would be rendered a nullity on the civil side if courts required the same quantum of proof in civil actions that is presently applicable in criminal actions, *i.e.,* the preponderance of the evidence standard, *see United States v. Ciambrone,* 787 F.2d 799, 807 (2d Cir.1986); *United States v. Geaney,* 417 F.2d 1116, 1120 (2d Cir.1969), *cert. denied sub nom., Lynch v. United States,* 397 U.S. 1028, 90 S.Ct. 1276, 25 L.Ed.2d 539 (1970), before the coconspirator's statement is admissible. Were a party to a civil action required to prove the existence of the conspiracy by a preponderance of the nonhearsay evidence before the coconspirator's statement is admissible, the coconspirator's statement would be merely corroborative evidence tending to reinforce the case already proved.[FN2] Perhaps this insight explains the dearth of civil cases addressing the coconspirator exclusion from the hearsay rule.

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FN1. The *Inadi* opinion did not purport to address another possible Confrontation Clause concern noted by commentators, *i.e.*, whether the coconspirator's statements must be shown to be independently reliable before being admitted. *Inadi*, 106 S.Ct. at 1124 n. 3 ("The reliability of the out-of-court statements is not at issue in this case."). *Compare United States v. Perez*, 702 F.2d 33, 37 (2d Cir.) (indicating that an independent reliability determination must be made but stating that a declaration in furtherance of the conspiracy will often be sufficient to demonstrate reliability), *cert. denied*, 462 U.S. 1108, 103 S.Ct. 2457, 77 L.Ed.2d 1336 (1983) *with United States v. Aboumoussallem*, 726 F.2d 906, 910 (2d Cir.1984) ("*Even if* we were to require some indicia of reliability beyond the circumstance of a co-conspirator's making a report that furthers a conspiracy ...") (emphasis added). Whatever the eventual resolution of this Confrontation Clause concern may be for criminal cases, in a civil case, where Confrontation Clause concerns are not present, no independent reliability determination is required.

FN2. This dilemma does not occur in criminal cases because of the difference in the quantum of proof necessary for conviction, *i.e.*, proof beyond a reasonable doubt, and for admission of the coconspirator's statement, *i.e.*, preponderance of the evidence.

In this case, however, it is unnecessary to determine whether the predicate for admission of the coconspirator's statement is lower on the civil than on the criminal side since the SEC has proved the existence of a conspiracy by a preponderance of the independent evidence, *i.e.*, by admissible evidence other than the contested coconspirator's statements.[FN3] The contested testimony of Csopey merely reinforces the credibility of circumstantial evidence already sufficient to hold defendants liable.

FN3. Of course, had the independent evidence of the conspiracy not met the preponderance standard, this Court could use the adverse inference drawn from Tome's assertion of his Fifth Amendment privilege as a factor to consider on the SEC's burden of proof as to the conspiracy's existence and as to the conspiracy's participants.

[2][3] It is not necessary to charge a conspiracy in the complaint in order to invoke the coconspirator exclusion from the hearsay rule. *United States v. Doulin*, 538 F.2d 466, 471 (2d Cir.), *cert. denied*, 429 U.S. 895, 97 S.Ct. 256, 50 L.Ed.2d 178 (1976); *see United States v. Clark*, 613 F.2d 391, 402-04 (2d Cir.1979) (even if acquitted on the conspiracy count, coconspirator's statements may be admissible on the substantive count), *cert. denied*, 449 U.S. 820, 101 S.Ct. 78, 66 L.Ed.2d 22 (1980). Charging a substantive violation is sufficient. *United States v. Branker*, 418 F.2d 378, 380 (2d Cir.1969). When conspiracy is not charged, however, participants in the conspiracy often are referred to instead as "joint venturers," *see Clark*, at 404, or as "acting in concert," *see* 4 J. Weinstein & M. Berger, *Weinstein's Evidence* ¶ 801(d)(2)(E)[01], at 801-230 & n. 5 (1985), and that language appears to be apposite herein.

In determining whether the prosecution has proved by a preponderance of the evidence the existence of a "joint venture" and the defendants' participation in it, "pieces of evidence must be viewed not in isolation but in conjunction." *Geaney*, 417 F.2d at 1121. Further, " 'each of the episodes gain[s] color from each of the others.' " *United States v. Sliker*, 751 F.2d 477, 494 (2d Cir.1984) (quoting *United States v. Monica*, 295 F.2d 400, 401 (2d Cir.1961), *cert. denied*, 368 U.S. 953, 82 S.Ct. 395, 7 L.Ed.2d 386 (1962)), *cert. denied sub nom.*, ***635** *Buchwald v. United States*, 470 U.S. 1058, 105 S.Ct. 1772, 84 L.Ed.2d 832 (1985).

[4] Unquestionably, Tome and Leati were engaged in a joint venture to illegally trade on inside information concerning Seagram's unannounced bid for control of St. Joe. Without regard to the contested portions of Csopey's testimony, the evidence-particularly Bronfman's testimony, the BSI employees' affidavits, and Tome's trading activity-convincingly demonstrates that Tome misappropriated confidential non-public information regarding Seagram's acquisition plans and traded on

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it for his own benefit.

Tome also engaged in a joint venture with Leati to exploit this nonpublic information that Tome possessed. The personal relationship between Tome and Leati and, consequently, the close business relationship between Finvest Geneva and Lombardfin S.p.A. provided fertile ground for this illicit conduct. Leati had known Tome for years, even before Leati went into brokerage. As detailed in the accompanying Opinion in this case, at 8-9, because of this personal relationship, Tome's Finvest Group, particularly Finvest Geneva, had close business ties to Lombardfin S.p.A.; Lombardfin S.p.A.'s two principal foreign affiliates were renting their *only* office space, if it could be called that, from Finvest Geneva; Tome regularly visited Lombardfin S.p.A.'s domestic subsidiary's offices and used its facilities to conduct his business; a 100% owned Lombardfin S.p.A. affiliate executed Eurobond trades on Finvest Geneva's behalf because Finvest Geneva did not have the capacity to clear trades; Finvest Geneva had a securities trading account with a 100% owned Lombardfin S.p.A. affiliate.

Against this backdrop of interaction and familiarity, the joint venture flowered. After his telephone conversation with Bronfman on March 9, Tome on March 10 began his frantic trading and tipping to overseas clients and associates.[FN4]

> FN4. Tome's hotel only registered outgoing calls, and took messages if Tome was not in; no hotel records are kept of incoming calls if Tome was in to receive the call or if no message was left.

By the end of the day, Leati, acting on his discretionary authority, had purchased for Lombardfin S.p.A.'s clients, over 40,000 St. Joe shares, despite the fact that before March 10, 1981, Lombardfin S.p.A. had not traded even one single share of St. Joe stock. Leati's futile attempt to justify such enormous trading on a stock he had never previously traded, with Leati's trading beginning *two minutes* after speaking to Tome, by claiming that he engaged in some sort of independent analysis of the stock only adds an additional inference to the already overwhelming circumstantial evidence that Tome and Leati were engaged in an illicit joint venture to profit from the inside information Tome possessed concerning Seagram's plans to make a tender offer for St. Joe.

The statements Leati made to Csopey concerning the contents of Leati's conversations with Tome were made during the course of and in furtherance of the joint venture. Leati spoke to Csopey, Leati's partner in and co-founder of Lombardfin S.p.A., privately, in Leati's office, on the afternoon of March 10th, after speaking to Tome on the phone. While the outer temporal boundaries of a conspiracy's existence are often subject to debate, this conversation between Leati and Csopey took place right after this newly-formed illicit joint venture between Tome and Leati. Unquestionably, the contested statements took place during the course of the conspiracy. Leati made additional purchases of St. Joe securities for Lombardfin S.p.A.'s clients after the conversation with Csopey. Given the evidence in this case, it appears that the illicit association continued at least through the time that Tome was anticipating the recompense of $200,000 mentioned by Csopey (but denied by Leati) for the inside information Tome supplied to Leati for Lombardfin S.p.A.'s clients.

The statements Leati made to Csopey were also in furtherance of the illicit venture; they were intended to bring Leati's partner (who owned 12.5% of Lombardfin ***636** S.p.A.'s stock) up-to-date on the significant news that had occurred while Csopey was out in the field visiting clients and to solicit his partner's ratification of the prior St. Joe transactions and approval for further purchases. After recounting the discussions between himself and Tome, and discussing the possible accuracy of Tome's information in light of Tome's confidential position as a Seagram advisor, Leati suggested even further purchases of St. Joe securities, saying "Let's give it a try."

In these circumstances, Leati's disclosures to Csopey were clearly in furtherance of the illicit association between Tome and Leati.

Csopey's testimony concerning what Leati told him about conversations between Tome and Leati is therefore admissible as "a statement by a coconspirator of a party during the course and in furtherance of the conspiracy." Rule 801(d)(2)(E), Fed.R.Evid.

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2. *Defendants' Objections To Bronfman's Testimony*

[5] Defendants objected to three isolated statements in Bronfman's deposition on relevancy, materiality, and competency grounds. These objections are overruled. The Bronfman deposition, in its entirety, is admissible. Defendants objections are discussed below seriatim, with the underscored portion of the deposition testimony being the portion objected to:

Bronfman Transcript pages 14-15:

Q: Other than the two matters that you mentioned to us earlier, that is to advise on currency and to invest the 10 million dollars on behalf of Seagram, was there any other business or economic relationship between Mr. Tome and Seagram or any of its affiliates that you're aware of?

A: Well, Tome is also a friend of mine, and we see each other a great deal socially and naturally we see each other socially and we talk about a lot of things in a business nature. And I consider him sort of a European consultant to Seagram generally. It's not a formal relationship.

[6] Defendants object to the underscored portion of the testimony on the grounds that it is inappropriate opinion testimony by Bronfman and is inadmissible to prove that Tome was in fact a European consultant to Seagram. The relationship between Tome on the one hand and Bronfman and Seagram on the other, however, goes to the heart of this controversy. Bronfman's, and thus Seagram's, view of the employment and relationship with Tome, and the information disclosed within the parameters of that relationship, is extremely relevant and admissible to determine whether Bronfman and Seagram had an expectation that Tome would keep nonpublic information disclosed to him within the confines of the fiduciary or similar relationship confidential. *Dirks v. SEC*, 463 U.S. 646, 655 n.14, 103 S.Ct. 3255, 3262 n. 14, 77 L.Ed.2d 911 (1983). Moreover, Bronfman, as Chairman of the Board and Chief Executive Officer of Seagram, had substantial control over the amount of confidential information disclosed to Tome. Bronfman's understanding of his (and Seagram's) relationship with Tome is therefore helpful in determining the scope of Tome's access to confidential information.

Bronfman Transcript pages 49-50

Q. In connection with this discussion, did you say in words or substance to Mr. Tome that the information you were discussing with him was confidential?

A. No. I didn't think that was necessary.

Q. Because?

A. Management 20 years in this business. He ought to know the rules. I assume he does know the rules.

[7] Defendants object to the underscored portions of the testimony on the grounds that Bronfman cannot testify as to the state of mind of Tome, nor as to what Tome understood his relationship with Seagram and Bronfman to be, since there is no evidence in this passage that Bronfman communicated his confidentiality concerns to Tome. This argument is a spurious one for several reasons. There is direct evidence emanating from Tome that he communicated*637 to Bronfman his understanding that the information Bronfman confided to Tome, solely for the corporate purposes of Seagram, was to be kept confidential. After this suit was filed by the SEC, naming Unknown Purchasers in Switzerland as having engaged in these illegal St. Joe transactions, Bronfman called Tome to make sure he was not involved in the St. Joe trades. Tome responded to Bronfman's inquiry by stating:

You know, I've been in this business [*i.e.*, securities] for 20 years and I know what to do and what not to do. And clearly I certainly didn't do anything.

In addition, the relationship between the management of a corporation and its financial advisors and consultants regarding prospective hostile tender offers is inherently one which implies a duty of confidentiality. *See Dirks*, 463 U.S. at 655 n. 14, 103 S.Ct. at 3262 n. 14. Moreover, Bronfman's (and therefore Seagram's) understanding of their relationship with Tome is of course relevant because it bears on the expectation of Seagram and Bronfman that the information confided to Tome would be kept confidential. *See id.* Bronfman Transcript page 93

Q. Why did you call Mr. Tome?

A. I called him because the S.E.C. had initiated this suit and I was concerned that perhaps he had done something. I wanted to make doubly sure he hadn't. Because the only person I knew in Switzerland that would have any knowledge one way or another of anything that was going on, at least for me, was Mr. Tome.

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Defendants object to the underscored portion of the testimony on the grounds that it is opinion testimony for which no proper foundation has been laid and that it is irrelevant to prove Tome's knowledge of Seagram's tender offer plans. These objections are overruled. The quoted passage explains Bronfman's motive for calling Tome in Switzerland as soon as Bronfman learned that the SEC had filed suit against Unknown Purchasers who purchased St. Joe securities through BSI, a Swiss bank. It is highly relevant that Bronfman, the person calling the shots in Seagram's search for an acquisition and the person through whom Tome wangled his way into Seagram's affairs, picked up the phone after learning of the suit to ask Tome whether he had done anything improper with the information Bronfman had confided to him. Bronfman's act of telephoning Tome speaks louder than any words could.

3. *Defendants' Objections To Certain SEC Exhibits*

After trial, both sides submitted additional exhibits into evidence and opposing counsel for each side objected to the other's offer. The SEC's objections to defendants' exhibits are overruled and all exhibits offered by defendants, both at and after trial, are received in evidence and have been reviewed.

[8] The SEC submitted certain exhibits after trial to which the defendants offered only generalized objection.[FN5] One of the objections was that the exhibits (as was other information) were furnished after the Court sessions and while matters that were anticipated but had not been lodged with the Court were forthcoming. In response to the objection, the Court advised defendants' counsel that permission had been granted to supply the data, that exhibits 700, 907, 908, 909, and 913 bore on the issues or contained matter not reasonably controvertible and that "If you or Mr. Schachner have any *specific* objection to any *specific* portion of these enumerated exhibits, the Court will entertain them if received within five days of receipt of this letter." No specific objection was presented. These exhibits are received in evidence.

FN5. Exhibits 900, 901, 902, 903, 904, 905, and 906 were received in evidence without objection.

[9] A further dispute arose as to the admissibility of certain trading records. Suffice it to say that the trading records of transactions so far as they refer to transactions in St. Joe call options or stock are received and those records referring to other stocks or transactions in other stocks or ***638** options are excluded. Such records of St. Joe items were known to defendants well in advance of trial, data therefrom was incorporated in the agreed findings of fact, and compilations thereof may be received appropriately in evidence under Rules 803(6), (8), (17), and (24), Fed.R.Evid. The remaining exhibits offered by the SEC post-trial are excluded.

So Ordered.

S.D.N.Y.,1986.
S.E.C. v. Tome
638 F.Supp. 629, Fed. Sec. L. Rep. P 92,762

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Hoover v. Knight
C.A.Fla., 1982.
Teresa G. HOOVER, Plaintiff-Appellee,
v.
Dewey W. KNIGHT, Jr., individually, and as interim county manager of Dade County, Florida, et al., Defendants-Appellants.
No. 80-5038.

FN* Former Fifth Circuit case, Section 9(1) of Public Law 96-452-October 14, 1980.
June 14, 1982.

Civil Rights Act suit was brought by former county police officer. The United States District Court for the Southern District of Florida, Wm. M. Hoeveler, J., ordered reinstatement, and defendants appealed. The Court of Appeals, Jones, Circuit Judge, held that failure to postpone administrative hearing pending resolution of related criminal charges, with officer refusing to testify, did not violate the privilege against compelled self-incrimination.

Reversed and remanded.

West Headnotes

[1] Witnesses 410 309

410 Witnesses
410III Examination
410III(D) Privilege of Witness
410k309 k. Effect of Refusal to Answer. Most Cited Cases
The state may not impose substantial penalties on a witness who elects to exercise a Fifth Amendment privilege against compelled self-incrimination. U.S.C.A.Const.Amend. 5.

[2] Criminal Law 110 393(1)

110 Criminal Law
110XVII Evidence
110XVII(I) Competency in General
110k393 Compelling Self-Incrimination
110k393(1) k. In General. Most Cited Cases
A state cannot require as a precondition to obtaining a public contract, the waiver of Fifth Amendment rights. U.S.C.A.Const.Amend. 5.

[3] Witnesses 410 309

410 Witnesses
410III Examination
410III(D) Privilege of Witness
410k309 k. Effect of Refusal to Answer. Most Cited Cases
A hearing officer is not constitutionally forbidden from drawing adverse inferences from a public employee's invocation of the privilege against self-incrimination in connection with disciplinary proceedings. U.S.C.A.Const.Amend. 5.

[4] Witnesses 410 309

410 Witnesses
410III Examination
410III(D) Privilege of Witness
410k309 k. Effect of Refusal to Answer. Most Cited Cases
Although hearing examiner refused to continue disciplinary proceedings against county police officer pending resolution of related criminal charges there was no violation of constitutional privilege against compelled self-incrimination where there was no indication that undue weight was given officer's silence and record indicated that there was direct evidence, some discredited by the hearing examiner, which tended to confirm officer's involvement in the alleged misbehavior and police department had a strong interest in the prompt resolution of the charges. U.S.C.A.Const.Amend. 5.

*579 Murray A. Greenberg, First Asst. County Atty., Melinda S. Thornton, Asst. County Atty., Miami, Fla., for defendants-appellants.
Bruce S. Rogow, A.C.L.U., Allen Hyman, Fort Lauderdale, Fla., for plaintiff-appellee.

Appeal from the United States District Court for the Southern District of Florida.

Before JONES, TJOFLAT and ANDERSON, Circuit

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Judges.

JONES, Circuit Judge:

This action was brought under 42 U.S.C. s 1983 by Teresa G. Hoover, a former police officer of the Dade County, Florida, Public Safety Department. The case was submitted to the district court on stipulated facts. The appellee was employed by the Dade County Public Safety Department as a police officer. On April 15, 1975, she was served with a notice that she was being dismissed as of the close of business on that day. The dismissal was based upon the following asserted violations of the Personnel Rules of Metropolitan Dade County, Florida;

(a) That she had been guilty of conduct unbecoming an employee of the county, whether on or off duty;

(b) That she had violated the provisions of departmental rules; and

(c) That she had violated the Public Safety Department rule which requires that during the course of any investigation within the department, the employee is required to give full, complete, and truthful statements.

Four separate charges were made:(1) An illicit sexual involvement with a 15 year old female;

(2) Use of a narcotic drug with two juveniles;

(3) A conversation wherein the appellee stated to a private citizen that she would entrap him by placing narcotic drugs on his person and then arrest him for possession of those drugs, and

(4) Giving untruthful answers concerning the foregoing.

An administrative appeal was taken by the appellee as authorized by The Code of Metropolitan Dade County and a hearing was held at which the appellee was represented by counsel. At the hearing, appellee's counsel requested a continuance on the ground that criminal charges were pending in the state circuit court which were based upon the same events which gave rise to her dismissal from the county police force. Counsel for the appellee argued that proceeding with the administrative hearing would substantially violate appellee's fifth amendment privilege in that any testimony she might offer at the hearing could subsequently be used against her in the criminal prosecution. The hearing examiner denied the request, and proceeded with the hearing.

Pursuant to the Code of Metropolitan Dade County the hearing examiner submitted his report to the county manager. The report stated, in part:

Conclusions and Recommendations:

In light of the foregoing findings of fact, this hearing examiner has determined that Officer Teresa G. Hoover has violated Chapter VIII, Section 7, Paragraph 1, of the Personnel Rules of Metropolitan Dade County, Florida in that she did engage in conduct unbecoming an employee of the county whether on or off duty. It is also the finding of the undersigned that Officer Hoover violated ***580** Chapter IV, Section B, Paragraph 7, of the Public Safety Department Rules and Regulations, in that she gave untruthful answers concerning her knowledge and use of a narcotic drug with two juveniles in her residence.

Individuals charged with the responsibility for enforcing the law must exhibit exemplary personal conduct and be beyond suspicion or reproach. Officer Hoover has failed to meet this standard and has demonstrated conduct unbecoming an employee of Dade County.

It is the recommendation of the undersigned examiner that Officer Teresa Hoover be suspended without pay for a period of ninety days. This examiner is of the opinion that the initial sanction imposed by the Department of Public Safety is too severe in light of all the circumstances heretofore discussed.

The county manager reviewed the findings and recommendations of the hearing examiner and, based on those findings and on the record of the appeal hearing, by letter dated November 20, 1975, confirmed the dismissal of the appellee from the county's employ. The appellee did not seek to have this decision of the county manager reviewed in state court by certiorari, as submitted by the Code of Metropolitan Dade County, Florida. During the week of March 22, 1976, the criminal trial of the appellee was held. At the conclusion of the criminal trial, a jury verdict was returned finding the appellee not guilty on all charges.

By letter dated August 12, 1976, counsel for the appellee requested Dewey W. Knight, Jr., the interim county manager, to reinstate her. The basis of this request was the plaintiff's acquittal in the criminal trial. The interim county manager refused

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reinstatement, basing the refusal upon his belief that the appellee had received a fair and thorough personnel hearing.

The appellee filed a complaint in which it was alleged that the failure of the hearing examiner to postpone her administrative hearing amounted to an unconstitutional burden upon her right to be free from compelled self-incrimination. The district court agreed, and entered summary judgment for the appellee, holding that the failure of the hearing examiner to postpone the administrative hearing "smacked of an invalid attempt to penalize the exercise of the fifth amendment privilege."This ruling was made notwithstanding the fact that the appellee had, in fact, asserted her fifth amendment privilege and refrained from testifying. The defendants were ordered to reinstate the appellee or retry the charges in a new administrative hearing. The defendants have appealed from this decision.

Before this Court for determination is the question of whether the appellee's fifth amendment privilege against compelled self-incrimination was unconstitutionally impaired by the refusal of the hearing examiner to postpone the administrative hearing pending the outcome of a related criminal prosecution.

[1][2] It has been decided that a state may not impose substantial penalties upon a witness who elects to exercise a fifth amendment privilege against compelled self-incrimination. In Garrity v. New Jersey, 385 U.S. 493, 87 S.Ct. 616, 17 L.Ed.2d 562 (1967), police officers under investigation were told that if they declined to answer potentially incriminating questions, they would be removed from office, but that any answers which they did give could be used against them in a criminal prosecution. It was held that statements given under such circumstances were involuntary and could not be used to convict the officers. The court has also held that a state may not discharge an employee for the sole reason of his refusal to waive his fifth amendment rights.Gardner v. Broderick, 392 U.S. 273, 88 S.Ct. 1913, 20 L.Ed.2d 1082 (1968); Uniformed Sanitation Men v. Sanitation Commissioner, 392 U.S. 280, 88 S.Ct. 1917, 20 L.Ed.2d 1089 (1968). See also Lefkowitz v. Cunningham, 431 U.S. 801, 97 S.Ct. 2132, 53 L.Ed.2d 1 (1977). Furthermore, a state cannot require, as a precondition to obtaining a public contract, the waiver of fifth amendment rights.Lefkowitz v. Turley, 414 U.S. 70, 94 S.Ct. 316, 38 L.Ed.2d 274 (1973). A common thread running through these cases is that "a refusal*581 to waive the fifth amendment privilege, standing alone and without regard to other evidence, resulted in loss of employment or opportunity to contract with the state."Baxter v. Palmigiano, 425 U.S. 308, 96 S.Ct. 1551, 47 L.Ed.2d 810 (1976). The direct imposition of sanctions against one who asserts the fifth amendment privilege has consistently been held by the Supreme Court to be in violation of the constitution.

As in the instant case, these fifth amendment issues frequently arise when parallel criminal, civil or administrative proceedings are pending. In Luman v. Tanzler, 411 F.2d 164 (5th Cir. 1969), cert. den., 396 U.S. 929, 90 S.Ct. 264, 24 L.Ed.2d 227 (1969), a police officer was suspended from the Jacksonville, Florida, Police Department for conduct prejudicial to the "efficiency, good name and reputation" of the department. Related state criminal charges were thereafter filed against the officer. He sought to have his administrative hearing continued in view of the pending state criminal proceedings. Upon the police department's refusal to postpone the administrative hearing, the officer sought an injunction in federal court. The Fifth Circuit Court of Appeals held that the police department's refusal to postpone the administrative hearing did not infringe any of the officer's constitutional rights. It was said that "At the administrative hearing (the officer) will have a free choice to admit, deny, or refuse to answer. This is full vindication of the fifth amendment privilege against self-incrimination."Luman v. Tanzler, 411 F.2d at 167.

In Diebold v. Civil Service Commission of St. Louis County, 611 F.2d 697 (8th Cir. 1979), a public employee was dismissed from his job following an arrest for a criminal offense. He was required to defend two related cases simultaneously, one criminal and the other administrative. In deciding that the employee's fifth amendment rights were not infringed as a result of the necessity of having to defend in the two parallel proceedings, the Eighth Circuit Court of Appeals stated that "... as long as an employee such as Diebold is not faced with the decision to surrender either his job or his

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constitutional privilege against self-incrimination, his predicament, no matter how undesirable, does not raise constitutional questions. (citations omitted).... There exists no requirement that (the employee) waive his immunity under the fifth amendment. Nor is there a threat that he will be fired simply for invoking the privilege."(citations omitted).611 F.2d at 700-1. In accord, Arthurs v. Stern, 560 F.2d 477 (1st Cir. 1977), cert. den., 434 U.S. 1034, 98 S.Ct. 768, 54 L.Ed.2d 782 (1978); DeVita v. Sills, 422 F.2d 1172 (3rd Cir. 1970).

Many cases have held that parallel criminal and civil trials or investigations do not raise questions of constitutional magnitude with respect to the privilege against self-incrimination. In United States v. White, 589 F.2d 1283 (5th Cir. 1979), a defendant in criminal proceeding contended that being forced to defend in a civil case while criminal charges arising out of the same conduct were pending forced him to choose between preserving his fifth amendment privilege and losing the civil suit. The Court of Appeals stated that "He was not forced to surrender his privilege against self-incrimination in order to prevent a judgment against him; although he may have been denied his most effective defense by remaining silent, there is no indication that invocation of the fifth amendment would have necessarily resulted in an adverse judgment."589 F.2d at 1286. See also, S.E.C. v. Dresser Industries, Inc., 628 F.2d 1368 (D.C.Cir.1980) (en banc), cert. den.449 U.S. 993, 101 S.Ct. 529, 66 L.Ed.2d 289 (1980).

In United States v. Kordel, 397 U.S. 1, 90 S.Ct. 763, 25 L.Ed.2d 1 (1970) parallel civil and criminal suits were brought against various individual and corporate defendants, alleging violations of the Food, Drug & Cosmetic Act. In discussing these parallel civil and criminal proceedings, brought by the same agency, the Supreme Court stated that, "It would stultify enforcement of federal law to require a governmental agency such as the F.D.A. invariably to choose either to forego recommendation of a criminal prosecution once it seeks civil relief, or to defer civil proceedings pending the ultimate outcome of a criminal trial.

***582** "We do not deal here with a case where the government has brought a civil action solely to obtain evidence for its criminal prosecution or has failed to advise the defendant in its civil proceeding that it contemplates his criminal prosecution; nor with a case where the defendant is without counsel or reasonably fears prejudice from adverse pretrial publicity or other unfair injury; ..."(citations omitted).397 U.S. at 11-12, 90 S.Ct. at 769-770.

In light of these precedents, we turn to the facts of this case. The appellee was faced with difficult choices to make regarding the manner of litigating her cases. However, she was not forced to waive her fifth amendment privilege or face an immediate job termination. Cf. Gardner v. Broderick, supra;Uniformed Sanitation Men v. Sanitation Commissioner, supra.She always had the right to assert her constitutional privilege, and did so. It does not appear that the state was unlawfully attempting to gather evidence for its pending criminal prosecution. The appellee was aware that criminal charges were pending against her. She was represented by counsel at all stages of the administrative hearing.

[3][4] The trial court noted that it cannot be ascertained from the record or the hearing examiner's opinion whether an adverse inference was drawn from the appellee's silence.[FN1] However, there is no indication that undue weight was given to her silence. The record indicates that there was direct evidence, some discredited by the hearing examiner, which tended to confirm the appellee's involvement in the alleged misbehavior. As in Baxter v. Palmigiano, supra, the appellee's silence was only one of a number of factors to be considered by the finder of fact.

FN1. We note that the hearing examiner would not be constitutionally forbidden from drawing adverse inferences from an invocation of the privilege against self-incrimination.Baxter v. Palmigiano, supra;Wehling v. Columbia Broadcasting System, 611 F.2d 1026 (5th Cir. 1980).

Finally, it should be noted that the police department had a strong interest in the prompt resolution of the charges against the appellee. Even though she was on suspension and the hearing examiner's discretion might better have been used in granting a continuance, a balancing of the police department's interest in the prompt resolution of the case against the appellee's interest in litigating her

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cause without risk to her position leads us to conclude that this controversy does not rise to the level of an impermissible burden on the exercise of her constitutional rights.[FN2]

> FN2. The Code of Metropolitan Dade County contemplates that some administrative hearings should be continued pending the outcome of related criminal proceedings. Section 2-47 of the code provides, in part: "All hearings pursuant to this section shall be commenced within sixty (60) days from the time the notice of appeal is received by the personnel director unless the employee requests additional time to prepare his appeal or requests that the hearing be continued pending the outcome of a related criminal proceeding, or requests additional time for other good reason."

We conclude that the district court should not have entered summary judgment for the appellee, and reverse and remand for the entry of judgment in favor of the appellants.

REVERSED and REMANDED.

C.A.Fla., 1982.
Hoover v. Knight
678 F.2d 578

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Rosenberg v. Board of Educ. of School Dist. No. 1, Denver Public Schools
Colo.,1985.

Supreme Court of Colorado,En Banc.
Lewis ROSENBERG, Petitioner,
v.
The BOARD OF EDUCATION OF SCHOOL DISTRICT NO. 1, DENVER PUBLIC SCHOOLS, Respondent.
No. 83SC321.

Dec. 9, 1985.
Rehearing Denied Jan. 13, 1986.

Teacher, who was subject of tenured teacher dismissal proceeding, petitioned for review of decision of hearing officer dismissing him. The Court of Appeals, 677 P.2d 348, affirmed teacher's dismissal, and certiorari was granted. The Supreme Court, Dubofsky, J., held that: (1) hearing officer did not abuse discretion by refusing to allow teacher to depose 12 witnesses; (2) hearing officer did not abuse discretion by refusing to allow teacher to depose 12-year-old male elementary student with whom he was alleged to have had improper sexual contact; and (3) hearing officer did not abuse discretion by refusing to allow continuance of proceeding pending outcome of parallel criminal proceedings.

Affirmed.

Neighbors, J., filed opinion dissenting in part and concurring in part.

West Headnotes

[1] Administrative Law and Procedure 15A ⚿754.1

15A Administrative Law and Procedure
15AV Judicial Review of Administrative Decisions
15AV(D) Scope of Review in General
15Ak754 Discretion of Administrative Agency
15Ak754.1 k. In General. Most Cited Cases
(Formerly 15Ak754)
Hearing officer's decision will not be reversed as abuse of discretion unless, given totality of actual circumstances at time of decision, hearing officer's decision exceeded bounds of reason, and such abuse is clearly shown in record.

[2] Administrative Law and Procedure 15A ⚿754.1

15A Administrative Law and Procedure
15AV Judicial Review of Administrative Decisions
15AV(D) Scope of Review in General
15Ak754 Discretion of Administrative Agency
15Ak754.1 k. In General. Most Cited Cases
(Formerly 15Ak754)
Whether hearing officer misconstrued law and whether party alleging abuse of discretion acted in diligent manner may be considered in determining whether hearing officer abused discretion.

[3] Schools 345 ⚿147.31

345 Schools
345II Public Schools
345II(K) Teachers
345II(K)2 Adverse Personnel Actions
345k147.30 Proceedings
345k147.31 k. In General. Most Cited Cases
(Formerly 345k147.30, 345k141(5))
Impracticability of taking and transcribing 12 depositions was valid consideration by hearing officer in exercising discretion regarding whether to allow taking of depositions in tenured teacher dismissal proceeding. C.R.S. 24-4-105(4).

[4] Pretrial Procedure 307A ⚿91

307A Pretrial Procedure
307AII Depositions and Discovery
307AII(C) Discovery Depositions
307AII(C)1 In General

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307Ak91 k. Nature and Right to Examine or Take Depositions in General. Most Cited Cases

Pretrial Procedure 307A ⚿335

307A Pretrial Procedure
307AII Depositions and Discovery
307AII(E) Production of Documents and Things and Entry on Land
307AII(E)1 In General
307Ak335 k. Right to Remedy and Grounds in General. Most Cited Cases
Fairness may require production of records and deposition of key witnesses in some cases, especially where significant part of case consists of sworn testimony from few witnesses.

[5] Pretrial Procedure 307A ⚿92

307A Pretrial Procedure
307AII Depositions and Discovery
307AII(C) Discovery Depositions
307AII(C)1 In General
307Ak92 k. Discretion and Leave of Court. Most Cited Cases
Hearing officer in tenured teacher dismissal proceeding did not abuse discretion by refusing to allow teacher to take 12 depositions, where hearing officer felt it was impracticable in view of time constraints and teacher was provided with list of school board's witnesses, brief description of testimony to be elicited from each, and list of school board's exhibits.

[6] Pretrial Procedure 307A ⚿96.1

307A Pretrial Procedure
307AII Depositions and Discovery
307AII(C) Discovery Depositions
307AII(C)1 In General
307Ak96 Persons Who May Be Examined
307Ak96.1 k. In General. Most Cited Cases
(Formerly 307Ak96)
Hearing officer in tenured teacher dismissal proceeding did not abuse discretion by denying teacher right to take deposition of 12-year-old male elementary student with whom he was alleged to have had improper sexual contact, where student was not listed as witness by school district, student did not testify at hearing, and teacher failed to show prejudice resulting from refusal to allow deposition.

[7] Administrative Law and Procedure 15A ⚿468

15A Administrative Law and Procedure
15AIV Powers and Proceedings of Administrative Agencies, Officers and Agents
15AIV(D) Hearings and Adjudications
15Ak468 k. Time for Hearing; Continuance. Most Cited Cases
There is no right to continuance of administrative proceedings pending outcome of parallel criminal proceedings.

[8] Constitutional Law 92 ⚿4688

92 Constitutional Law
92XXVII Due Process
92XXVII(H) Criminal Law
92XXVII(H)5 Evidence and Witnesses
92k4684 Defendant as Witness
92k4688 k. Defendant's Right to Testify. Most Cited Cases
(Formerly 92k268(10))
Party's due process rights are violated if his testimony in criminal proceeding is burdened by possibility that prosecution may use his testimony against him in habitual criminal proceeding. U.S.C.A. Const.Amend. 5.

[9] Constitutional Law 92 ⚿4212(2)

92 Constitutional Law
92XXVII Due Process
92XXVII(G) Particular Issues and Applications
92XXVII(G)8 Education
92k4204 Students
92k4212 Notice and Hearing; Proceedings and Review
92k4212(2) k. Disciplinary Proceedings. Most Cited Cases
(Formerly 92k278.4(4))
Party's due process rights are violated if he is denied lawyer in student disciplinary hearing when criminal charges are pending. U.S.C.A. Const.Amend. 5.

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[10] Schools 345 ⇦147.32

345 Schools
345II Public Schools
345II(K) Teachers
345II(K)2 Adverse Personnel Actions
345k147.30 Proceedings
345k147.32 k. Time; Continuance.
Most Cited Cases
(Formerly 345k141(5))
Hearing officer in tenured teacher dismissal proceeding did not abuse discretion by denying teacher continuance to await outcome of pending criminal charges, though no one could testify in teacher's stead regarding what transpired between him and 12-year-old male student with whom he was alleged to have had improper sexual contact, where there was no indication that civil proceedings were initiated to obtain evidence for criminal trial, teacher waited until after presentation of all evidence to request continuance, and public and school board had strong interest in expeditiously concluding proceedings.

***1096** Larry F. Hobbs, William P. Bethke, Vonda G. Hall, Hobbs/Bethke & Associates, Denver, for petitioner.
Martin Semple, Conklin & Adler, Denver, for respondent.
DUBOFSKY, Justice.

We granted certiorari in *Rosenberg v. Board of Education*, 677 P.2d 348 (Colo.App.1983), to consider whether a hearing officer in a tenured teacher dismissal proceeding erred in refusing to allow the teacher to take a deposition of the student with whom the teacher was alleged to have had sexual contact and in denying the teacher a continuance to await the outcome of pending criminal charges. The court of appeals, holding that the teacher suffered no prejudice as a result of the hearing officer's denial of requested depositions [FN1] and that the hearing officer's refusal to grant a continuance was a proper exercise of discretion, upheld the teacher's dismissal. We affirm the judgment of the court of appeals.

FN1. The teacher initially requested twelve depositions and asserted to the court of appeals that the hearing officer erred in denying some of the depositions, including the student's deposition. Here, the teacher raises as error only the denial of one of the twelve requested depositions.

On June 13, 1980, the Superintendent of School District 1 in the City and County of Denver, under the provisions of the Teacher Employment, Dismissal, and Tenure Act, section 22-63-117, 9 C.R.S. (1973 & 1985 Supp.), recommended that the Denver Board of Education (school board) accept for review two charges against Lewis L. Rosenberg, a tenured teacher who was assigned to the Program for Pupil Assistance (P.P.A.), a program for students with behavioral problems. The superintendent requested that Rosenberg be dismissed from his employment with the school district for engaging in improper sexual contact with a twelve-year-old male elementary student and for failing to discharge properly his duties and responsibilities as a teacher.

Rosenberg requested a hearing before a hearing officer as provided in section 22-63-117(3).[FN2] After the prehearing conference held on August 19, 1980, the hearing officer issued a prehearing order setting the hearing for September 29 and 30, 1980, and requiring the school board to file a list of witnesses to be produced at the hearing, a brief description of the testimony to be elicited from each witness, and a list of exhibits. The hearing officer also required Rosenberg to submit a list of the persons he wished to depose, a brief statement of the subject or subjects to which each deposition would be directed, and a memorandum concerning his right to take depositions. The school board was to submit its ***1097** objections to Rosenberg's request for depositions and a memorandum supporting them.

FN2. Ch. 202, sec. 3, section 22-63-117(3), 1979 Colo.Sess.Laws 800, 801, provides in part:

Such teacher shall be entitled to such a hearing if he files with said secretary a written request therefor within seven days after the date of receipt of the notice. Failure of said teacher to file such written request within said time is a waiver of his right to a hearing.

The general assembly has inserted additional language in this section regarding the teacher's compensation pending the school board's decision. Section 22-63-117(3), 9 C.R.S. (1985 Supp.).

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On August 25, 1980, Rosenberg submitted the required memorandum and a list of twelve persons whom he wished to depose.[FN3] On September 11, 1980, after receiving the school board's memorandum and Rosenberg's reply, the hearing officer declined to authorize the taking of oral depositions because their transcription was impracticable given the time restraints.[FN4]

> FN3. Rosenberg requested that he be allowed to depose the victim, the victim's mother, the victim's sister, the school principal, the assistant principal, two teachers, the school nurse, two psychiatrists who had examined the victim, a physician who had examined the victim on May 28, 1980, the day of the second incident, and a social worker assigned to the case.

> FN4. After noting that the teacher had asserted that section 24-4-105(4), 9 C.R.S. (1982) authorized the taking of depositions, the hearing officer ruled:

The hearing officer must note that the deposition procedure set forth in C.R.C.P. 30 is in fact highly impracticable in the context of a hearing conducted pursuant to the Teacher Employment, Dismissal, and Tenure Act (citation omitted).... The hearing officer cannot compel the waiver of [the] time limits in order to accommodate the transcription of the deposition and its submission to the witness for signature pursuant to C.R.C.P. 30. The hearing officer must therefore decline to authorize the taking of the oral depositions in this case.

At the hearing on September 29 and 30, 1980, two teachers testified that on the morning of May 23, 1980, they saw Rosenberg in the P.P.A. classroom rocking the student on his lap. A child's moan came from the room, and Rosenberg and the student exchanged several kisses. Two teachers and a school nurse testified that on May 28, 1980, they saw Rosenberg and the student through the glass window in the door to the P.P.A. classroom, a narrow room that formerly served as a kitchen, silhouetted through a fairly sheer curtain covering a stage opening in a puppet house. The teachers testified that for approximately thirty minutes Rosenberg was rocking the student, the student caressed Rosenberg's face, there was repeated kissing on the lips, and the child moaned. When the principal's assistant unlocked the door and entered the room, the student and the teacher jumped up, and Rosenberg picked up his tie from the floor and put it on. A psychiatric consultant testified that such events would have a detrimental effect on the victim, who was an emotionally disturbed child who had a prior history of either being sexually abused or witnessing overt sexual activity.[FN5] After presenting several witnesses who testified to Rosenberg's compassionate qualities as a teacher and the appropriateness of physical contact with students in improving their self-esteem, Rosenberg's counsel stated that Rosenberg would be his final witness. However, because a criminal action was pending against Rosenberg as a result of statements made by the student, Rosenberg's counsel had advised his client not to testify until after the criminal matter was disposed of on January 5, 1981. Counsel therefore requested a continuance until after that date. Because Rosenberg's counsel could not cite any case law to support his request, the hearing officer denied the motion for a continuance.[FN6] Criminal charges against Rosenberg were dismissed on February 23, 1981, apparently because ***1098** the student was deemed incompetent to testify.

> FN5. The school board's psychiatrist testified that the student had a history of behavioral problems including stealing, lying, disruptive behavior, and precocious sexual interest. The teacher was aware of the student's history. The student was enrolled in the P.P.A. program in November, 1979, but by May, 1980, when the incidents in question arose, the student was no longer assigned to the P.P.A. class.

> FN6. The hearing officer questioned Rosenberg's counsel about why no motion for a continuance was made earlier. When the hearing officer learned that counsel had not made the motion earlier because he thought that the statute required a hearing within a specific time and was unaware that the time limit had been waived, the hearing officer ruled:

[A]s I understand the law, however, it is against you.... [I]f there is authority to the contrary you have had ample time to look it up before the middle of the hearing today. Under the circumstances I must deny your motion.

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The hearing officer found that Rosenberg had engaged in physical contact with the student that was "carnal in nature and motivation" and "was not designed to further the personal or academic interests" of the student and recommended that Rosenberg be dismissed for immoral conduct. After reviewing the hearing officer's findings of fact and recommendation, the school board dismissed Rosenberg on November 25, 1980.

Rosenberg petitioned for review, arguing that the denial of his request to take depositions of some of the witnesses, including the student, and the denial of his request for a continuance were improper. The court of appeals affirmed Rosenberg's dismissal, holding that Rosenberg suffered no prejudice from the hearing officer's refusal to allow the depositions and that, because of the school system's interest in an expeditious resolution of this case, the hearing officer did not abuse her discretion by refusing to grant a continuance. Rosenberg now alleges that the hearing officer's refusal to allow the student's deposition and refusal to grant a continuance cumulatively constituted an abuse of discretion. We disagree.

I.

Rosenberg contends that Ch. 202, sec. 3, section 22-63-117(6), 1979 Colo. Sess. Laws 800, 802,[FN7] and section 24-4-105(4), 10 C.R.S. (1982), permit the taking of depositions in teacher dismissal proceedings. Section 22-63-117(6) provides in part: "The hearing officer may receive or reject evidence and testimony, administer oaths, and, if necessary, subpoena witnesses.... The hearing officer may ... do all other acts normally performed by an administrative hearing officer." In addition to providing the hearing officer with enumerated powers, section 24-4-105(4) permits the hearing officer to "take any other action authorized by agency rule consistent with this article or in accordance, to the extent practicable, with the procedure in district courts." C.R.C.P. 26 through 37 authorize comprehensive pretrial discovery, including depositions, "to facilitate the simplification of issues and avoid surprises at trial." *Ricci v. Davis*, 627 P.2d 1111, 1122 (Colo.1981).

FN7. Section 22-63-117(6) was amended by section 22-63-117(6), 9 C.R.S. (1985 Supp.). The amendment is irrelevant to the issue before us.

Commentators support the use of discovery in administrative proceedings, including the limited use of depositions, although granting or denying the use of depositions is within the discretion of the hearing officer. *See* 3 K. Davis, *Administrative Law Treatise* § 14.8, at 35-38 (2d ed. 1980); 1 C. Koch, *Administrative Law and Practice* §§ 5.42, 5.44, at 389, 391 (1985); Tomlinson, *Discovery in Agency Adjudication*, 1971 Duke L.J. 89, 103-09, 143-44;[FN8] *see also Shively v. Stewart*, 65 Cal.2d 475, 421 P.2d 65, 55 Cal.Rptr. 217 (1966). After Rosenberg's hearing, this court held in *Ricci*, 627 P.2d at 1122, that depositions are permitted in administrative hearings but that the decision to allow depositions is within the discretion of the hearing officer.

FN8. Tomlinson recommends the limited use of depositions in order to prevent surprise based on the following conditions: (1) usually only after prehearing conference; (2) only through the presiding officer; (3) notice and opportunity to object to other parties; (4) presiding officer should not permit deposition to cause delay; (5) presiding officer should assure that good cause does not exist for not using depositions; and (6) no deposition of agency employees unless it is "seeking significant unprivileged information not discoverable by alternative means."

1 C. Koch, *supra* p. 6, at 391, citing Tomlinson, *supra* p. 6, § 5.44, at 103-09, 143-44.

[1][2] Because it was within the discretion of the hearing officer to allow discovery and because Rosenberg does not allege a deprivation of due process, our review is limited to whether the hearing officer's refusal to allow depositions was an abuse of discretion. A hearing officer's decision will not be reversed as an abuse of discretion unless, given the totality of the factual circumstances at the time of the decision, the hearing officer's decision exceeded***1099** the bounds of reason. *Bennett v. Price*, 167 Colo. 168, 172-73, 446 P.2d 419, 421 (1968). In addition, because this court's inquiry is limited to the record, the record should clearly show such an abuse of discretion. *Board of Adjustment v. Handley*, 105 Colo. 180, 188, 95 P.2d 823, 826 (1939). In considering whether there has been an abuse of discretion, courts may consider whether the hearing officer misconstrued the law and whether the

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party alleging an abuse of discretion acted in a diligent manner. *South Dakota Trucking Ass'n, Inc. v. South Dakota Dep't of Transportation*, 305 N.W.2d 682, 684 (S.D.1981); *see NLRB v. Interboro Contractors, Inc.*, 432 F.2d 854, 860-61 (2d Cir.1970), *cert. denied.*, 402 U.S. 915, 91 S.Ct. 1375, 28 L.Ed.2d 661 (1971).

[3] Rosenberg alleges that the hearing officer failed to exercise discretion because she misconstrued both law and fact. Rosenberg argues that the hearing officer felt compelled to deny the taking of the depositions because of time limitations in section 22-63-117(5)[FN9] and therefore did not apply discretion to resolve the deposition question. We determine that the hearing officer did exercise discretion in denying the taking of twelve depositions. The hearing officer's order makes it clear that the request to take the depositions was denied not only because the hearing officer felt she could not compel further waiver of the time limits, but also because the parties had agreed to the hearing date, and it was impracticable in view of the time constraints to allow the taking of twelve depositions and their transcription. There is no indication other than the hearing officer's colloquial use of the word "must" to indicate that the hearing officer felt herself compelled to decline the request for the depositions. *See* note 4, *supra*. The impracticability of taking and transcribing twelve depositions is a valid consideration in exercising discretion regarding the taking of depositions. *See* § 24-4-105(4); *cf. South Dakota Trucking Ass'n*, 305 N.W.2d at 686-87.

> FN9. In the order denying Rosenberg's request for twelve depositions, the hearing officer noted that the right "to grant continuances is specifically subordinated to the time limitations set forth in C.R.S.1973, 22-63-117(5), as amended." In fact, in September 1980 the only time limitations were a requirement that the hearing be held later than twenty-five days after the hearing officer was selected, Ch. 202, sec. 3, § 22-63-117(5), 1979 Colo.Sess.Laws 800, 802, and a requirement that the hearing officer make findings within thirty days of the officer's selection, Ch. 202, sec. 3, § 22-63-117(8), 1979 Colo.Sess.Laws 800, 802. The interrelationship of the time limits in subsections (5) and (8) gave the hearing officer five days to conduct the hearing and make findings. The parties to the proceeding before us waived the time restriction in subsection (8) at the prehearing conference. The statute has since been amended to require a hearing within 30 days of the officer's selection and to require that the findings of fact be adopted by the hearing officer within 30 days after the hearing. Section 22-63-117(5) and (8), 9 C.R.S. (1985 Supp.).

[4][5] Given the totality of the circumstances at the time Rosenberg requested the twelve depositions, we cannot say that the hearing officer's decision "exceed[ed] the bounds of reason." *Bennett*, 167 Colo. at 172, 446 P.2d at 421. In some cases fairness may require the production of records and the deposition of key witnesses, especially where a significant part of the case consists of sworn testimony from a few witnesses. *See La Petite Auberge, Inc. v. Rhode Island Comm'n for Human Rights*, 419 A.2d 274, 280-82 (R.I.1980). Depositions serve to prevent the unfairness that accompanies surprise. *See Interboro Contractors*, 432 F.2d at 860-61; *La Petite Auberge*, 419 A.2d at 282. In this case, however, Rosenberg was provided with a list of the school board's witnesses, a brief description of the testimony to be elicited from each, and a list of the school board's exhibits, including all the school and medical records of the student, all eyewitness statements, and reports on what the student said. The school board's witness list included six of the twelve people Rosenberg wanted to depose.

[6] Although Rosenberg originally requested twelve depositions, he now claims that only the denial of the student's deposition***1100** was an abuse of discretion. Rosenberg has failed, however, to show that any prejudice resulted from the hearing officer's refusal to let him depose the student. *Cf. Ricci*, 627 P.2d at 1122 (due process right to deposition not infringed unless there is a showing of prejudice); *McClelland v. Andrus*, 606 F.2d 1278, 1286 (D.C.Cir.1979) (due process requires discovery if refusal would prejudice party); *Interboro Contractors*, 432 F.2d at 860 (no abuse of discretion if no showing of prejudice through admission of unforeseeable evidence or denial of cross-examination).

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The student was not listed as a witness by the school district, and the student did not testify at the hearing. Indeed, at the time the hearing officer denied Rosenberg's request for depositions, the student was listed as a potential witness for the teacher. At the time the hearing officer denied the deposition request, she had no evidence concerning the student's emotional problems that might lead her to believe there would be difficulties interviewing the student or subpoenaing the student to testify. Given the totality of the circumstances, the hearing officer's refusal to allow Rosenberg to depose the student was not an abuse of discretion.

II.

The teacher also asserts that the failure of the hearing officer to permit a continuance created an intolerable tension between his right to testify in his own behalf at the dismissal hearing and his constitutional right to remain silent pending criminal charges. A hearing officer "may order a continuance" subject to section 22-63-117(5). Ch. 202, sec. 3, § 22-63-117(6), 1979 Colo.Sess.Laws 800, 802.[FN10] The word "may" in the statute makes it clear that it was within the hearing officer's discretion in this case to grant a continuance. *See also* Pickholz, *Excerpt from Parallel Civil Cases in Global Settlements,* in *Parallel Grand Jury and Administrative Agency Investigations* 950-53 (1981); Wilson and Matz, *Obtaining Evidence for Federal Economic Crime Prosecutions: An Overview and Analysis of Investigative Methods,* 14 Am.Crim.L.Rev. 651, 703-07 (1977).

FN10. Section 22-63-117(6) provides in part:

The hearing officer may order a continuance subject to subsection (5) of this section.

The general assembly has modified this language. Section 22-63-117(6), 9 C.R.S. (1985 Supp.). This section now requires that no continuance may be granted absent "a clear showing of good cause" and that the hearing officer make "[s]pecific findings of fact" when a continuance is granted.

Ch. 202, sec. 3, section 22-63-117(5), 1979 Colo.Sess.Laws 800, 801-02, provides in part:

Promptly after his selection, the hearing officer shall give the teacher at least seven days' written notice of the hearing, including the place and time therefor but in no event shall such hearing be held less than twenty-five days after the selection of the hearing officer.

The general assembly has modified this language. Section 22-63-117(5), 9 C.R.S. (1985 Supp.). *See* note 9, *supra.*

[7][8][9] Rosenberg does not assert here that the hearing officer's denial of a continuance pending the outcome of criminal charges violated his constitutional rights;[FN11] ***1101** rather, he asserts that in creating a tension between his right to testify on his own behalf at the administrative hearing and his right not to provide evidence for a criminal proceeding, the denial of a continuance constituted an abuse of discretion, especially when considered with the hearing officer's refusal to allow the depositions.

FN11. There is no right to a continuance of administrative proceedings pending the outcome of parallel criminal proceedings. In *United States v. Kordel,* 397 U.S. 1, 9-11, 90 S.Ct. 763, 768-769, 25 L.Ed.2d 1 (1970), because of the great public interest in protecting the public from mislabeled drugs, the Supreme Court affirmed the denial of a stay of civil discovery even though no one in the drug manufacturing corporation could respond without self incrimination. Several courts have determined that it is not repugnant to due process to give the party subject to discipline hearings the choice between giving testimony at disciplinary proceedings and keeping silent when there is a strong public interest in disciplining public employees or doctors. *Arthurs v. Stern,* 560 F.2d 477 (1st Cir.1977), *cert. denied,* 434 U.S. 1034, 98 S.Ct. 768, 54 L.Ed.2d 782 (1978); *Giampa v. Illinois Civil Serv. Comm'n,* 89 Ill.App.3d 606, 44 Ill.Dec. 744, 411 N.E.2d 1110 (1980); *Flickinger v. Commonwealth of Pennsylvania,* 75 Pa.Commw. 84, 461 A.2d 336 (1983); *Herberg v. State Board of Medical Educ. and Licensure,* 65 Pa.Commw. 358, 442 A.2d 411 (1982). Courts generally have refused to find a fifth amendment violation when, as in this case, the refusal to testify does not automatically lead to sanctions. *Wimmer v. Lehman,* 705 F.2d 1402 (4th Cir.), *cert. denied,* 464 U.S. 992, 104 S.Ct. 484, 78 L.Ed.2d 681 (1983); *Hoover v. Knight,* 678 F.2d 578 (5th Cir.1982);

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Diebold v. Civil Serv. Comm'n, 611 F.2d 697 (8th Cir.1979); *United States v. Rilliet,* 595 F.2d 1138 (9th Cir.1979); *cf. Baxter v. Palmigiano,* 425 U.S. 308, 96 S.Ct. 1551, 47 L.Ed.2d 810 (1976) (an adverse inference may be drawn from one's silence in a civil proceeding). A party's due process rights are violated, however, if his testimony in a criminal proceeding is burdened by the possibility that the prosecution may use his testimony against him in an habitual criminal proceeding, *People v. Chavez,* 621 P.2d 1362 (Colo.), *cert. denied,* 451 U.S. 1028, 101 S.Ct. 3019, 69 L.Ed.2d 398 (1981), or if he is denied a lawyer in a student disciplinary hearing when criminal charges are pending. *Gabrilowitz v. Newman,* 582 F.2d 100 (1st Cir.1978).

Courts have used a variety of considerations to determine whether civil or administrative proceedings should be stayed pending criminal proceedings. In *Standard Sanitary Mfg. Co. v. United States,* 226 U.S. 20, 52, 33 S.Ct. 9, 16, 57 L.Ed. 107 (1912), the United States Supreme Court upheld a lower court's refusal to delay civil proceedings under the Sherman Act because a rule requiring delay "might result in injustice or take from the statute a great deal of its power ... [and] would compel the postponement of the enforcement of the civil remedies until the exhaustion of criminal prosecutions or their expiration by lapse of time." Other courts have engaged in balancing tests in which they weigh the employer's interest in a prompt resolution of the case against the employee's interest in proceeding without risk. *Hoover v. Knight,* 678 F.2d 578, 582 (5th Cir.1982); *Lang v. Lee,* 639 S.W.2d 111, 114 (Mo.Ct.App.1982). Rosenberg suggests that we apply the factors outlined in *In re Mid-Atlantic Toyota Anti-Trust Litigation,* 92 F.R.D. 358, 359 (D.Md.1981), to determine whether the hearing officer's refusal of a continuance was an abuse of discretion: "(1) the interest of the plaintiff in proceeding expeditiously with the civil action as balanced against the prejudice to the plaintiffs [from] delay; (2) the burden on [the] defendants; (3) the convenience to the courts; (4) the interest of persons not parties to the civil litigation; and (5) the public interest." The *Mid-Atlantic Toyota* court refused a stay because it found that the plaintiffs would be prejudiced when their witnesses' memories faded or the witnesses were not available, and that the defendant would not be prejudiced because there were no criminal charges pending, self-incrimination does not apply to a corporation, someone in the company could respond to discovery, and the civil proceedings were not used to obtain evidence for a criminal trial. *Id.* at 359-60.

[10] In this case the school board could be prejudiced by the failure of witnesses' memories or the witnesses' unavailability if it became necessary to recall them to testify. Although the teacher here had criminal charges pending and no one else could testify in his stead, the public and the school board had a strong interest in expeditiously concluding the proceedings, and there is no indication that the civil proceedings were initiated to obtain evidence for the criminal trial. Moreover, Rosenberg waited until after the presentation of all the evidence to request a continuance. Granting a continuance at that point could result in the presentation of conflicting evidence months or perhaps years apart. Rosenberg's diligence in requesting a stay also should be considered in deciding whether the denial of that stay is an abuse of discretion. Even though Rosenberg agreed to forego pay during the period of the continuance, his request for a delay would impair the board's interest in prompt discipline of its teachers. *Cf. Flickinger v. Commonwealth,* 75 Pa.Commw. 84, 461 A.2d 336, 338 (1983); *Herberg v. State Board of Medical Educ. and Licensure,* 65 Pa.Commw. 358, 442 A.2d 411, 413 (1982). Accordingly, we hold that the hearing officer acted within the appropriate limits of her discretion in denying Rosenberg's requested continuance.[FN12]

FN12. Rosenberg refers to two cases in which courts found that stays should be granted, but these cases are distinguishable. *Wehling v. Columbia Broadcasting System,* 608 F.2d 1084 (5th Cir.1979), *reh'g denied per curiam,* 611 F.2d 1026 (1980) (automatic dismissal of libel case too severe a penalty for invoking the fifth amendment during oral depositions because of federal grand jury subpoena); *Ott v. Board of Education,* 160 N.J.Super. 333, 389 A.2d 1001 (App.Div.), *certification denied,* 78 N.J. 336, 395 A.2d 204 (1978) (court used equitable powers to stay hearing after school board requested teacher's sworn statement regarding charges against him).

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***1102** Taken separately, neither the denial of the request to take the student's deposition nor the denial of a continuance constituted an abuse of discretion. Considered together, given the facts that at the time the hearing officer ruled twelve depositions were requested and that the request for a continuance was not made until the close of evidence, the hearing officer's rulings did not exceed the bounds of reason.

Judgment affirmed.

NEIGHBORS, J., dissents in part and concurs in part.NEIGHBORS, Justice, dissenting in part and concurring in part:

I agree that the legal principles set forth in section I of the court's opinion are those pertinent here. However, I disagree with the application of those standards to the facts of this case and, therefore, respectfully dissent to that part of the opinion.

The deposition issue presented by the teacher and upon which we granted certiorari review is a narrow one: Whether the hearing officer abused her discretion in refusing to allow the teacher to take the deposition of the student with whom the teacher was alleged to have had sexual contact. In denying the teacher's request to depose twelve potential witnesses, including the student, the hearing officer stated:

The hearing officer must note that the deposition procedures set forth in C.R.C.P. 30 is in fact highly impracticable in the context of a hearing conducted pursuant to the Teacher Employment, Dismissal, and Tenure Act, C.R.S. 1973, 22-63-101, *et seq.*, as amended. The right of the hearing officer to grant continuances is specifically subordinated to the time limitations set forth in C.R.S. 1973, 22-63-117(5), as amended. The hearing officer cannot compel the waiver of these time limits in order to accommodate the transcription of a deposition and its submission to the witness for signature pursuant to C.R.C.P. 30. The hearing officer must therefore decline to authorize the taking of oral depositions in this action.

This rationale is seriously flawed in view of the fact that the time requirements were *waived* by the parties. In her prehearing order, the hearing officer stated:Upon the ruling of hearing officer Lynn Davidson that the provisions of C.R.S. 1973, 22-63-117, as amended, concerning the holding of hearing within 25 days and adoption of findings within 30 days of the selection of the hearing officer, are waivable through the mutual agreement of the parties, it was so agreed that the provisions be waived.

Thus, the hearing officer abused her discretion by relying on time limitations which had been waived as a basis for denying the discovery deposition sought by the teacher.

Moreover, the teacher was prejudiced by the denial of his request to take the deposition of the student. The only testimony at the dismissal hearing concerning the alleged sexual contact was given by teachers who observed "silhouettes" of the teacher and the student. There was no testimony from either of the participants to the alleged misconduct. The teacher could not testify without waiving his privilege against self-incrimination. The student was not called to testify. The board contends that the teacher was not prejudiced because he could have called the student and, in fact, had listed him as a possible witness. This argument has little merit when one reviews the record. The student clearly was suffering from serious emotional problems and was continually lying and fabricating stories. Obviously, in these circumstances, no reasonable and competent attorney would have called the ***1103** student as a witness without first deposing him for the purpose of evaluating his potential testimony. In my view, the denial of the deposition request constitutes a serious abuse of discretion which prejudiced the substantial rights of the teacher. Therefore, I would reverse the judgment of the court of appeals.

Colo.,1985.
Rosenberg v. Board of Educ. of School Dist. No. 1, Denver Public Schools
710 P.2d 1095, 29 Ed. Law Rep. 791

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Peiffer v. Lebanon School Dist.
C.A.3 (Pa.),1988.

United States Court of Appeals,Third Circuit.
PEIFFER, Robert, Appellant,
v.
LEBANON SCHOOL DISTRICT.
No. 87-5862.

Submitted Pursuant to Third Circuit Rule 12(6) May 6, 1988.
Decided May 27, 1988.

School district maintenance employee who had been discharged brought civil rights action alleging violation of his Fifth and Fourteenth Amendment rights, based on school board's refusal to continue hearing on whether dismissal was warranted by conduct involving student until after resolution of criminal charges of assault and corruption of minor arising out of same incidents and on failure to grant employee testimonial immunity or guarantee his evidence would not be used against him. On former employee's summary judgment motion, the United States District Court for the Middle District of Pennsylvania, 673 F.Supp. 147, William W. Caldwell, J., entered judgment for school district, and employee appealed. The Court of Appeals, Greenberg, Circuit Judge, held that right against self-incrimination of employee was not infringed by failure to offer employee immunity if he testified at hearing before school board.

Affirmed.

West Headnotes

[1] Administrative Law and Procedure 15A ⚿468

15A Administrative Law and Procedure
15AIV Powers and Proceedings of Administrative Agencies, Officers and Agents
15AIV(D) Hearings and Adjudications
15Ak468 k. Time for Hearing; Continuance. Most Cited Cases

Schools 345 ⚿63(1)

345 Schools
345II Public Schools
345II(C) Government, Officers, and District Meetings
345k63 District and Other Local Officers
345k63(1) k. Appointment, Qualification, and Tenure. Most Cited Cases
School board was not required to grant school district maintenance employee a postponement of hearing on whether employee's dismissal was warranted by his conduct involving student pending disposition of criminal charges of assault and corruption of minor arising out of the same incidents.

[2] Criminal Law 110 ⚿393(1)

110 Criminal Law
110XVII Evidence
110XVII(I) Competency in General
110k393 Compelling Self-Incrimination
110k393(1) k. In General. Most Cited Cases
Right against self-incrimination of school district maintenance employee was not infringed by school board's failure to offer employee immunity if he testified at hearing on whether his dismissal was warranted by his conduct involving student, although criminal charges of assault and corruption of minor arising out of same incidents were pending and employee claimed he was faced with unconstitutional choice between remaining silent or retaining his employment; board did not compel employee to testify, as it did not threaten him with penalty if he refused to relinquish his privilege against self-incrimination, so if employee testified he would have done so voluntarily, and employee's Fifth Amendment privileges were not implicated. U.S.C.A. Const.Amend. 5.

***44** Timothy D. Sheffey, Egli, Reilly, Wolfson, Sheffey and Schrum, Lebanon, Pa., for appellant.
George E. Christianson, Christianson & Meyer, Lebanon, Pa., for appellee.

Before HIGGINBOTHAM, STAPLETON, and

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GREENBERG, Circuit Judges.

*45 OPINION OF THE COURT

GREENBERG, Circuit Judge.

Plaintiff Robert Peiffer appeals from an order entered on November 9, 1987 granting summary judgment to defendant Lebanon School District dismissing this action.[FN1]

> FN1. Our standard of review in this case involving a summary judgment motion is plenary. *Koshatka v. Philadelphia Newspapers, Inc.*, 762 F.2d 329, 333 (3d Cir.1985).

The facts germane to this appeal are not in dispute. As a result of allegations made against him by a student, on April 22, 1987 Peiffer, a maintenance employee of the school district working at a junior high school, was questioned by a Lebanon Police Detective, Russel Miller, regarding possible acts of sexual misconduct and the display of pornographic materials. On the same day he was suspended with pay by the school district and two days later was charged with assault on and the corruption of the minor. On or about May 18, 1987 Peiffer was notified by the school administration that as a result of the incidents with the student there would be a hearing before the school board which could result in his dismissal.

At the hearing of May 28, 1987 Peiffer appeared with an attorney, Timothy D. Sheffey. The school board and school administration were represented by separate attorneys, with the administration attorney presenting the case. Sheffey objected to the hearing being held but was advised by the school board attorney that it would go forward and that he could cross-examine witnesses against his client and present witnesses himself. Sheffey then argued that the proceedings were not being conducted in accordance with state law. He also pointed out that the criminal charges were pending and argued that if Peiffer was to defend himself he would have to testify and give evidence that could be used against him at a criminal trial even though he had a privilege not to incriminate himself. Thus, Sheffey asked that the hearing be postponed until after resolution of the criminal matter. He also said that Peiffer would not participate in the hearing. After Sheffey's objections were overruled, he and Peiffer left the hearing which was then completed without them.

At the hearing William D. Starr, the superintendent of schools, testified as to his conversations with Peiffer regarding the student which supported the allegations of misconduct. Specifically, Peiffer admitted to some misconduct and to making pornographic materials available to the student, but did not admit that his conduct was intended to have a sexual dimension. In addition, Detective Miller testified that he recovered certain materials apparently owned by Peiffer at the school. They are reprinted in the record and may be regarded as obscene.

After the receipt of the evidence, the attorney representing the administration argued in summation that because of Peiffer's conduct with the student and his display of the materials he should be discharged. The board then adopted a motion unanimously discharging him. On June 8, 1987 the dismissal was made formal by the board at a public meeting. There is no suggestion in the record that Peiffer was discharged because he failed to testify or refused to waive his privilege against self-incrimination or even that any inference was drawn against him because he did not testify.

Peiffer subsequently brought this action in the district court. In his complaint, after setting forth the background of the case, Peiffer alleged that the attorney representing him in the criminal case forbid him from testifying at the May 28, 1987 hearing because his testimony could be used against him. He also indicated that he unsuccessfully requested a continuance of the hearing. He further asserted that the board did not grant him testimonial immunity or guarantee that his evidence would not be used against him nor did any police officer or prosecuting official. He set forth that he was discharged "based upon the allegations of conduct which were the same allegations providing the basis for the pending criminal proceedings against" him. He charged his rights under the Fifth and Fourteenth Amendments had *46 been violated. Peiffer sought reinstatement and damages.[FN2]

> FN2. Peiffer was later found not guilty of the criminal charges.

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Judge Caldwell decided the matter in a comprehensive opinion reported at 673 F.Supp. 147 (M.D.Pa.1987). He held that Peiffer's Fifth Amendment rights were not violated as he did not testify. Thus Peiffer really was complaining about the "chilling effect" on the exercise of his constitutional rights as in Peiffer's view the board had "imposed upon him an impermissible choice between constitutional rights-his right to protect his job, and his right to remain silent in the face of criminal charges." *Id.* at 149. The judge pointed out, however, that the board discharged Peiffer for the conduct described in the allegations against him and thus he was not terminated because he asserted his constitutional rights. *Id.* at 150. Indeed the judge noted that there was no indication that the board drew any inferences from Peiffer's failure to testify. Further his procedural rights were protected as he was given a full opportunity to participate in the hearing with or without counsel. *Ibid.* Judge Caldwell also held that Peiffer did not have a due process right to a continuance of the hearing until the criminal trial was completed and that there was nothing unreasonable in the decision reached on the merits at the hearing. *Id.* at 150-51. Judgment in favor of the district was entered on November 9, 1987.

[1][2] On this appeal Peiffer contends, as set forth in his complaint, that the school district violated his Fifth Amendment privileges by failing to offer him immunity if he testified at the May 28, 1987 hearing. Thus in his view he was faced "with an unconstitutional choice between remaining silent or retaining his employment." [FN3] We, however, reject this contention. It is, of course, clear that there was no constitutional requirement that the board grant him a postponement of the hearing pending disposition of the criminal charges. *See Afro-Lecon, Inc. v. United States,* 820 F.2d 1198, 1202 (Fed.Cir.1987); *Arthurs v. Stern,* 560 F.2d 477 (1st Cir.1977), *cert. denied,*434 U.S. 1034, 98 S.Ct. 768, 54 L.Ed.2d 782 (1978); *De Vita v. Sills,* 422 F.2d 1172, 1181 (3d Cir.1970). Nevertheless the board did not compel Peiffer to testify as it did not threaten him with a penalty if he refused to relinquish his privilege against self-incrimination. *See Minnesota v. Murphy,* 465 U.S. 420, 434-35, 104 S.Ct. 1136, 1146, 79 L.Ed.2d 409 (1984).[FN4] Accordingly, if Peiffer had testified he would have done so voluntarily. Therefore rather than being a case in which a public employee or contractor has been penalized for asserting his Fifth Amendment privileges (*see, e.g., Lefkowitz v. Turley,* 414 U.S. 70, 94 S.Ct. 316, 38 L.Ed.2d 274 (1973)), the situation here is simply that Peiffer did not rebut evidence constituting grounds for his dismissal. Thus, we hold that his privileges were not infringed. *See Williams v. Florida,* 399 U.S. 78, 84, 90 S.Ct. 1893, 1897, 26 L.Ed.2d 446 (1970) ("That the defendant faces such a dilemma demanding a choice between complete silence and presenting a defense has never been thought an invasion of the privilege against compelled self-incrimination."). *See also United States v. Babich,* 785 F.2d 415 (3d Cir.1986), *cert. denied,*--- U.S. ----, 107 S.Ct. 123, 93 L.Ed.2d 69 (1986). Our result is not changed by the circumstance that Peiffer's choice as to how to proceed at the hearing could have impacted on the later criminal proceeding. *Gniotek v. City of Philadelphia,* 808 F.2d 241, 245 (3d Cir.1986), *cert. denied,*--- U.S. ----, 107 S.Ct. 2183, 95 L.Ed.2d 839 (1987).

FN3. Peiffer supplies us with no citation to Pennsylvania law authorizing the district to grant him immunity. *But see Uniformed Sanitation Men Ass'n v. Commissioner of Sanitation,* 426 F.2d 619, 626-27 (2d Cir.1970), *cert. denied,*406 U.S. 961, 92 S.Ct. 2055, 32 L.Ed.2d 349 (1972).

FN4. Inasmuch as no inference was drawn by reason of Peiffer's failure to testify the question of whether it could have been is not before us. *See Arthurs v. Stern,* 560 F.2d at 478.

In view of the foregoing Peiffer was not entitled to an offer of immunity for any testimony that he might have given at the hearing for a grant of immunity need be no broader than the right a witness who is *47 compelled to testify would otherwise have under the privilege against self-incrimination. *United States v. Apfelbaum,* 445 U.S. 115, 122-23, 100 S.Ct. 948, 953, 63 L.Ed.2d 250 (1980); *Gniotek v. City of Philadelphia,* 808 F.2d at 245 n. 6. As the school district did not compel any testimony Peiffer's Fifth Amendment privileges were not implicated and accordingly he was not entitled to a grant of immunity. In the circumstances, the order of November 9, 1987 will be affirmed.

C.A.3 (Pa.),1988.
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848 F.2d 44, 47 Ed. Law Rep. 59

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Herberg v. Com., State Bd. of Medical Ed. and Licensure
Pa.Cmwlth., 1982.

Commonwealth Court of Pennsylvania.
James P. HERBERG, M.D., Petitioner,
v.
COMMONWEALTH of Pennsylvania, STATE BOARD OF MEDICAL EDUCATION AND LICENSURE, Respondent.
Argued Feb. 5, 1982.
Decided March 17, 1982.

Petition was filed for review of decision of State Board of Medical Education and Licensure affirming hearing examiner's order revoking petitioner's medical license as a consequence of guilty pleas to felony drug sale charges. The Commonwealth Court, No. 598 C.D.1981, Craig, J., held that: (1) even assuming that petitioner, who allegedly had drug dependency problems was no longer dangerous to his patients, revocation could be upheld in the public interest; (2) an admission of guilt, such as guilty pleas, constitutes a conviction and justifies revocation notwithstanding that guilty pleas remain subject to motions for leave to withdraw; and (3) petitioner's constitutional rights were not violated when, in anticipation of future criminal proceedings, he invoked his Fifth Amendment privilege against self-incrimination before the hearing examiner.

Affirmed.

West Headnotes

[1] Health 198H ⚿208

198H Health
198HI Regulation in General
198HI(B) Professionals
198Hk201 Discipline, Revocation, and Suspension
198Hk208 k. Drug or Alcohol Abuse. Most Cited Cases
(Formerly 299k11.3(4) Physicians and Surgeons)
Even assuming that medical practitioner, whose license had been revoked, in part, for drug use was no longer dangerous to his patients, revocation was not inappropriate as public interest served by suspension or revocation is not limited to protection of the patients and equally important to the public interest is necessity for regulation and discipline of the profession to prevent unauthorized medical practice in the future. 63 P.S. § 421.15(a)(3).

[2] Health 198H ⚿211

198H Health
198HI Regulation in General
198HI(B) Professionals
198Hk201 Discipline, Revocation, and Suspension
198Hk211 k. Prescriptions; Controlled Substances. Most Cited Cases
(Formerly 299k11.2 Physicians and Surgeons)
An admission of guilt, such as guilty plea to felony drug sale charges, constitutes a "conviction" for purpose of medical license suspension or revocation and if a conviction is overturned on appeal the practitioner then may initiate proceedings to have his license reinstated, and revocation is not premature on ground that guilty pleas remain subject to motions for leave to withdraw. 63 P.S. § 421.15(a)(3).

[3] Witnesses 410 ⚿297(7)

410 Witnesses
410III Examination
410III(D) Privilege of Witness
410k297 Self-Incrimination
410k297(4) Form and Purpose of Inquiry
410k297(7) k. Legislative or Official Investigation. Most Cited Cases
Medical practitioner's constitutional rights were not violated when, in anticipation of future criminal proceedings, he invoked his Fifth Amendment privilege against self-incrimination in his testimony before hearing examiner in connection withproposed license revocation. 63 P.S. § 421.15(a)(3); U.S.C.A.Const.Amends. 5, 14.

[4] Health 198H ⚿223(1)

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198H Health
198HI Regulation in General
198HI(B) Professionals
198Hk214 Disciplinary Proceedings
198Hk223 Review
198Hk223(1) k. In General. Most Cited Cases

(Formerly 299k11.3(5) Physicians and Surgeons) State's Board of Medical Education and Licensure did not abuse its discretion in not admitting additional evidence that allegedly would have established that medical practitioner, whose license was sought to be suspended or revoked, had achieved control over his own drug dependency, enabling him to practice medicine safely, as licensing statute imposes no requirement that Board hear additional evidence in reviewing hearing examiner's decision and record revealed that practitioner was given a full opportunity to present evidence and legal argument before the examiner. 40 P.S. § 1301.905 et seq., 63 P.S. § 421.15(a)(3).

****412*359** Fred Speaker, Thomas Schmidt, III, Pepper, Hamilton & Scheetz, Harrisburg, for petitioner.
Kenneth E. Brody, Harrisburg, for respondent.

Before BLATT, WILLIAMS and CRAIG, JJ.

CRAIG, Judge.

Petitioner James P. Herberg, M.D., appeals from a decision of the State Board of Medical Education and Licensure, which affirmed an order of a hearing examiner of the Commission of Professional and Occupational Affairs, revoking petitioner's medical license under Section 15(a)(3) of the Medical Practice Act,[FN1] as a consequence of petitioner's guilty pleas to felony ***360** drug sale charges in Centre County, Juniata County and Dauphin County, Pennsylvania.

> FN1. Act of July 20, 1974, P.L. 551, as amended, 63 P.S. s 421.15(a)(3).

Petitioner's first contention is that the hearing examiner revoked petitioner's license principally for deterrent purposes, disregarding substantial evidence that petitioner had become rehabilitated and is capable of practicing medicine without endangering his patients or the public.

(1) Even assuming that petitioner no longer is dangerous to his patients, this court has stated:

(T)he public interest served by a license suspension or revocation is not limited to the protection of patients. Equally important to the public interest is the necessity for regulation and discipline of the profession to prevent such unauthorized medical practices in the future.Ullo v. State Board of Nurse Examiners, 41 Pa. Commonwealth Ct. 204, 208, 398 A.2d 764, 766 (1979).

Petitioner next contends that his due process rights under the Fourteenth Amendment and Fifth Amendment of the United States Constitution were violated ****413** because (1) the revocation of his license was premature in that his guilty pleas, on which the proceedings were predicated, remained subject to petitioner's motions for leave to withdraw,[FN2] and (2) petitioner was hindered in presenting his defense before the hearing examiner because he had invoked his constitutional privilege against self-incrimination to avoid giving testimony which might later be used in a criminal prosecution.

> FN2. Petitioner's motion for leave to withdraw guilty pleas has subsequently been denied by the Courts of Common Pleas of Juniata and Centre Counties. Petitioner was later tried and convicted on the charge pending in the Court of Common Pleas of Dauphin County.

(2) Recently, in ***361**Zimmerman v. State Board of Medical Education and Licensure, 55 Pa. Commonwealth Ct. 74, 423 A.2d 34 (1980), this court considered a similar challenge by a physician who, after being convicted of a felony, also had his license revoked under the same Section 15(a)(3) of the Act, which states:

(a) The board shall have authority to refuse, revoke or suspend the license of a physician for any or all of the following reasons:

....

(3) Being convicted of a felony in the courts of this Commonwealth or any other state, territory or country. Conviction as used in this paragraph shall include a finding or verdict of guilty, an admission of guilt or a plea of nolo contendere.63 P.S. s 421.15(a)(3).

We said:

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For the purpose of Section 15(a)(3) 'conviction' is thus specifically defined to include a verdict of guilt. The legislature, by its language, indicates that it contemplated the various meanings 'convictions' could have, and decided that a verdict alone should suffice to constitute a conviction.Zimmerman, 55 Pa. Commonwealth Ct. at 76, 423 A.2d at 35.

Likewise, under the statute, an admission of guilt-such as the guilty pleas here-constitutes a conviction, and justifies the board's revocation of petitioner's license. If petitioner's felony conviction is overturned on appeal, petitioner may then initiate proceedings to have his license reinstated.Id. at 77, 423 A.2d at 36.

(3) Also, we reject petitioner's assertion that his constitutional rights were violated when, in anticipation of future criminal proceedings, he invoked his Fifth ***362** Amendment privilege against self-incrimination in his testimony before the hearing examiner. Although petitioner has cited no authority, nor has our research uncovered a Pennsylvania decision on point, we are persuaded by the reasoning in Arthurs v. Stern, 560 F.2d 477, 478-9 (1st Cir. 1977), that:

(T)here (is nothing) inherently repugnant to due process in requiring the doctor to choose between giving testimony at the disciplinary hearing, a course that may help the criminal prosecutors, and keeping silent, a course that may lead to the loss of his license.

Arthurs recognized the "strong public interest in promptly disciplining errant physicians taken as a class," and concluded that, absent a finding that a physician was forced to testify against himself, a medical disciplinary board was not constitutionally required to stay its proceedings until the criminal prosecutions against the doctor were over.[FN3]Id. at 480.

> FN3. See Flint v. Mullen, 499 F.2d 100 (1st Cir. 1974), where a court held that a state prisoner was not denied due process rights where, subsequent to his indictment for robbery, but before trial, he had to appear before an administrative body that was considering his alleged violation of a deferred sentencing agreement. The court explained that:
>
> (T)he government had to prove its case by extrinsic evidence and there is no indication that defendant was penalized for silence except to the degree that anyone who claims the privilege may be said to forego the possibility of persuading a court in his favor.Id. at 103.

(4) Finally, the petitioner contends that the board abused its discretion in not admitting additional evidence that, allegedly, would have established that the petitioner has now achieved control over his own drug dependence, enabling him to practice medicine****414** safely. However, section 905 of the Health Care Services Malpractice***363** Act [FN4] imposes no requirement that the board hear additional evidence in reviewing a hearing examiner's decision. The record reveals that petitioner was given a full opportunity to present evidence and legal arguments before the examiner.

> FN4. Act of October 15, 1975, P.L. 390, as amended, 40 P.S. s 1301.905, which provides:
>
> (a) If the Application for Review is made to the State Board of Medical Education and Licensure, ... within twenty days from the date of any decision made as a result of a hearing held by a hearing examiner, the State Board of Medical Education and Licensure, ... shall review the evidence, and if deemed advisable by the board, hear argument and additional evidence.

Accordingly, we affirm the decision of the board.

ORDER

NOW, March 17, 1982, the Order of the State Board of Medical Education and Licensure dated March 4, 1981 is hereby affirmed.

Pa.Cmwlth., 1982.
Herberg v. Com., State Bd. of Medical Educ. and Licensure
65 Pa.Cmwlth. 358, 442 A.2d 411

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Psi Upsilon of Philadelphia v. University of Pennsylvania
Pa.Super.,1991.

Superior Court of Pennsylvania.
The PSI UPSILON OF PHILADELPHIA and PSI Upsilon Fraternity Tau Chapter, Appellants,
v.
The UNIVERSITY OF PENNSYLVANIA and Kim M. Morrisson.
Argued March 14, 1991.
Decided May 16, 1991.

Fraternity sought preliminary injunction to enjoin university and vice provost from enforcing sanctions imposed on the fraternity following mistaken kidnapping and terrorizing of nonmember as part of the "hazing" process. Preliminary injunction was denied by the Court of Common Pleas, Philadelphia County, Civil Division, No. 7668 April T., 1990, Dellaporta, J., and fraternity appealed. The Superior Court, No. 02244 Philadelphia 1990, Montemuro, J., held that: (1) fraternity was not denied notice or opportunity to be heard despite contention that language relating to "collective responsibility" contained in fraternity's recognition contract and statement of charges was ambiguous or vague and overbroad; (2) fraternity was not denied due process on ground that certain members, against whom criminal charges were pending, invoked privilege against self-incrimination; (3) alleged bias on part of hearing board members was not sufficient to vitiate due process; (4) assertion that sanctions were too severe did not establish basis for relief in courts; and (5) imposing sanctions on fraternity under theory of "collective responsibility" did not abridge constitutional rights of association, assembly and free speech.

Affirmed.

West Headnotes

[1] Appeal and Error 30 ⚿954(2)

30 Appeal and Error
30XVI Review
30XVI(H) Discretion of Lower Court
30k950 Provisional Remedies
30k954 Injunction
30k954(2) k. Refusing Injunction. Most Cited Cases

Denial of preliminary injunction will not be interfered with on appellate review in the absence of plain abuse of discretion.

[2] Colleges and Universities 81 ⚿9.30(7)

81 Colleges and Universities
81k9 Students
81k9.30 Regulation of Conduct in General
81k9.30(4) Expulsion, Suspension, or Other Discipline
81k9.30(7) k. Proceedings and Review. Most Cited Cases

Constitutional Law 92 ⚿4224(12)

92 Constitutional Law
92XXVII Due Process
92XXVII(G) Particular Issues and Applications
92XXVII(G)8 Education
92k4218 Post-Secondary Education
92k4224 Students
92k4224(10) Notice and Hearing; Proceedings and Review
92k4224(12) k. Disciplinary Proceedings. Most Cited Cases
(Formerly 92k278.5(7))

In a state-owned college or university, due process requires notice and some opportunity for hearing before student is disciplined, while at private colleges and universities, students who are being disciplined are entitled only to those procedural safeguards which the school specifically provides, except that the disciplinary procedures established by the institution must be fundamentally fair. U.S.C.A. Const.Amend. 14.

[3] Constitutional Law 92 ⚿4224(12)

92 Constitutional Law
92XXVII Due Process

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92XXVII(G) Particular Issues and Applications
92XXVII(G)8 Education
92k4218 Post-Secondary Education
92k4224 Students
92k4224(10) Notice and Hearing; Proceedings and Review
92k4224(12) k. Disciplinary Proceedings. Most Cited Cases
(Formerly 92k278.5(1))
Fraternity was not denied notice or opportunity to be heard prior to imposition of discipline in connection with mistaken kidnapping of nonmember during "hazing" process, where fraternity was given detailed statement of charges and violations hearing was conducted at which fraternity was represented by legal counsel and afforded opportunity of presentation of evidence and cross-examination, and hearing board adopted findings and recommended sanctions, which were approved by vice provost. U.S.C.A. Const.Amend. 14.

[4] Colleges and Universities 81 ⚿9.45(2)

81 Colleges and Universities
81k9 Students
81k9.45 Extracurricular Activities
81k9.45(2) k. Student Organizations and Government. Most Cited Cases
Fraternity which suffered withdrawal of university recognition in disciplinary proceeding was not denied effective notice on theory that "collective responsibility" language in recognition contract and statement of charges was ambiguous or vague and overbroad or that definitions provided by hearing witnesses were inconsistent; fraternity was involved in original drafting of the language and made no complaint during hearing.

[5] Constitutional Law 92 ⚿4224(12)

92 Constitutional Law
92XXVII Due Process
92XXVII(G) Particular Issues and Applications
92XXVII(G)8 Education
92k4218 Post-Secondary Education
92k4224 Students
92k4224(10) Notice and Hearing; Proceedings and Review
92k4224(12) k. Disciplinary Proceedings. Most Cited Cases
(Formerly 92k278.5(1))
University's failure to postpone disciplinary hearing against fraternity, which resulted in withdrawal of recognition, until after resolution of criminal proceedings pending against certain members arising out of the same incident did not deny due process even though members invoked privilege against self-incrimination and were thereby allegedly deprived of opportunity to present evidence. U.S.C.A. Const.Amends. 5, 14.

[6] Constitutional Law 92 ⚿4224(12)

92 Constitutional Law
92XXVII Due Process
92XXVII(G) Particular Issues and Applications
92XXVII(G)8 Education
92k4218 Post-Secondary Education
92k4224 Students
92k4224(10) Notice and Hearing; Proceedings and Review
92k4224(12) k. Disciplinary Proceedings. Most Cited Cases
(Formerly 92k278.5(1))
Fraternity was not denied due process in disciplinary proceeding on ground that person who was not a voting member of the hearing board had made initial inquiries about the incident, that another member of the board knew the victim of the incident by sight, and that vice provost who approved the hearing board's conclusions was cochairperson of a committee to diversify the lane on which the fraternity's charter house was located. U.S.C.A. Const.Amend. 14.

[7] Colleges and Universities 81 ⚿9.30(7)

81 Colleges and Universities
81k9 Students
81k9.30 Regulation of Conduct in General
81k9.30(4) Expulsion, Suspension, or Other Discipline
81k9.30(7) k. Proceedings and Review. Most Cited Cases
University's disciplinary hearing board is not subject to strict rules of judicial procedure, and court should not interfere with internal procedure and discipline unless real prejudice, bias or denial of due process is present. U.S.C.A. Const.Amend. 14.

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[8] Trial 388 ⚿382

388 Trial
388X Trial by Court
388X(A) Hearing and Determination of Cause
388k381 Rulings on Weight and Sufficiency of Evidence
388k382 k. In General. Most Cited Cases
Trial judge, as fact finder, may believe some, all or none of proffered testimony.

[9] Colleges and Universities 81 ⚿9.45(2)

81 Colleges and Universities
81k9 Students
81k9.45 Extracurricular Activities
81k9.45(2) k. Student Organizations and Government. Most Cited Cases
Claim that sanctions imposed on fraternity by person designated within a contractual agreement between fraternity and university were too severe did not establish a basis for relief in the courts.

[10] Colleges and Universities 81 ⚿9.45(2)

81 Colleges and Universities
81k9 Students
81k9.45 Extracurricular Activities
81k9.45(2) k. Student Organizations and Government. Most Cited Cases

Constitutional Law 92 ⚿2010

92 Constitutional Law
92XVIII Freedom of Speech, Expression, and Press
92XVIII(Q) Education
92XVIII(Q)2 Post-Secondary Institutions
92k2009 Student Speech or Conduct
92k2010 k. In General. Most Cited Cases
(Formerly 92k90.1(1.4))

Constitutional Law 92 ⚿1430

92 Constitutional Law
92XIV Right of Assembly
92k1430 k. In General. Most Cited Cases
(Formerly 92k91)

Constitutional Law 92 ⚿1448

92 Constitutional Law
92XVI Freedom of Association
92k1448 k. Post-Secondary Institutions. Most Cited Cases
(Formerly 92k91)
Imposing sanctions on fraternity under theory of "collective responsibility" did not abridge fraternity members' constitutional rights of association, assembly and free speech; fraternity was signatory to a recognition policy which established responsibility of fraternity as an entity for acts of its members, sanctions were imposed only on the fraternity as an entity by withdrawing university recognition, and no limitations were placed on its continued operation outside the university. U.S.C.A. Const.Amend. 1.

****757*607**John F. Ledwith, Philadelphia, for appellants.
Frank A. Roth, Philadelphia, for appellees.

Before MONTEMURO, JOHNSON and HESTER, JJ.

MONTEMURO, Judge:

This appeal arises from an order of the Philadelphia Court of Common Pleas which denied appellants' request for a preliminary injunction. Appellants filed a complaint in equity seeking injunctive relief to enjoin appellees, the University of Pennsylvania and Kim M. Morrison, Vice Provost for University Life, from enforcing certain sanctions imposed by the University. Following the issuance of a temporary restraining order, a full evidentiary hearing was held and appellants' requested relief was denied. This appeal follows.

Psi Upsilon is a social fraternal organization, which at all times prior to May 1, 1990, was a recognized residential fraternity as defined by the University's Policy on Recognition and Governance of Undergraduate Social Fraternities and Sororities (the "Recognition Policy"). As a prerequisite to recognition as a fraternity on the University campus, appellants were required to enter into a written agreement with the University binding them to the principles, obligations and responsibilities set forth in

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the Recognition Policy.[FN1]

FN1. Appellants had participated in the drafting of this policy.

The basis of appellants' contentions on appeal arises from an incident that occurred on or about January 20, 1990. On that date, approximately twenty (20) officers, members and pledges of Psi Upsilon participated in the kidnapping and terrorizing of William O'Flanagan, Jr. ("O'Flanagan"), an undergraduate who was not a member of Psi Upsilon, as ***608** part of the "hazing" process.[FN2] Immediately following the kidnapping, the facts of which are not in dispute in the instant appeal, O'Flanagan filed a complaint with the University's Department of Public Safety.[FN3] Following a hearing, sanctions were imposed from which appellants unsuccessfully sought injunctive relief. This appeal followed.

FN2. Apparently, O'Flanagan was not the intended victim, and had been abducted by mistake.

FN3. O'Flanagan also filed a criminal complaint with the Philadelphia Police Department and the Philadelphia District Attorney's Office against several members of Psi Upsilon.

[1] In reviewing a challenge to the denial of a preliminary injunction,

"... appellant has a very heavy burden to overcome; such a decree will not be interfered with upon appellate review in the absence of a plain abuse of discretion by the court below." *Safeguard Mutual Insurance Co. v. Williams*, 463 Pa. 567, 577-78, 345 A.2d 664, 670 (1975). (citations omitted). "Only if it is plain that no grounds exist to support the decree or ****758** that the rule of law relied upon was palpably erroneous or misapplied will we interfere with the decision of the Chancellor." *Roberts v. Board of Directors of the School District of Scranton*, 462 Pa. 464, 469, 341 A.2d 475, 478 (1975); (citations omitted).

Boehm v. University of Pennsylvania School of Veterinary Medicine, 392 Pa.Super. 502, 505-506, 573 A.2d 575, 577 (1990). In order to prevail on a petition for injunctive relief, the moving party must establish that:1) it is necessary to prevent immediate and irreparable harm not compensable in damages;

2) greater harm would result from denying it than from granting it;

3) the right to it is clear; *and,*

4) the status quo would be restored if it was granted.

Schulman v. Franklin & Marshall College, 371 Pa.Super. 345, 352, 538 A.2d 49, 52 (1988), *citing* ***609***Pennsylvania Interscholastic Athletic Association, Inc. v. Greater Johnstown School District* 76 Pa.Commw. 65, 71-72, 463 A.2d 1198, 1201 (1983), (citations omitted) (emphasis added).

Appellants assert that all prerequisites for injunctive relief were met. In support, they place special emphasis on the "clear right to relief", which they contend exists by virtue of the University's denial of their due process right to a fair and impartial hearing, and its denial of their rights of association, assembly and free speech. We find these assertions without merit.

[2] Appellants initially argue that the University's Fraternity & Sorority Advisory Board (F.S.A.B.) hearing did not comport with minimum standards of due process. In the university context due process is defined according to whether the institution is public or private. As stated in *Boehm, supra,* the law is fairly well established that in a state owned college or university, due process requires notice and some opportunity for hearing before a student is disciplined. *Boehm, supra,* 392 Pa.Super. at 508, 573 A.2d at 578,*citing Dixon v. Alabama State Board of Education*, 294 F.2d 150 (5th Cir.1961), *cert. den.*368 U.S. 930, 82 S.Ct. 368, 7 L.Ed.2d 193 (1961). However,

[t]he law pertaining to judicial review of disciplinary proceedings at private colleges and universities is not so well settled. Generally, it has been said that courts are more reluctant to interfere in the disciplinary proceedings of a private college than those of a public college. (citations omitted.) A majority of the courts have *characterized the relationship between a private college and its students as contractual in nature.* Therefore, *students who are being disciplined are entitled only to those procedural safeguards which the school specifically provides.*

Id., 392 Pa.Super. at 509-10, 573 A.2d at 579,

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(emphasis added) (citations omitted).

The only caveat applied to this principle is that the disciplinary procedures established by the institution must *610 be fundamentally fair.[FN4] *Id.*

FN4. It has never been claimed that the University is a state actor.

In *Boehm* itself, this court found that basic principles of due process and fundamental fairness were adhered to where the students involved, who were accused of cheating, had been given notice of the charges and evidence against them, were allowed to be present and to participate in the hearing assisted by faculty, to call their own witnesses and to cross-examine the witnesses against them, and were fully apprised of the findings of the Hearing Panel. The parallel with the instant case is inescapable.

[3] Herein, in accordance with the F.S.A.B. Charter, contained in the University's Policies and Procedures manual, Patricia Phaup, Director of the Office of Fraternity and Sorority Affairs, and Constance Goodman, University Judicial Inquiry Officer, initiated an investigation, pursuant to which a detailed statement of charges and violations was presented to appellants. The statement contained the date, time and place for the hearing.

**759 On April 11, 1990, a full evidentiary hearing was conducted before the F.S.A.B., a body comprised of: a Chair-person, two (2) faculty members, two (2) fraternity/sorority alumni representatives, two (2) university fraternity/sorority student members and one (1) non-fraternity/sorority student. At the hearing, appellants, represented by legal counsel [FN5], were afforded the opportunity to present evidence, although they chose not to do so owing to the pendency of criminal charges against several members. However, appellants did cross-examine all witnesses presented by the University. At the end of presentation of evidence, both Psi Upsilon and University participants gave closing arguments.

FN5. The University had no counsel present, nor did O'Flanagan.

The Board substantially adopted the findings presented, and sanctions were recommended. These findings and recommendations were then submitted to Dr. Morrisson who accepted them with minor modifications. All materials were thereafter sent to appellants, including the proposed *611 sanctions, which included: withdrawal of recognition of Psi Upsilon as a fraternal organization for three (3) years with no automatic right of return; dispossession from the Psi Upsilon house without compensation; and, the prohibition of any member or pledge of Psi Upsilon, Tau Chapter, as of January 20, 1990, from participation in any future application process. Based upon the above proceedings, we cannot find that Psi Upsilon was denied either notice or an opportunity to be heard. Psi Upsilon, however, raises several objections to the procedures as contained in the F.S.A.B. Judicial Charter.[FN6]

FN6. Appellants argument of constitution infringement is based mainly on *Alpha Tau Omega Fraternity v. University of Pennsylvania,* 10 Phila. 149, 165 (1983). There the court was called upon to determine whether the Alpha Tau Omega fraternity was afforded minimal due process in a disciplinary hearing conducted by the F.S.A.B. in 1983, which at that time had no set procedures for disciplinary hearings conducted against a fraternity or sorority on the University of Pennsylvania campus. The court suggested a list of procedures followed in other jurisdictions in order to afford Alpha Tau Omega minimal due process. Despite appellants insistence to the contrary, the only item suggested by the *Alpha Tau Omega* court not followed in this case, was preparation of a hearing transcript, an omission appellants also contend deprived them of a fair hearing. We are not bound by the trial court's decision.

[4] Initially, appellants question whether they received adequate notice of the charges pending against them. They contend that they were provided with "mere[ ] recitations of alleged acts, which in the aggregate were found to be a violation of the Tau Chapter's "collective responsibility." (Appellant's Brief at 11). It is contended that because the term "collective responsibility", contained in the statement of charges and violations is both vague and overbroad, and because no one testifying at the hearing provided an adequate definition, appellants

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were deprived of adequate notice. A review of the Recognition Policy, as well as the witnesses who offered definitions of "collective responsibility" reveals no support for appellants' claim.

The contractual provision, entered into by Psi Upsilon pursuant to the Recognition Policy and Annual Affirmation of Recognition Policy by Recognized Fraternity, states,

***612A. Obligations of the Fraternity/Sorority to the University**

By undertaking the process of recognition, the fraternity or sorority assumes certain obligations and responsibilities to the University community: ...

2. *To accept collective responsibility for the activities of individual members of the undergraduate chapter as they relate to the following:* ...

b. *Conduct* of members and conduct of guests of members *which is knowingly tolerated by the members of the fraternity and is in violation of the University's Code of Conduct;* ...

See Penn, "University Policies and Procedures 1989-1991", p. 32 (emphasis added). After reviewing the plain meaning of the language as espoused in the above contractual provision, and the statement of charges, we find the complained of provision to be neither ambiguous nor vague or ****760** overbroad, and that appellants were not denied effective notice. *See* Rosen v. Empire Valve and Fitting, Inc., 381 Pa.Super. 348, 553 A.2d 1004 (1989) (Court should not give agreement construction which is in conflict with plain meaning of language used.)

Appellants' argument that the definitions provided by the hearing witnesses were inconsistent is similarly unwarranted. Given the consonance between the contract and the testimony, as well as appellants' involvement in the original drafting of the language defining the term, appellants were in no way deprived of notice as to the charges against them. The absence of any complaint in this regard during either the Board hearing or the court hearing makes their lack of confusion quite clear.

[5] Appellants also contend that they were denied a fair opportunity to be heard due to the fact that certain members, against whom criminal charges were pending, invoked their privilege against self-incrimination at the hearing before the F.S.A.B. They state that this exercise of privilege deprived them of the opportunity to present evidence, and that the University's failure to postpone the hearing until ***613** after resolution of the criminal proceedings effectively denied them due process. We find this contention to be without merit.

As stated by the United States Court of Appeals for the Third Circuit,

> ... the contention that an actual or potential defendant in a criminal case should not even be put to the difficult choice of having to assert the privilege in a related civil case was rejected in *United States v. Kordel*, 397 U.S. 1, 90 S.Ct. 763, 25 L.Ed.2d 1 [1970]...
>
> Such a witness must either invoke his privilege against self-incrimination, or assume "the general duty to give what testimony one is capable of giving."

De Vita v. Sills, 422 F.2d 1172, 1178-79 (3rd Cir.1970), *citing United States v. Simon* 373 F.2d 649, 653 (2nd Cir.1967), *cert. gr. Simon v. Wharton*, 386 U.S. 1030, 87 S.Ct. 1485, 18 L.Ed.2d 591,*vacated as moot*,389 U.S. 425, 88 S.Ct. 577, 19 L.Ed.2d 653 (1967), (citation omitted). *See also, Herberg v. Com., State Bd. of Medical Ed.*, 65 Pa.Commw. 358, 442 A.2d 411 (1982), *citing Arthurs v. Stern*, 560 F.2d 477, 480 (1st Cir.1977) ("[T]here is [nothing] inherently repugnant to due process in requiring the doctor to choose between giving testimony at the disciplinary hearing, a course that may help the criminal prosecutors, and keeping silent, a course that may lead to the loss of his license.") We find, as did the federal court in *Gabrilowitz v. Newman*, 582 F.2d 100, 104 (1st Cir.1978), that the difficulty of the choice facing appellants did not render it of constitutional proportions. Due process simply is not implicated by the arduousness of the decision.

[6] Appellants also assert that bias on the part of the F.S.A.B. members prevented a fair and impartial hearing. Specifically, it is asserted that Ms. Phaup acted as both an investigator and a deliberator concerning the charges against Psi Upsilon, that Lisa Gross, a university sorority member sitting on the Board, was biased because of her acquaintance with the victim, O'Flanagan, and that Dr. Morrisson, the final decision maker, was biased as she was ***614** a Co-Chair-person for a Committee to Diversify Locust Walk, the lane upon which Psi Upsilon's Charter

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House was located.

[7] We first point out that the Board is not subject to strict rules of judicial procedure. Moreover, as this Court has stated previously, courts should not interfere with internal procedure and discipline unless real prejudice, bias or denial of due process is present. *See Boehm, supra,* 392 Pa.Super. at 514, 573 A.2d at 581,*citing Schulman v. Franklin and Marshall College, supra,* 371 Pa.Super. at 351, 538 A.2d at 52. In each of the instances cited, appellants' claim of unfairness is unsupported by the record: Mrs. Phaup did in fact make initial inquiries about the incident, but was not a voting member of the Board; Dr. Morrisson merely approved the Board's conclusions; Ms. Gross, the putative acquaintance of the victim, O'Flanagan, knew him only by sight. We find in none of these circumstances sufficient prejudice to vitiate due process.

[8]**761 The same holds true with appellant's assertion that the University considered undisclosed evidence in making its determinations. Psi Upsilon states that Mr. Sluizer, a fraternity alumni representative on the Board, spoke with attorney friends after the hearing but before deliberations. They further allege that a typewritten statement made by Brian Hanstein, a witness, was "pilfered" from Mr. Hanstein's portfolio and utilized by the Board during deliberation. Finally, they assert that Ms. Goodman's charges concerning the "planning stages" of the incident against O'Flanagan were not presented at the hearing but were utilized by the Board during deliberations. Based upon the above, they conclude that they were denied a fair hearing. Such an assertion is incorrect. This evidence was presented to the trial judge who, as factfinder, could believe some, all or none of the proffered testimony. As there is nothing in the trial court's decision to indicate that he found this argument credible, we will not assume the role of factfinder to conclude otherwise.

*615[9] Appellant's final fairness assertion is that the sanctions imposed were too severe in light of prior disciplinary measures taken against other fraternities. Initially, an assertion that sanctions are too severe does not establish a basis for relief in Pennsylvania courts, as such a determination is within the sole province of that person designated within the contractual agreement to which the parties are signatory. *Boehm, supra,* 392 Pa.Super. at 521, 573 A.2d at 585. The F.S.A.B. and Vice Provost, Dr. Morrisson, fully considered all evidence presented and incorporated findings of fact and conclusions supported by law. As the determinations were within the sole province of the F.S.A.B. and Vice Provost, pursuant to the Recognition Policy and Fraternity/Sorority Advisory Judicial Charter, signed by Psi Upsilon, we will not disturb their decision.[FN7]

FN7. We note that no disciplinary measures were imposed upon individuals during these proceedings. No member was expelled, suspended from classes, or suffered alteration of his student status in any way.

[10] We next approach appellants' related assertion that by imposing sanctions under a theory of "collective responsibility," the University has abridged their constitutional rights of association, assembly and free speech, thus entitling them to injunctive relief.

In addressing this claim, we return to the premise that the University is a private institution, maintaining private property.

"Even when an owner of private property is constitutionally obligated to honor speech and assembly rights of others, private property rights themselves must nonetheless be protected. *The owner of such private property, therefore, is entitled to fashion reasonable rules to control the mode, opportunity and site for the individual exercise of expressional rights upon his property.* (footnote omitted) *It is at this level of analysis-assessing the reasonableness of such restrictions-that weight may be given to whether there exist convenient and feasible alternative means to individuals to engage in substantially the same expressional activity.*"

616Commonwealth v. Tate,* 495 Pa. 158, 174, 432 A.2d 1382, 1390 (1981), *citing State v. Schmid,* 84 N.J. 535, 563, 423 A.2d 615, 630 (1980) (emphasis added) (footnote omitted).

The Recognition Policy to which appellant was signatory establishes the responsibility of the fraternity as an entity for acts of its members which have been determined to be improper. The result of such a conclusion is not appellants' inability to function as the social organization it, in fact, is, but only its inability to function under the auspices of

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that institution whose rules its members have broken. No limitations have been placed upon its continued operation outside the University. As its "right" to University recognition was contingent upon the compliance of all its members to the rules posited by the Recognition Policy, it no longer possesses this "right." However, its essential nature is unaffected by the sanctions.

Appellants finally argue that not only have they complied with the "clear right to ****762** relief" prerequisite for injunctive relief, but they have also complied with all other prerequisites.

Pursuant to our determination that Psi Upsilon has not met the prerequisite of establishing a "clear right to relief", we need not address their remaining arguments in support of injunctive relief. *See* Schulman v. Franklin and Marshall College, supra, 371 Pa.Super. at 352, 538 A.2d at 52 (A preliminary injunction is an extraordinary remedy *available only where the party seeking it establishes all four (4) prerequisites.*) *See also* Pennsylvania Interscholastic Athletic Association, Inc. v. Greater Johnstown School District, 76 Pa.Commw. 65, 463 A.2d 1198 (1983); *Independent State Store Union v. Pennsylvania Liquor Control Board* 495 Pa. 145, 432 A.2d 1375 (1981).

Order affirmed.

Pa.Super.,1991.
Psi Upsilon of Philadelphia v. University of Pennsylvania
404 Pa.Super. 604, 591 A.2d 755, 68 Ed. Law Rep. 91

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State ex rel. Oklahoma Bar Ass'n v. Gasaway
Okl.,1993.

Supreme Court of Oklahoma.
STATE OF OKLAHOMA, ex rel. OKLAHOMA BAR ASSOCIATION, Complainant,
v.
Don E. GASAWAY, Respondent.
No. OBAD 1033.
No. SCBD 3776.

Oct. 19, 1993.

Upon recommendation of trial panel of Professional Responsibility Tribunal that attorney be disbarred, the Supreme Court, Summers, J., held that: (1) attorney's resignation from bar association, which resignation was refused by Supreme Court, did not void disciplinary proceedings against attorney; (2) Court would not issue stay of attorney disciplinary proceedings pending completion of criminal proceedings arising from same matters; (3) trial panel properly considered information obtained through subpoenas issued for attorney's bank records; and (4) disbarment is appropriate sanction for attorney who receives clients' money and uses money for purposes other than those of clients.

Attorney disbarred.

Opala, J. concurred in disbarment only and filed opinion.

Hodges, C.J., and Kauger, J., concurred in result.

See also 863 P.2d 1189.

West Headnotes

[1] Attorney and Client 45 ⚿54

45 Attorney and Client
45I The Office of Attorney
45I(C) Discipline
45k47 Proceedings
45k54 k. Trial or Hearing. Most Cited Cases
In Supreme Court's exercise of original and exclusive jurisdiction in all matters involving discipline of persons licensed to practice law, Court examines record of disciplinary proceeding and merits of disciplinary charges against respondent even though he or she fails to file brief.

[2] Attorney and Client 45 ⚿54

45 Attorney and Client
45I The Office of Attorney
45I(C) Discipline
45k47 Proceedings
45k54 k. Trial or Hearing. Most Cited Cases
Adjudication of merits of disciplinary claim against lawyer necessarily includes examination of affirmative defenses raised by that lawyer during course of disciplinary proceeding.

[3] Attorney and Client 45 ⚿59.12

45 Attorney and Client
45I The Office of Attorney
45I(C) Discipline
45k59.1 Punishment; Disposition
45k59.12 k. Resignation; Voluntary Surrender of License. Most Cited Cases
(Formerly 45k58)
Attorney's resignation from bar association, which resignation was refused by Supreme Court, did not void disciplinary proceedings against attorney; resignation was facially improper because it failed to specify nature of pending proceedings against attorney as required by rule. Disciplinary Proceedings Rule 8.1, 5 O.S.A. Ch. 1, App. 1-A.

[4] Attorney and Client 45 ⚿32(1)

45 Attorney and Client
45I The Office of Attorney
45I(B) Privileges, Disabilities, and Liabilities
45k32 Regulation of Professional Conduct, in General
45k32(1) k. In General. Most Cited Cases

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Member of bar is licensee subject to regulations pertaining to license to practice law.

[5] Associations 41 ⚿7

41 Associations
41k6 Membership
41k7 k. In General. Most Cited Cases
Where association has bylaws and rules, they constitute contract between members, and membership is regulated by terms of contract.

[6] Associations 41 ⚿9

41 Associations
41k6 Membership
41k9 k. Withdrawal of Members. Most Cited Cases
Rules of association governing resignation may be enforced against member.

[7] Associations 41 ⚿9

41 Associations
41k6 Membership
41k9 k. Withdrawal of Members. Most Cited Cases
Rules of association may not unconstitutionally preclude resignation of member.

[8] Associations 41 ⚿9

41 Associations
41k6 Membership
41k9 k. Withdrawal of Members. Most Cited Cases
Rules governing resignation of person from nonreligious association may not be enforced in arbitrary or capricious manner.

[9] Attorney and Client 45 ⚿59.12

45 Attorney and Client
45I The Office of Attorney
45I(C) Discipline
45k59.1 Punishment; Disposition
45k59.12 k. Resignation; Voluntary Surrender of License. Most Cited Cases
(Formerly 45k58)
Rules, requiring attorney who is subject of disciplinary action and who wishes to resign from bar, to specify nature of proceedings pending against him, and providing that Supreme Court may approve such resignation, do not prohibit attorney who has submitted improper resignation from submitting second resignation that conforms to rules. Disciplinary Proceedings Rules 8.1, 8.2, 5 O.S.A. Ch. 1, App. 1-A.

[10] Attorney and Client 45 ⚿48

45 Attorney and Client
45I The Office of Attorney
45I(C) Discipline
45k47 Proceedings
45k48 k. Notice and Preliminary Proceedings. Most Cited Cases
Trial panel of Professional Responsibility Tribunal did not abuse its discretion in denying attorney's motion for continuance based on argument that one of three panel members was not available for hearing, since two of three constituted quorum, though panel possessed discretion to continue date for hearing when good cause was shown. Disciplinary Proceedings Rules 6.6, 6.7, 5 O.S.A. Ch. 1, App. 1-A.

[11] Attorney and Client 45 ⚿48

45 Attorney and Client
45I The Office of Attorney
45I(C) Discipline
45k47 Proceedings
45k48 k. Notice and Preliminary Proceedings. Most Cited Cases
Supreme Court would not issue stay of attorney disciplinary proceedings pending completion of criminal proceedings arising from same matters; fact that interim suspension of attorney had occurred did not by itself show that interests of public and bar association in disciplinary proceeding had been met, so as to require stay of disciplinary proceeding, since suspension or disbarment of attorney is not exclusive purpose of disciplinary process. U.S.C.A. Const.Amends. 5, 14; Disciplinary Proceedings Rule 5.6, 5 O.S.A. Ch. 1, App. 1-A.

[12] Attorney and Client 45 ⚿48

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45 Attorney and Client
45I The Office of Attorney
45I(C) Discipline
45k47 Proceedings
45k48 k. Notice and Preliminary Proceedings. Most Cited Cases
Simultaneous bar disciplinary proceedings and related criminal proceedings do not necessarily require staying of disciplinary proceeding.

[13] Action 13 ⚿69(5)

13 Action
13IV Commencement, Prosecution, and Termination
13k67 Stay of Proceedings
13k69 Another Action Pending
13k69(5) k. Nature and Subject Matter of Actions in General. Most Cited Cases
Court may exercise its discretion and grant stay of civil proceedings until criminal proceedings conclude when strong public interest in proceeding expeditiously on civil case is absent.

[14] Attorney and Client 45 ⚿48

45 Attorney and Client
45I The Office of Attorney
45I(C) Discipline
45k47 Proceedings
45k48 k. Notice and Preliminary Proceedings. Most Cited Cases

Constitutional Law 92 ⚿4273(3)

92 Constitutional Law
92XXVII Due Process
92XXVII(G) Particular Issues and Applications
92XXVII(G)12 Trade or Business
92k4266 Particular Subjects and Regulations
92k4273 Attorneys
92k4273(3) k. Conduct and Discipline. Most Cited Cases
(Formerly 92k287.2(5))
Trial panel of Professional Responsibility Tribunal properly considered information obtained through subpoenas issued for attorney's bank records relating to financial transactions between attorney and clients; bank records were not overbroad, bar association was not agency under Administrative Procedures Act so as to be required to enforce subpoenas in district court before banks complied with subpoenas, and due process was satisfied in that attorney was afforded opportunity to seek original-jurisdiction relief in Supreme Court and to present any legal arguments and facts he desired in support of quashing subpoenas. 6 Okl.St.Ann. §§ 2201-2206; Disciplinary Proceedings Rules 1.4, 2.1, 2.8, 2.8(a), 5 O.S.A. Ch. 1, App. 1-A; Rules Creating and Controlling the Bar Ass'n, Art. 1, § 1, 5 O.S.A. Ch. 1, App. 1; 75 Okl.St.Ann. §§ 250-323; Rules of Prof.Conduct, Rule 1.15, 5 O.S.A. Ch. 1, App. 3-A; U.S.C.A. Const.Amends. 4, 5, 14.

[15] Searches and Seizures 349 ⚿75

349 Searches and Seizures
349I In General
349k75 k. Witnesses; Subpoenas. Most Cited Cases
Claim that subpoena duces tecum is overbroad in scope, and thus is unreasonable search and seizure within meaning of Fourth Amendment, is founded upon person's privacy interest in material sought by subpoena. U.S.C.A. Const.Amend. 4.

[16] Searches and Seizures 349 ⚿76

349 Searches and Seizures
349I In General
349k76 k. Corporations; Offices and Records. Most Cited Cases
No Fourth Amendment privacy interest exists with regard to bank records. U.S.C.A. Const.Amend. 4.

[17] Administrative Law and Procedure 15A ⚿464

15A Administrative Law and Procedure
15AIV Powers and Proceedings of Administrative Agencies, Officers and Agents
15AIV(D) Hearings and Adjudications
15Ak463 Witnesses
15Ak464 k. Subpoenas in General. Most Cited Cases
Administrative subpoenas are to be sufficiently limited in scope, relevant in purpose, and specific in directive so that compliance will not be unreasonably

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burdensome.

[18] Attorney and Client 45 ⚿48

45 Attorney and Client
45I The Office of Attorney
45I(C) Discipline
45k47 Proceedings
45k48 k. Notice and Preliminary Proceedings. Most Cited Cases
Supreme Court's exclusive and original jurisdiction in attorney discipline proceedings includes authority to adjudicate propriety of subpoenas issued by Professional Responsibility Commission to examine attorney bank records for purpose of disciplinary proceeding.

[19] Attorney and Client 45 ⚿48

45 Attorney and Client
45I The Office of Attorney
45I(C) Discipline
45k47 Proceedings
45k48 k. Notice and Preliminary Proceedings. Most Cited Cases
When Professional Responsibility Commission is acting in investigation relating to lawyer's rule-mandated trust account, and issues subpoena to examine trust account, lawyer may not resist subpoena solely on ground that record may reveal information concerning lawyer's clients.

[20] Witnesses 410 ⚿309

410 Witnesses
410III Examination
410III(D) Privilege of Witness
410k309 k. Effect of Refusal to Answer. Most Cited Cases
When attorney timely invokes Fifth Amendment in response to formal complaint of bar association, Supreme Court will not deem bar's allegations admitted based on attorney's failure to answer formal complaints of bar association. U.S.C.A. Const.Amend. 5.

[21] Witnesses 410 ⚿307

410 Witnesses
410III Examination
410III(D) Privilege of Witness
410k307 k. Claim of Privilege. Most Cited Cases
Attorney's assertion of Fifth Amendment at hearing of trial panel of Professional Responsibility Tribunal was sufficient to invoke protection of right against self-incrimination in context of trial panel proceeding, and was sufficient to prevent Tribunal from deeming bar's complaints admitted based on attorney's failure to answer formal complaints. Disciplinary Proceedings Rules 5.2, 6.4, 6.11, 6.11(d), 5 O.S.A. Ch. 1, App. 1-A; U.S.C.A. Const.Amend. 5.

[22] Attorney and Client 45 ⚿59.14(2)

45 Attorney and Client
45I The Office of Attorney
45I(C) Discipline
45k59.1 Punishment; Disposition
45k59.14 Disbarment; Revocation of License
45k59.14(2) k. Mishandling of Trust Account or Client Funds. Most Cited Cases
(Formerly 45k58)
Disbarment is appropriate sanction for attorney who receives clients' money and uses money for purposes other than for those clients, repeatedly commingles funds, converts property of clients, deposits client's check and writes check against that amount while knowing that another person has interest in those funds, and does not preserve and keep funds separate until dispute regarding other person's interest is resolved.

[23] Attorney and Client 45 ⚿59.14(2)

45 Attorney and Client
45I The Office of Attorney
45I(C) Discipline
45k59.1 Punishment; Disposition
45k59.14 Disbarment; Revocation of License
45k59.14(2) k. Mishandling of Trust Account or Client Funds. Most Cited Cases
(Formerly 45k58)
Attorney's act amounting to conversion of client's funds warrants disbarment.

***1192** Original Proceeding for Lawyer Discipline.
The Oklahoma Bar Association brought a

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complaint against the Respondent/lawyer alleging twenty-one counts of professional misconduct. A hearing was held before a trial panel of the Professional Responsibility Tribunal and the panel recommended that the lawyer be disbarred from the practice of law.

RESPONDENT DISBARRED AND COSTS IMPOSED.

John E. Douglas, Asst. Gen. Counsel, Oklahoma Bar Ass'n, Oklahoma City, for complainant.
Robert G. Green, Tulsa, for respondent.
SUMMERS, Justice.

The Bar Association petitions us to disbar an attorney who claims he is beyond the reach of discipline by reason of his unsuccessful effort at resignation. We conclude that Respondent stands subject to discipline, and disbar him from the practice of law.

The Professional Responsibility Tribunal filed its report recommending disbarment. The Bar Association has filed its brief. The Respondent was granted two extensions of time to file his brief, but has not filed any brief or response. He has not challenged the trial panel's report.

[1][2] This Court exercises original and exclusive jurisdiction in all matters involving the discipline of persons licensed to practice law. *State ex rel. Oklahoma Bar Association v. Perkins*, 827 P.2d 168, 169 (Okla.1992). In the exercise of this jurisdiction we examine the record of the disciplinary proceeding and the merits of the disciplinary charges against a Respondent even though he or she fails to file a brief. *State ex rel. Oklahoma Bar Association v. Phillips*, 786 P.2d 1242 (Okla.1990); *State ex rel. Oklahoma Bar Association v. McCurtain*, 767 P.2d 427 (Okla.1989); *In re Cargill*, 164 Okla. 265, 23 P.2d 693 (1933). An adjudication of the merits of a disciplinary claim against a lawyer necessarily includes an examination of affirmative defenses raised by that lawyer during the course of the disciplinary proceeding.

The Respondent challenges the authority of the trial panel to proceed. His challenge is based upon a pending criminal charge against him that involved acts related to those put in issue by the Bar Association. He claims that his resignation from the Bar Association made void these disciplinary proceedings against him, even though his resignation had been refused by this Court. He also claims that a Disciplinary Rule of the Bar Association may not be applied to him without violating his rights granted by the Fifth Amendment. Finally, he claims that subpoenas issued to examine his business and trust accounts should have been quashed and evidence obtained thereunder not considered.

I. RESPONDENT'S ATTEMPT TO RESIGN

[3] The Bar Association originally alleged that Respondent committed ten counts of professional misconduct. He filed no answer to the complaint as required by Rule 6.4.[FN1] The Bar prepared a proposed resignation from the Bar for his use. He declined to use the form provided by the Bar, and filed a "Resignation in Lieu of Answer" on October 22, 1991. The Bar Association objected to the resignation as submitted by the Respondent.

FN1. Rule 6.4 of the Rules Governing Disciplinary Proceedings, 5 O.S.1991, Ch. 1, App. 1-A states:

The respondent shall within twenty (20) days after the mailing of the complaint file an answer with the Chief Justice. The respondent may not challenge the complaint by demurrer or motion. In the event the respondent Fails to answer, the charges shall be deemed admitted, except that evidence shall be submitted for the purpose of determining the discipline to be imposed.

The procedure for resigning from the Bar is not complicated, and this Court has ***1193** accepted numerous resignations pending disciplinary proceedings. A resignation from the Bar Association by a lawyer who is the subject of an investigation into, or a pending proceeding involving, allegations of professional misconduct is governed by Rule 8.1 of the Rules Governing Disciplinary Proceedings,[FN2] and this Court has refused to accept a resignation pending disciplinary proceedings that does not comply with Rule 8.1. See *State ex rel. Oklahoma Bar Association v. Perkins*, 757 P.2d 825, 828 (Okla.1988), where we rejected a resignation stating a future effective date as contrary to Rule 8.1. In this case we declined to accept Respondent's resignation because it failed to specify with particularity the nature of the pending grievances, investigations, and

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other pending proceedings as required by Rule 8.1.[FN3]

FN2. Rule 8.1, 5 O.S.1991, Ch. 1, App. 1-A states:

A lawyer who is the subject of an investigation into, or a pending proceeding involving, allegations of misconduct may resign membership in the Oklahoma Bar Association, and thereby Relinquish the right to practice law, only by delivering to the Commission an affidavit stating that the lawyer desires to resign and that:

(a) The resignation is freely and voluntarily rendered, the lawyer is not being subjected to coercion or duress, and the lawyer is fully aware of the consequences of submitting the resignation;

(b) The lawyer is aware that there is presently pending an investigation into, or proceedings involving, allegations that there exist grounds for discipline, *specifying particularly the misconduct alleged;*

(c) The lawyer agrees that he may be reinstated only upon full compliance with the conditions procedures prescribed by these Rules, and no application for reinstatement may be filed prior to the lapse of five years from the effective date of the resignation. (Emphasis added).

FN3. This part of the Rule is consistent with the authority that in a disciplinary proceeding the court wants the entire record of an attorney's professional conduct before the court. *State ex rel. Oklahoma Bar Association v. Warzyn,* 624 P.2d 1068, 1071 (Okla.1981); *State ex rel. Oklahoma Bar Association v. Moss,* 794 P.2d 403 (Okla.1990).

[4] The Respondent has alleged that his resignation showed substantial compliance with Rule 8.1, and that literal compliance with the Rule was not necessary. His argument on the resignation was limited to the claim that the reason for requiring a recitation of the pending proceedings, grievances, and investigations served no purpose except for later reinstatement proceedings, and was an insufficient reason to refuse the resignation.[FN4] Later at the trial panel hearing his counsel argued that the resignation "was proper and improperly rejected by the Supreme Court", and also that "Mr. Gasaway has resigned from this voluntary association ... [and] To require anything more would be unconstitutional." [FN5]

FN4. His petition for rehearing also raised, for the first time, an objection to subpoenas issued by the Professional Responsibility Commission. The Court's Order of April 7, 1992 denying rehearing noted that the Professional Responsibility Commission had denied his motion to quash the subpoenas and stated that the Court's Order on rehearing was without prejudice to the respondent presenting his objections on the subpoenas to the Professional Responsibility Tribunal.

FN5. Although the respondent presents the issue as one involving membership in an association, this characterization is imprecise. A member of the Bar is also a licensee and thereby subject to the regulations pertaining to that license to practice law. *State ex rel. Oklahoma Bar Association v. Lobaugh,* 781 P.2d 806, 809-810 (Okla.1988); *State ex rel. Oklahoma Bar Association v. Colston,* 777 P.2d 920, 925 (Okla.1989); *State ex rel. Oklahoma Bar Association v. Downing,* 804 P.2d 1120, 1122-1123 (Okla.1990).

[5][6][7][8] One often cited rule is that an individual may resign from an association as he or she sees fit, subject to financial obligations owing the association, where there are no rules or bylaws restricting the right to resign.[FN6] Where an association has bylaws and rules they constitute a contract between the members, and membership is regulated by the terms of the contract. ***1194***Oklahoma Association of Insurance* http://www.westlaw.com/Find/Default.wl?rs=dfa1.0&vr=2.0&DB=661&FindType=Y&ReferencePositionType=S&SerialNum=1963124611&ReferencePosition=455*Agents v. Hudson,* 385 P.2d 453, 455, 456 (Okla.1963). Thus, rules of an association governing resignation may be enforced against the member.[FN7] However, the rules of an association may not unconstitutionally preclude a resignation. *Guinn v. Church of Christ of Collinsville,* 775 P.2d 766, 776 (Okla.1989). Similarly, rules governing a resignation of a person from a non-religious association may not be enforced in an arbitrary or capricious manner. *Haynes v.*

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Annandale Golf Club, 4 Cal.2d 28, 47 P.2d 470, 471 (1935).

FN6. *National Labor Relations Board v. Granite State Joint Board*, 409 U.S. 213, 216, 93 S.Ct. 385, 387, 34 L.Ed.2d 422 (1972); *Booster Lodge No. 405 v. National Labor Relations Board*, 412 U.S. 84, 88, 93 S.Ct. 1961, 1964, 36 L.Ed.2d 764 (1973); *Borgraefe v. Supreme Lodge, K.L.H.*, 26 Mo.App. 218 (1887).

FN7. *Braddom v. Three Point Coal Corporation*, 288 Ky. 734, 157 S.W.2d 349, 352 (1941); *Progressive Grocers' Ass'n. Inc. v. Golden*, 76 U.S.App.D.C. 21, 128 F.2d 318, 319 (1942); *Associated Hat Manufacturers v. Baird-Unteidt Co.*, 88 Conn. 332, 91 A. 373, 378 (1914).

In the context of a resignation from a Bar Association some courts have held that accepting a lawyer's resignation is within the discretion of the court when the lawyer is subject to discipline at the time of the resignation.[FN8] This view of a court's discretion is consistent with our Rule 8.2 governing resignations and providing that "the Supreme Court *may* enter an order approving the resignation pending disciplinary proceedings." [FN9] In the exercise of this discretion some courts have rejected a resignation even when the resignation was equivalent to disbarment.[FN10] Courts have also rejected a resignation when it did not comply with a rule of the association requiring a list or acknowledgment of the pending charges of misconduct.[FN11] Our refusal of the Respondent's resignation on this ground is consistent with authority involving associations generally and for Bar membership as well.

FN8. *In re Coe*, 302 Or. 553, 731 P.2d 1028, 1032-1033 (1987); *Matter of Reed*, Del.Supr., 429 A.2d 987, 994 (1981); *Application of Harper*, 84 So.2d 700, 707 (Fla.1956). *See also Matter of Discipline of Peck*, 302 N.W.2d 356, 359 n. 3 (Minn.1981), (court may impose conditions upon acceptance of resignation); *The Florida Bar v. Summers*, 197 So.2d 291, 292 (Fla.1967), (court may impose appropriate conditions for resignation according to rule governing resignation). *Cf. In re Lewis*, 404 S.W.2d 469 (1966), (court declined to accept resignation and disbarred attorney); *Louisiana State Bar Association v. Pitcher*, 238 La. 649, 116 So.2d 281 (1959), (same); *Louisiana State Bar Association v. Cohen*, 242 La. 838, 138 So.2d 594 (1962), (same); *Matter of Duffy*, 102 N.M. 524, 697 P.2d 943, 945 (1985), (resignation not approved due to egregious violations of Code of Professional Responsibility and attorney disbarred); *In re King*, 165 Or. 103, 105 P.2d 870, 874 (1940), (resignation without consent of the court is ineffectual to preclude disbarment when proceedings therefor were pending at time of resignation).

FN9. Rule 8.2, 5 O.S.1991, Ch. 1, App. 1-A, as amended effective Jan. 12, 1989, (emphasis added). The Rule states:

Upon receipt of the required affidavit, the Commission shall file it with the Clerk of the Supreme Court and the Supreme Court may enter an order approving the resignation pending disciplinary proceedings. A lawyer who so resigns shall only be permitted to apply for reinstatement after the lapse of five (5) years and under the provisions of Rule 11.

FN10. *In re Johnson*, 49 N.J. 110, 228 A.2d 343, 344 (1967); *Matter of Ditri*, 71 N.J. 173, 364 A.2d 545 (1976). *Cf. Office of Disciplinary Counsel v. Herrman*, 475 Pa. 560, 381 A.2d 138 (1977), (resignation with stipulation to never reapply for membership was refused by court and lawyer disbarred); *Disciplinary Proceedings Against Snyder*, 127 Wis.2d 446, 380 N.W.2d 367, 369 (1986), (proffered resignation with stipulation of permanent retirement from the practice of law rejected by court and license to practice law revoked); *State ex rel. Florida Bar v. Englander*, 118 So.2d 625, 626 (1960), (court determined that due to the lawyer's flagrant misconduct the acceptance of a resignation would adversely affect the purity of the courts, the resignation was rejected, and lawyer disbarred).

FN11. *Matter of Sands*, 86 App.Div.2d 96, 449 N.Y.S.2d 219, 220 (1982); *Matter of Sands*, 89 App.Div.2d 61, 454 N.Y.S.2d 715

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(1982); *Office of Disciplinary Counsel v. Herrman*, 475 Pa. 560, 381 A.2d 138 (1977); *Matter of Nixon*, 53 A.D.2d 178, 385 N.Y.S.2d 305, 307-308 (1976).

When a lawyer resigns from the Bar under a cloud of allegations of professional misconduct this Court requires the lawyer to set forth with particularity the allegations against the lawyer and any pending Bar investigations. This requirement results in the creation of a formal record in this Court that includes all pending disciplinary matters and investigations. Rule 5.7 of the Disciplinary Rules [FN12] states that ***1195** investigations and grievances are confidential and are not made public unless authorized by the Supreme Court or under Rule 6.1, which sets forth the procedure for filing a formal complaint. Thus, the resignation not only memorializes the public matters in the formal complaint but also brings previously confidential matters before the Court and the public. It should be noted that Rule 8.1 in no way requires an attorney to make any admissions of culpability, but merely to state, with some particularity, the allegations presently pending against him.

FN12. Rule 5.7, 5 O.S.1991, Ch. 1, App. 1-A states:

Investigations by the General Counsel and the Commission shall be confidential, and the results thereof shall not be made public until authorized by the Supreme Court or as provided by Rule 6.1. However, when no formal complaint is filed in the Supreme Court, at the option of the respondent, the final disposition of a grievance by the Professional Responsibility Commission may be made public. In all cases the person who filed a grievance and the respondent shall be notified of the final disposition thereof.

[9] The Respondent's tendered resignation and the original complaint were filed simultaneously on a docket of this Court and made part of a public record. The resignation stated that the Bar Association was investigating other grievances against the Respondent, but did not indicate the nature of those grievances. Thus, the Respondent requested that a resignation pending discipline be approved when there was no record before the Court on those pending grievances and investigations. The complaint was later amended to add an additional eleven counts of alleged misconduct. The purposes of accepting a resignation during discipline do *not* include keeping allegations of unprofessional conduct from the Court or secreting the allegations from the public eye. The Respondent's resignation pending discipline was facially improper because it did not comply with the Association rule requiring a list or acknowledgment of the pending disciplinary charges and investigations.[FN13] This requirement serves important interests for the benefit of the resigning lawyer, the Bar Association, and the public.

FN13. We note that Rules 8.1 and 8.2 do not prohibit a lawyer from submitting a second resignation that conforms to the Rules. A result allowed by another court as well. *See Matter of Sands*, 86 App.Div.2d 96, 449 N.Y.S.2d 219, 220 (1982); *Matter of Sands*, 89 App.Div.2d 61, 454 N.Y.S.2d 715 (1982). The respondent was informed by the Court that his resignation did not comply with Rule 8.1 and he elected to stand on a deficient resignation instead of submitting a second proper resignation. We also note that respondent's tendered resignation was improper as it did not agree to pay the costs of the proceeding. This Court has routinely required a lawyer resigning during disciplinary proceedings to pay the reasonable costs of the investigation incurred prior to the resignation.

II. RESPONDENT'S MOTION TO CONTINUE OR STAY THE PROCEEDINGS

A hearing was held before the trial panel on July 1, 1992. Respondent was present with counsel, and asserted that he was making a "special appearance" at the hearing. Before any evidence was presented or witnesses called the Respondent presented three motions, two for a continuance and one to quash subpoenas issued by the Professional Responsibility Commission. The Bar Association also made a motion to have the allegations against Respondent deemed admitted because of the Respondent's failure to answer the allegations.

[10] Respondent's first motion was for a continuance based upon the argument that one of the three trial panel members was not available for the hearing, and the panel lacked "jurisdiction" to

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proceed. A trial panel is composed of three members called "Masters", and "Two of the three Masters shall constitute a quorum for the purposes of conducting hearings, ruling on and receiving evidence, and rendering Findings of Fact and Conclusions of Law." Rule 6.6, Rules Governing Disciplinary Proceedings, 5 O.S.1991, Ch. 1, App. 1-A. A trial panel possesses the discretion to continue a date for a hearing when good cause is shown. *Id.* at Rule 6.7. The trial panel did not abuse its discretion when it denied this motion for a continuance.

[11] The second motion for continuance was based upon the statement made by Respondent's counsel that a week prior to the hearing: "... a criminal case or two cases were filed against Mr. Gasaway, ***1196** which it is my understanding, and I've not looked at the information, that the allegations in those counts in those criminal cases concern the same matters that may be contained in the complaint filed by the Bar Association." He argued that he could not be compelled to give evidence against himself, and that the Complaint sought to impose discipline because he refused to give evidence against himself. Counsel later explained that "Mr. Gasaway, as we've stated earlier under Fifth Amendment Rights, is effectively precluded from testifying in this proceeding because there's a criminal case pending."

The U.S. Supreme Court has stated that simultaneous civil and related criminal proceedings do not constitute "unfairness and want of consideration for justice" so as to require the reversal of a criminal conviction. *United States v. Kordel*, 397 U.S. 1, 11, 90 S.Ct. 763, 769, 25 L.Ed.2d 1 (1970).

It would stultify enforcement of federal law to require a governmental agency such as the FDA invariably to choose either to forego recommendation of a criminal prosecution once it seeks civil relief, or to defer civil proceedings pending the ultimate outcome of a criminal trial.

Id. 397 U.S. at 11, 90 S.Ct. at 769.

This view was also expressed in *Abel v. United States*, 362 U.S. 217, 229-230, 80 S.Ct. 683, 692-693, 4 L.Ed.2d 668 (1960) where the Court explained that the Constitution did not require an irrevocable choice on the part of the Government between pursuing an I.N.S. investigation and an F.B.I. investigation against an individual.

Consistent with this rule of not requiring the Government to choose between using a civil or criminal proceeding against a defendant, courts have explained that simultaneous civil and criminal proceedings do not necessarily run afoul of the Fifth and Fourteenth Amendments. One state court stated:

> There is nothing inherently repugnant to due process in requiring plaintiff to choose between giving testimony at the disciplinary hearing and keeping silent, even though giving testimony at the hearing may damage his criminal case and keeping silent will most likely lead to loss of his employment.

Giampa v. Illinois Civil Service Commission, 89 Ill.App.3d 606, 44 Ill.Dec. 744, 750, 411 N.E.2d 1110, 1116 (1980).

In *United States v. Kordel, supra*, a defendant, as does the Respondent herein, argued for a stay of the civil proceeding because of a pending criminal proceeding. Courts have cited *Kordel* as support for the proposition that the *sole* fact of simultaneous proceedings is insufficient to constitutionally require a stay. For example, in *Oznemoc v. Alcoholic Beverages Cont. Comm.*, 412 Mass. 100, 587 N.E.2d 751 (1992) that court explained that: "Courts generally reject claims by parties to administrative proceedings that they are entitled to continuances until after their criminal trials because they will not testify for fear of self-incrimination." *Id.* 587 N.E.2d 751. Numerous cases from other jurisdictions support this rule.[FN14]

FN14. *See, e.g., Psi Upsilon v. University of Pa.*, 404 Pa.Super. 613, 591 A.2d 755, 760 (1991), (where individuals invoked right against self-incrimination in disciplinary hearing the University did not deny their due process rights when it declined to postpone disciplinary hearing until completion of related criminal charges); *Herberg v. Commonwealth, State Bd. of Medical Ed.*, 65 Pa.Commw. 358, 442 A.2d 411, 413 (1982), (physician not denied due process or rights against self-incrimination where rights invoked in licensure proceeding while related criminal case pending); *U.S. Trust Co. of New York v. Herriott*, 10 Mass.App.Ct. 313, 407 N.E.2d 381, 385 (1980), (no constitutional requirement that civil proceeding must yield to simultaneous criminal proceeding); *Matter of Germaine*

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B., 86 A.D.2d 847, 447 N.Y.S.2d 448, 449 (1982), (no violation of constitutional right occurs when a party is required to proceed in a civil proceeding prior to related criminal proceeding); *Rosenberg v. Board of Education of School Dist. No. 1*, 710 P.2d 1095, 1100 n. 11 (Colo.1985), (no right to continuance of administrative proceeding pending the outcome of related criminal proceeding); *Arthurs v. Stern*, 560 F.2d 477 (1st Cir.1977), *cert. denied*,434 U.S. 1034, 98 S.Ct. 768, 54 L.Ed.2d 782 (1978), (no due process violation by requiring doctor to choose between giving testimony at disciplinary hearing and keeping silent); *Gabrilowitz v. Newman*, 582 F.2d 100, 104 (1st Cir.1978), (no due process violation where student is forced to decide whether to testify at disciplinary hearing, but under particular circumstances student should be allowed to consult with a lawyer during the hearing); *United States v. Rubinson*, 543 F.2d 951, 961 (2d Cir.), *cert. denied*,434 U.S. 850, 97 S.Ct. 139, 50 L.Ed.2d 124 (1976), (Fifth Amendment right against self-incrimination not prejudiced by prior civil S.E.C. proceeding); *Peiffer v. Lebanon School Dist.*, 848 F.2d 44, 46 (3d Cir.1988), (party was not faced with an unconstitutional choice to testify and he was not constitutionally entitled to a postponement of civil proceeding pending the disposition of criminal charges); *Hoover v. Knight*, 678 F.2d 578, 581 (5th Cir.1982), (parallel civil and criminal trials or investigations do not raise a question of constitutional magnitude); *U.S. v. White*, 589 F.2d 1283, 1286-1287 (5th Cir.1979), (civil trial while criminal charges pending where invocation of the Fifth Amendment would not necessarily result in adverse judgment); *Diebold v. Civil Service Commission of St. Louis County*, 611 F.2d 697, 700-701 (8th Cir.1979), (Fifth Amendment not violated by simultaneous criminal and administrative proceedings). *Cf. S.E.C. v. Tome*, 638 F.Supp. 629, 631-632 (S.D.N.Y.1986), (adverse inference from defendant's silence in civil litigation is constitutional even when related criminal proceeding is pending).

***1197**[12] The rule has also been recognized in the context of lawyer discipline proceedings. For example in *State v. Horton*, 561 A.2d 488 (Me.1989) that court explained:

> Contrary to Horton's contention, the fact that a lawyer's decision to invoke the privilege and remain silent can be used as evidence in the disciplinary proceeding does not render the lawyer's decision to speak involuntary. Disciplinary proceedings are civil in nature, and a lawyer has no constitutional right to prevent the fact finder in that proceeding from considering the implications of his silence, along with other evidence against him, in making a determination. *See Baxter v. Palmigiano*, 425 U.S. 308, 318, 96 S.Ct. 1551, 47 L.Ed.2d 810 (1976); *Board of Overseers of the Bar v. Dineen*, 481 A.2d 499, 503 (Me.1984). If he chooses to invoke his Fifth Amendment privilege and remain silent, a lawyer might be disciplined for the underlying misconduct charged by the Board, but that does not mean he is compelled to speak rather than assert his privilege.
>
> *Id.* 561 A.2d at 491.

Thus, simultaneous Bar disciplinary proceedings and related criminal proceedings do not necessarily require the staying of the disciplinary proceeding.

[13] It is true that a court may exercise its discretion and grant a stay when a strong public interest in proceeding expeditiously on a civil case is absent.[FN15] This policy is reflected in Disciplinary Rule 5.6 allowing the Professional Responsibility Commission to stay the processing of a grievance.[FN16] The high court has stated circumstances that may call for granting relief from simultaneous proceedings:

> FN15. *United States v. Kordel*, 397 U.S. at 9, 90 S.Ct. at 768; *Arthurs v. Stern*, 560 F.2d at 479-480; *United States v. U.S. Currency*, 626 F.2d 11, 17 (6th Cir.1980). *See also Favaloro v. S/S Golden Gate*, 687 F.Supp. 475, 481-482 (N.D.Cal.1987), (Constitution does not require a stay of civil proceeding until criminal action is no longer possible but court has discretion to grant stay or provide other relief when circumstances warrant granting such); *Brock v. Tolkow*, 109 F.R.D. 116, 118-120 (E.D.N.Y.1985), (same); *Digital Equipment Corp. v. Currie Enterprises*, 142 F.R.D. 8, 11-15

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(D.Mass.1991), (same).

FN16.Rule 5.6 states:

Processing of grievances shall not be deferred or abated because of substantial similarity to the material allegations of pending criminal or civil litigation, or administrative proceedings, unless authorized by the Commission in its discretion, for good cause shown.

We do not deal here with a case where the Government has brought a civil action solely to obtain evidence for its criminal prosecution or has failed to advise the defendant in its civil proceeding that it contemplates his criminal prosecution; nor with a case where the defendant is without counsel or reasonably fears prejudice from adverse pretrial publicity or other unfair injury; nor with any other special circumstances that might suggest the unconstitutionality or even the impropriety of this criminal prosecution.

United States v. Kordel, 397 U.S. at 11-12, 90 S.Ct. at 769-770. None of those circumstances have been alleged or raised by the Respondent in his request for a continuance.

The Respondent was suspended from the practice of law after the trial panel hearing ***1198** and pending the outcome of this proceeding. This circumstance could weigh in favor of this Court granting a requested stay when related criminal charges have been filed and are pending against a lawyer subject to professional discipline. Although disciplinary proceedings may result in the suspension or disbarment of a lawyer this result is not the exclusive purpose of the disciplinary process. Thus, an interim suspension does not, by itself, show that the interests of the Bar Association and public in the disciplinary proceeding have been satisfied so as to *require* a continuance or stay of the disciplinary proceeding. We decline to issue a stay under the circumstances of this case.

III. THE MOTION TO QUASH THE SUBPOENAS

[14] The Respondent also requested the panel to quash the subpoenas issued pertaining to his bank records. The Bar Association asked the Respondent to provide information and documents relating to the financial transactions between himself and clients whom had filed grievances against him. Respondent declined to respond. The Bar again requested the records, and again the Respondent declined to respond.

The subpoenas were issued May 14, 1991, to the First Bank of Catoosa and Community Bank and Trust, and notice of the subpoenas was mailed to Gasaway on the same date. The Respondent mailed his motion to quash to the Professional Responsibility Tribunal on May 22, 1991. During a regularly scheduled meeting of the Commission on May 31, 1991 the motion to quash was denied by the Commission and the Respondent was informed of the denial.

On June 19, 1991 the Bar Association informed Respondent's counsel that the banks would comply with the subpoenas on July 2, 1991 unless the Respondent obtained a judicial order prohibiting the banks from proceeding. The Bar stated in its notice: "This agreement will allow Mr. Gasaway, if he has a legitimate objection to the subpoena, to raise it." Counsel for the Bar also provided the Respondent a copy of an order where this Court had assumed original jurisdiction to adjudicate a dispute between a lawyer and the Bar Association concerning the scope of a similar subpoena issued by the Professional Responsibility Commission. The Respondent did not seek judicial review, and the banks complied with the subpoenas.

At the hearing before the trial panel the Respondent moved to quash the subpoenas, and objected to the introduction of evidence obtained by the subpoenas. He argued that (1) the subpoenas were overbroad, (2) the Bar had not sought to enforce the subpoenas in a District Court, (3) no hearing was provided on the motion to quash, and (4) that the same entity that issued the subpoenas also adjudicated the motion to quash.

[15][16] In *Nichols v. Council on Judicial Complaints*, 615 P.2d 280 (Okla.1980) we stated that a subpoena duces tecum may be overbroad in scope and thus an unreasonable search and seizure within the meaning of the Fourth Amendment to the United States Constitution. *Id.* 615 P.2d at 284. A Fourth Amendment claim is founded upon a person's privacy interest in the material sought by the subpoena.[FN17] However, no Fourth Amendment privacy interest

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exists with regard to the bank records.[FN18]

FN17.*Id.* 615 P.2d at 285. *See also Fisher v. United States,* 425 U.S. 391, 401, 96 S.Ct. 1569, 1576, 48 L.Ed.2d 39 (1976), [citing *Oklahoma Press Pub. Co. v. Walling,* 327 U.S. 186, 208, 66 S.Ct. 494, 505, 90 L.Ed. 614 (1946); *In re Horowitz,* 482 F.2d 72, 75-80 (2d Cir.1973), (Friendly, J.)].

FN18.*Nichols,* 615 P.2d at 283 n. 11, [citing *United States v. Miller,* 425 U.S. 435, 96 S.Ct. 1619, 48 L.Ed.2d 71 (1976)]. *See also S.E.C. v. Jerry T. O'Brien, Inc.,* 467 U.S. 735, 743, 104 S.Ct. 2720, 2725, 81 L.Ed.2d 615 (1984); *Pleasant v. Lovell,* 974 F.2d 1222, 1229 (10th Cir.1992).

[17] The Respondent argued that the subpoenas were "overbroad" in scope under the Oklahoma Financial Privacy Act, 6 O.S.1991 1991 §§ 2201-2206, and that they sought material that is "incompetent, irrelevant, and immaterial for the purposes for ***1199** which it is sought." [FN19] We find otherwise. Administrative subpoenas are to be "sufficiently limited in scope, relevant in purpose, and specific in directive so that compliance will not be unreasonably burdensome." *See v. Seattle,* 387 U.S. 541, 544, 87 S.Ct. 1737, 1739, 18 L.Ed.2d 943 (1967). In *United States v. Powell,* 379 U.S. 48, 57-58, 85 S.Ct. 248, 254-255, 13 L.Ed.2d 112 (1964) the Court examined the relevant statutory authority for the agency issuing the subpoena, and stated that in order to obtain enforcement of a subpoena the agency must have a legitimate purpose for the investigation, the inquiry must be relevant to that purpose, the agency must not possess the information sought, and the agency must have adhered to the administrative procedures.

FN19.6 O.S.1991 § 2204(c)(i) states that a motion to quash may be filed on the ground: "that the financial record sought is incompetent, irrelevant, or immaterial for the purpose or purposes for which it is sought;"

The subpoenas requested bank records from April 12, 1990 to May 1991. The record before us shows pre-subpoena complaints to the Bar Association involving financial transactions occurring in April and May 1991, April and November 1990, and the status of trust accounts during the period between April and November 1990. The Commission is given the authority to investigate any alleged ground for lawyer discipline. 5 O.S.1991 Ch. 1, App. 1-A, Rule 2.8. The Commission as a part of this investigation may issue subpoenas upon approval of the Commission by the chairman or vice-chairman of the Commission. *Id.* The subpoenas were not overbroad in scope with regard to the complaints. They were relevant to a legitimate inquiry by the Commission in its role of investigating lawyer misconduct.

The Respondent argued that the Oklahoma Financial Privacy Act, 6 O.S.1991 §§ 2201-2206, required quashing the subpoenas. He argued that under the Act the proper authority to hear the motion to quash was the District Court. This assertion is incorrect. Section 2204 of the Act states in part:

If the subpoena was issued by the district court, the motion to quash the subpoena shall be filed in the district court that issued the subpoena. If the subpoena was issued by a state agency or a legislative committee, the motion to quash the subpoena shall be filed with the state agency or legislative committee that issued the subpoena.

Under the Act the entity that issues the subpoena hears the motion to quash. However, as explained hereafter this provision does not apply to the Commission.

The Respondent also argued that a procedure is unconstitutional when the same entity issues a subpoena and also hears a motion to quash that subpoena. Standard agency practice appears to allow an agency to hear a motion to quash its own subpoena. 1 C. Koch, *Administrative Law and Practice,* § 5.36 (1985). *See e.g.,*75 O.S.Supp.1992 § 315(B)(2); 6 O.S.1991 § 2204(c). But we need not examine this argument because the controversy before us is a Bar disciplinary proceeding, and the procedures in this proceeding satisfy due process.

[18] The Professional Responsibility Commission is a part of the Oklahoma Bar Association and exercises a rule-granted power to consider and investigate alleged grounds for lawyer discipline. 5 O.S.1991, Ch. 1, App. 1-A, Rules 2.1, 2.8(a). The Oklahoma Bar Association was created

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by this Court, and the Association is an official arm of the Court acting for and on behalf of the Court in lawyer-discipline matters. 5 O.S.1991, Ch. 1, App. 1, Preamble; 5 O.S.1991, Ch. 1, App. 1, Art. 1 § 1. *See also* Stamper, Otis & Burrage v. Shaffer, 813 P.2d 1043 (Okla.1991); *Tweedy v. Oklahoma Bar Association*, 624 P.2d 1049, 1054-1055 (Okla.1981). This Court possesses exclusive and original jurisdiction in disciplinary proceedings. *State ex rel. Oklahoma Bar Association v. Perkins, supra.* This jurisdiction includes authority to adjudicate the propriety of subpoenas issued by the Professional Responsibility Commission to examine lawyer ***1200** bank records for the purpose of a disciplinary proceeding.

The Respondent was provided with time to seek relief in this Court prior to the banks' divulging the information. Counsel for the Bar informed the Respondent of a case where this Court assumed original jurisdiction and adjudicated a similar claim in a similar procedural context, and he was provided a copy of this court's order in that case. The Respondent did not pursue that opportunity for judicial review, and cannot now successfully complain that he was denied an opportunity to be heard via judicial review when such was the result of his own inaction.

The Respondent also argued that the Oklahoma Financial Privacy Act required the Bar Association to enforce the subpoenas in the District Court before the banks complied with the subpoenas, because he filed a motion to quash with the Professional Responsibility Commission. The Respondent relied upon language in 6 O.S.1991 § 2204 providing that: "A subpoena issued by a state agency or legislative committee shall be enforced pursuant to Section 315 of Title 75 of the Oklahoma Statutes." Section 315 is part of the Administrative Procedures Act (75 O.S.1991 §§ 250-323), and provides a procedure for enforcing agency subpoenas in the District Court of the county where the recalcitrant witness resides.

The Oklahoma Supreme Court is not an "agency" for the purpose of the Oklahoma Administrative Procedures Act. 75 O.S.1991 § 250.3, nor is the Bar Association, as an arm of this court, such an agency for the purpose of that Act. This Court is amply empowered to enforce a subpoena issued in the course of Bar disciplinary proceeding. The Rules Governing Disciplinary Proceedings provide an enforcement procedure in the *Supreme Court* with the Chief Justice assigning a judge of the district court to try a contemptuous refusal to comply with a Commission subpoena. 5 O.S.1991, Ch. 1, App. 1-A, Rule 2.8.

Respondent argued that the motion to quash should be sustained by the trial panel because he received no hearing on his motion to quash before the Professional Responsibility Commission, and argued that "Failure to have a hearing is a denial of the minimum standards of due process." Not so, as we explained in *Mott v. Carlson*, 786 P.2d 1247, 1251 (Okla.1990) and *State ex rel. Oklahoma Bar Association v. Hornung*, 813 P.2d 1041, 1042 (Okla.1991). Prior to the information being released in compliance with the subpoenas, the Respondent was afforded an opportunity to seek original-jurisdiction relief in this court, and present any legal arguments and facts he desired in support of quashing the subpoenas. The availability of this procedure satisfied due process. *Mott v. Carlson, supra.* Additionally, the Respondent was provided with an opportunity to make any legal arguments he desired by his motion to quash before the Commission, and he took that opportunity. Later when the Respondent was making his arguments before the trial panel he did not allege or argue that a material fact was in dispute on one of the grounds urged to quash, or that a hearing to adjudicate a fact had been necessary before the Commission or later before the trial panel. *See State ex rel. Oklahoma Bar Association v. Hornung, supra.* We also note that in the exercise of this court's exclusive and original jurisdiction we have addressed the substance of the Respondent's claims on the motion to quash. The Respondent did not avail himself of his opportunity to present facts to the trial panel on the motion to quash or submit legal arguments by brief in this court after the panel report was filed. The Respondent was not denied procedural due process. *Mott v. Carlson, supra, State ex rel. Oklahoma Bar Association v. Hornung, supra.*

The Respondent also argued that the trust account records necessarily included information concerning clients other than those filing grievances, and the trust account records were not subject to subpoena because "lawyers are required to keep confidential the affairs of their clients." The Rules Governing Disciplinary Proceedings and the Rules of

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Professional Conduct require*1201 a lawyer to maintain a trust account for the deposit of clients' funds entrusted to the lawyer. 5 O.S.Supp.1992 Ch. 1, App. 1-A, Rule 1.4 and 5 O.S.1991 Ch. 1, App. 3-A, Rule 1.15. A lawyer is required to maintain the records during representation of the client and continuing until five years after the termination of the representation. Rule 1.15.

[19] The mandated record-keeping is part of a State regulatory scheme for those licensed to practice law, and the regulation serves important public purposes in the administration of justice and the protection of the property of the citizens of the State. The regulatory nature of a Bar Association over these accounts for the purpose of lawyer discipline has been recognized when courts have determined that no Fifth Amendment self-incrimination privilege could be invoked by a lawyer with respect to the records of such accounts. *Louisiana State Bar Association v. Chatelain*, 513 So.2d 1178,1181 (La.1987). *Cf. Baltimore City Dept. of Social Serv. v. Bouknight*, 493 U.S. 549, 556, 110 S.Ct. 900, 905, 107 L.Ed.2d 992 (1990), (the Court recognized that the Fifth Amendment could not be invoked to resist compliance with a regulatory scheme unrelated to the enforcement of criminal laws). We hold that when the Commission is acting in an investigation relating to a lawyer's rule-mandated trust account, and issues a subpoena to examine the trust account, the lawyer may not resist the subpoena *solely* on the ground that the record may reveal information concerning the lawyer's clients.

IV. THE BAR ASSOCIATION'S MOTION TO DEEM ITS ALLEGATIONS ADMITTED

The Bar Association filed a motion to have the allegations against the Respondent deemed admitted pursuant to Rule 6.4, because he did not answer the formal Complaints.[FN20] The trial panel granted the motion. Granting the motion was erroneous, and we disregard the trial panel's action on the motion in the course of our *de novo* review of the proceeding.

FN20. See Rule 6.4 at note 1 *supra*.

In *State v. Horton*, 561 A.2d 488 (Me.1989), the Supreme Judicial Court of Maine explained that in *Spevack v. Klein*, 385 U.S. 511, 514, 87 S.Ct. 625, 627, 17 L.Ed.2d 574 (1967) the plurality opinion and the separate concurring opinion by Justice Fortas agreed that a lawyer could not be disciplined for asserting a Fifth Amendment privilege against self-incrimination. *Id.* 561 A.2d at 490. This view is consistent with *Lefkowitz v. Cunningham*, 431 U.S. 801, 805, 97 S.Ct. 2132, 2135, 53 L.Ed.2d 1 (1977), where the Court stated that "a State may not impose substantial penalties because a witness elects to exercise his Fifth Amendment right not to give incriminating testimony against himself."

[20] When a lawyer is called upon to answer allegations in a grievance that lawyer may refuse to answer upon "expressed constitutional grounds." Rule 5.2. Similarly, Rule 6.11(d) expressly provides for a Respondent to invoke a right against self-incrimination in the trial panel proceeding. *State ex rel. Oklahoma Bar Association v. Moss*, 794 P.2d 403, 408-410 (Okla.1990). The construction placed upon the Rule by the Bar amounts to a finding of "guilty" by a Respondent's mere invocation of the Fifth Amendment. We decline to construe the Rule in this manner. When a lawyer timely invokes the Fifth Amendment in response to a formal Bar Complaint we will not deem the Bar's allegations admitted.

[21] The Rules require a Respondent to either answer a grievance (Rule 5.2), or testify (Rule 6.11), or expressly state a reliance upon a constitutional ground for not complying with the Rules. The Respondent did not answer the allegations in the grievances nor did he state that he was relying upon the Fifth Amendment or any other constitutional ground as a reason for not answering. Rule 5.2 provides a respondent with a fair opportunity to rely upon the Fifth Amendment and state such reliance in an answer to the Bar Association. Respondent's assertion of the Fifth Amendment*1202 at the trial panel hearing was sufficient to invoke the protection of that right in the context of the trial panel proceeding,[FN21] and was sufficient to prevent the Tribunal from deeming the Bar's complaints admitted.

FN21. In *State ex rel. Oklahoma Bar Association v. Moss*, 794 P.2d at 408-409, we explained that a respondent's written response to a grievance did not waive the protection of the Fifth Amendment at a subsequent trial panel proceeding.

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After making his legal arguments before the Tribunal, Respondent and his counsel sought leave to withdraw from further participation in the proceedings. The presiding Master granted their request, and evidence was received on the merits of the complaints in the Respondent's absence. Counsel for the Bar presented the following evidence and then rested.

V. THE EVIDENCE

A.

The Respondent received a check in the amount of $38,767.65 for the sale of his client's property during a divorce. The check was deposited into his trust account in December 1990. In May of 1991 opposing counsel in the divorce case requested that the Respondent deposit the $38,767.65 with the Court Clerk, and an order of the District Court was made to that effect. The Respondent did not deposit the amount within the time afforded by the order, and opposing counsel filed a motion to compel the Respondent to deposit the funds with the Court Clerk.

While the divorce case was on appeal a settlement occurred, with the opposing counsel's client receiving a cashier's check in the amount of $8,657.63, and the balance of $30,110.02 was paid to the Respondent's client by a check drawn on the First State Bank of Catoosa. The check was dated May 6, 1991 but not delivered to the client until June 6, 1991. The record shows that this account had a balance of $757.15 on May 7, 1991. The Respondent told his client that the check would be good on June 10, 1991. On June 7, 1991 the bank declined to pay on the check due to insufficient funds. The bank also declined to cash the check on June 10 and 11, 1991, for the same reason. The Respondent's client hired another lawyer to get the Respondent to pay the $30,110.02. One day after Respondent discussed the matter with this lawyer the client received from the Respondent a cashier's check drawn on the First State Bank of Catoosa for $30,110.02.

One of the exhibits is a statement from the Respondent's trust account for the month of December 1990. The exhibit shows the $38,767.65 deposit on December 11, 1990. The exhibit shows a balance for the account on December 31, 1990 in the amount of $19.96. None of the disbursements went to the parties in the divorce proceeding, nor were they made with the approval of the parties to the divorce.

The exhibits show on that on the same day the $38,765.62 was deposited an amount of $35,000 was moved from the trust account to a different special trust account in the same bank. The $35,000 was disbursed and included $6,000 in cash for a District Court suit where the Respondent was a defendant, and a $750 check to the Court Clerk for the same case. By December 20, 1990 this trust account had a negative balance of $51.74. None of the disbursements from this special trust account were for the benefit of the Respondent's client.

The testimony shows that the divorce proceeding was concluded in February of 1991. Approximately one week thereafter the Respondent's client informed him that she did not want to appeal and wanted the $38,765.62 disbursed. While waiting for her money she attempted three times to purchase a house, but could not do so because her anticipated funds were not timely remitted to her from the Respondent.

B.

A Texas law firm sent a check to Gasaway, and the check was made payable to Gasaway and Paul Polin in the amount of $25,147.29. The check was deposited to Respondent's trust account at the First ***1203** Bank of Catoosa. Checks were written by Gasaway against the deposited check and the account was depleted to a minimum balance.

The check was drawn on a Texas bank. The Texas bank returned the check to the Catoosa bank because of an improper endorsement. The bank contacted Polin to endorse the check. Polin declined to endorse the check unless he received "his share" of the check. The bank contacted Gasaway and was informed that Gasaway and Polin were in the process of negotiating how much of the check belonged to Polin. The bank loaned Gasaway the money to cover the check. The bank was not repaid for this loan, and "charged the loan off."

C.

American Credit Indemnity (ACI) retained the Respondent to collect debts owed to ACI on different

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accounts. The Respondent sent a check to ACI in the amount of $22,942.67 for one account. The check was returned for insufficient funds. The check was again deposited and again returned for insufficient funds. After the check bounced the Respondent sent ACI a partial payment in the amount of $12,000 by a cashier's check. He then sent ACI a check in the amount of $11,500, but it also was returned for insufficient funds. When the Respondent did not remit the additional $10,942.70 a bonding company paid the deficit to ACI.

D.

On another account the Respondent received approximately sixty checks from the debtor, with each check in the amount of $400. The Respondent and ACI had an agreement under which he was authorized to deduct $52 as his fee from each $400 check he collected. The Respondent sent ACI twenty-one checks for $348. According to the Complaint the Respondent failed to remit $13,572 to ACI under the agreement. The testimony from a representative of ACI was that the Respondent owed ACI $12,400. The witness testified that the discrepancy could not be reconciled by ACI at the time of the hearing, but because the fee was based upon a percentage the discrepancy was probably due to giving the Respondent credit for attorney fees on amounts collected on the account by another attorney prior to the Respondent's involvement. ACI did not receive the $12,400 from the Respondent and suffered a loss in that amount.

E.

A lawyer was employed by Gasaway as an associate, and the associate settled a case for a client. The associate received a check in the amount of $6,500. On April 12, 1990 the settlement check was deposited into Gasaway's trust account as he maintained the firm account and signed the trust account checks. The client received a check dated April 19, 1990 for $2,063.34 and the check was returned for insufficient funds. The client received her share of the proceeds one week thereafter. The client's medical bills went unpaid.

The record shows that on April 17, 1990 the account had a negative balance by as much as $1,493.75 and then on April 19, 1990 the trust account had a positive balance of $33.75. No funds had been paid to the client or her medical providers prior to April 19, 1990. The record shows that one medical provider was paid $465.00 in November 1990 and two other medical bills were paid with undated checks that were negotiated in March of 1991, one for $350.00 and one for $1,245.00.

The client filed a grievance against the associate lawyer with the Tulsa County Bar Association. The associate was mailed a request to respond to the grievance. The associate was not aware of the grievance and the request because the Respondent opened the mail and did not forward the grievance and request to his employee. The Respondent responded to the Tulsa County grievance without informing the associate. The Oklahoma Bar Association began investigating the same matter against the associate. The associate lawyer still did not know of the grievance until contacted*1204 by the Bar Association with a telephone call.

F.

Hudson & Keys retained the Respondent to collect an account from a credit union loan. The debtor, Willoughby, made an arrangement to make a payment to Gasaway to pay off the account. He paid Gasaway with a cashier's check in the amount of $2,334.10 and the check was deposited in Gasaway's account in the First Bank of Catoosa on February 1, 1991.

The Bar alleged that Hudson & Keyes received a check from Gasaway for this amount but that the check was twice returned for insufficient funds. This alleged check does not appear in the trial panel record. No witness from Hudson & Keyes testified. Willougby testified that he was not contacted by anyone regarding the debt after he delivered the cashier's check to Gasaway. We conclude that the evidence before us is not clear and convincing that Gasaway converted the $2,334.10, and that count is dismissed.

This evidence concluded the first day of the panel proceeding. After a discussion on the record concerning future witnesses for the same and additional Counts, the sufficiency of the evidence already presented, and the ruling which deemed the allegations admitted, the Bar rested its case.

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VI. CONCLUSION

In summary, the Respondent's resignation was properly denied. His motion for continuance because of the absence of one trial panel member was properly denied, as was his motion for a continuance on the basis of a related pending criminal proceeding. His motion to quash the subpoenas issued to examine his bank accounts was likewise properly denied. Association's motion to deem its allegations admitted was erroneously sustained, and we do not consider them so admitted.

[22] The evidence is clear and convincing, however, that the Respondent has received clients' money and used the money for purposes other than for those clients. When a lawyer receives a client's funds for a specific purpose, he or she must apply those funds to that purpose. Rule 1.4(b) of the Rules Governing Disciplinary Proceedings.[FN22]

FN22. The version of Rule 1.4(b) applicable to this proceeding states in part:
Where money or other property has been entrusted to any attorney for a specific purpose, he must apply it to that purpose. He may avail himself of a counterclaim or setoff for fees against any money or other property of his client coming into his hands for such specific purpose, and a refusal to account for and deliver over such money or property upon demand shall be deemed a conversion.

The evidence shows acts of commingling. Client funds must be kept separate from the property of the lawyer. Rule 1.15(a) of the Rules of Professional Conduct.[FN23] ACI suffered a loss of $12,400 because the Respondent converted funds belonging to ACI. A lawyer may not convert the property of clients. Rule 1.4(c) of the Rules Governing Disciplinary Proceedings.[FN24] The Respondent deposited a check in the amount of $25,147.29 and wrote checks against that amount when he knew that another person had an interest in those funds. The funds were not preserved and kept separate until the dispute was resolved. This act violates Rule 1.15(c) of the Rules of Professional Conduct.[FN25]

FN23.Rule 1.15(a) states in part:
A lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property.

FN24.Rule 1.4(c) applicable herein states:
Theft by conversion or otherwise of the funds of a client shall, if proved, result in disbarment.

FN25.Rule 1.15(c) states:
When in the course of representation a lawyer is in possession of property in which both the lawyer and another person claim interests, the property shall be kept separate by the lawyer until there is an accounting and severance of their interests. If a dispute arises concerning their respective interests, the portion in dispute shall be kept separate by the lawyer until the dispute is resolved.

***1205** This Court suspended the Respondent for one year for commingling funds and for failing to properly respond to a Bar grievance. *State ex rel. Oklahoma Bar Association v. Gasaway*, 810 P.2d 826 (Okla.1991). The Bar included this prior proceeding as an allegation to enhance discipline. The Bar also included a prior private reprimand from the Professional Responsibility Commission to enhance discipline.

[23] A lawyer's act amounting to conversion of a client's funds warrants disbarment. *State ex rel. Oklahoma Bar Association v. Moss*, 794 P.2d 403, 411 n. 8 (Okla.1990); 5 O.S.1991 Ch. 1, App. 1-A, Rule 1.4(c). The multiple acts of commingling show a pattern and practice of this prohibited activity. As in *State ex rel. Oklahoma Bar Association v. Perkins*, 757 P.2d 825, 832 (Okla.1988), we have searched the record for mitigating evidence and find none. The Bar Association filed an application to assess costs against the Respondent in the amount of $3,212.65. The application to assess costs is not opposed, and upon our review we find that the application should be granted. Rule 6.16, Rules Governing Disciplinary Proceedings.

WE ORDER THAT Don E. Gasaway be disbarred and his name stricken from the roll of attorneys effective July 13, 1992, the date he was first suspended. WE ORDER THAT the costs of $3,212.65 shall be paid within 90 days of this date this opinion becomes effective.

LAVENDER, V.C.J., and HARGRAVE, ALMA

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WILSON and WATT, JJ., concur.
HODGES, C.J., and KAUGER, J., concur in result.
SIMMS, J., disqualified.OPALA, Justice, concurring in disbarment *only.*

While I do not accede to the court's pronouncement, I concur in today's sentence of disbarment.

One who is authorized to practice law bears a *government license* to serve the public as a legal practitioner. That public-law interest, once conferred, may not be *unilaterally* extinguished or abandoned by its holder's act of relinquishing his/her status at the Bar.

Okl.,1993.
State ex rel. Oklahoma Bar Ass'n v. Gasaway
863 P.2d 1189, 1993 OK 133

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U. S. Trust Co. of New York v. Herriott
Mass.App.

Appeals Court of Massachusetts, Norfolk.
UNITED STATES TRUST COMPANY OF NEW YORK
v.
Richard L. HERRIOTT et al.[FN1]

FN1. Aloise B. Herriott and various corporations, trusts and partnerships in which Richard L. and Aloise B. Herriott had controlling interests.

Argued May 14, 1980.
Decided July 21, 1980.

Appeal was taken from the entry of a summary judgment by the Superior Court, Nolan, J., in favor of trust company which sought judgment against defendants on two promissory notes and also sought to set aside alleged fraudulent transfers, and from the assessment of attorney fees and expenses by the Superior Court, Beaudreau, J. The Appeals Court, Greaney, J., held that: (1) trial court did not abuse its discretion in refusing to continue summary judgment proceedings based on defendant's assertion that response to trust company's summary judgment motion would involve violation of his privilege aginst self-incrimination; (2) absence of any demonstration by defendants that triable issue existed on question of damages warranted entry of summary judgment for trust company on that issue; (3) award of attorney fees and expenses was proper; and (4) trial court did not abuse its discretion in determining that there was no just reason for delay in entry of judgment on trust company's claim on the notes and in directing entry of judgment accordingly.

Judgment affirmed.

West Headnotes

[1] Criminal Law 110 ⚿393(1)

110 Criminal Law
110XVII Evidence
110XVII(I) Competency in General
110k393 Compelling Accused to Criminate Himself
110k393(1) k. In General. Most Cited Cases
Fifth Amendment privilege against self-incrimination applies alike to civil and criminal proceedings, wherever the answer might tend to subject to criminal responsibility him who gives it. U.S.C.A.Const. Amend. 5.

[2] Criminal Law 110 ⚿393(1)

110 Criminal Law
110XVII Evidence
110XVII(I) Competency in General
110k393 Compelling Accused to Criminate Himself
110k393(1) k. In General. Most Cited Cases
Scope of application of Fifth Amendment privilege against self-incrimination is the same in civil as in criminal setting; that is, it not only extends to matters that would in themselves support conviction under criminal statute but likewise embraces matters which would furnish link in chain of evidence needed to prosecute claimant for a crime. U.S.C.A.Const. Amend. 5.

[3] Criminal Law 110 ⚿393(1)

110 Criminal Law
110XVII Evidence
110XVII(I) Competency in General
110k393 Compelling Accused to Criminate Himself
110k393(1) k. In General. Most Cited Cases

Injunction 212 ⚿26(3)

212 Injunction
212II Subjects of Protection and Relief
212II(A) Actions and Other Legal Proceedings
212k26 Commencement and Prosecution of Civil Actions
212k26(3) k. Grounds in General. Most Cited Cases
Assertion of Fifth Amendment privilege against self-incrimination by party in civil case does not require court to issue blanket injunction staying future course of the litigation, nor is there constitutional requirement that the civil proceeding must yield to the criminal one. U.S.C.A.Const. Amend. 5.

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[4] Criminal Law 110 ⚿393(1)

110 Criminal Law
110XVII Evidence
110XVII(I) Competency in General
110k393 Compelling Accused to Criminate Himself
110k393(1) k. In General. Most Cited Cases
Rights of parties to civil action are to be considered as equal when one party asserts Fifth Amendment privilege against self-incrimination. U.S.C.A.Const. Amend. 5.

[5] Criminal Law 110 ⚿393(1)

110 Criminal Law
110XVII Evidence
110XVII(I) Competency in General
110k393 Compelling Accused to Criminate Himself
110k393(1) k. In General. Most Cited Cases
It would constitute clear abuse of discretion for judge in civil case to turn deaf ear to serious claim of Fifth Amendment privilege against self-incrimination. U.S.C.A.Const. Amend. 5.

[6] Action 13 ⚿68

13 Action
13IV Commencement, Prosecution, and Termination
13k67 Stay of Proceedings
13k68 k. In General. Most Cited Cases
Judge's task is to balance any prejudice to other civil litigant which might result from granting stay against potential harm to party claiming Fifth Amendment privilege against self-incrimination if he is compelled to choose between defending the civil action and protecting himself from criminal prosecution. U.S.C.A.Const. Amend. 5.

[7] Action 13 ⚿68

13 Action
13IV Commencement, Prosecution, and Termination
13k67 Stay of Proceedings
13k68 k. In General. Most Cited Cases
In determining whether to grant stay of civil proceedings after party has asserted his Fifth Amendment privilege against self-incrimination, judge's actions should be supported by statement of reasons or by record which demonstrates basis for his conclusion with sufficient clarity to provide meaningful appellate review. U.S.C.A.Const. Amend. 5.

[8] Judgment 228 ⚿181(2)

228 Judgment
228V On Motion or Summary Proceeding
228k181 Grounds for Summary Judgment
228k181(2) k. Absence of Issue of Fact. Most Cited Cases

Judgment 228 ⚿181(3)

228 Judgment
228V On Motion or Summary Proceeding
228k181 Grounds for Summary Judgment
228k181(3) k. Presence of Question of Law. Most Cited Cases
When Fifth Amendment privilege against self-incrimination is asserted in a summary judgment proceeding, court must recognize policy which seeks to make possible prompt disposition of controversies on their merits without trial if in essence there is no real dispute as to salient facts or if only question of law is involved. Rules of Civil Procedure, Rule 56; U.S.C.A.Const. Amend. 5.

[9] Judgment 228 ⚿185.2(4)

228 Judgment
228V On Motion or Summary Proceeding
228k182 Motion or Other Application
228k185.2 Use of Affidavits
228k185.2(4) k. Showing to Be Made on Opposing Affidavit. Most Cited Cases
To avoid summary judgment, opposing party may not rely upon his pleadings or bald conclusions, but must set forth specific facts showing that there is genuine issue for trial. Rules of Civil Procedure, Rule 56(e).

[10] Judgment 228 ⚿185.2(4)

228 Judgment
228V On Motion or Summary Proceeding
228k182 Motion or Other Application
228k185.2 Use of Affidavits
228k185.2(4) k. Showing to Be Made on Opposing Affidavit. Most Cited Cases
Party claiming Fifth Amendment privilege against self-

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incrimination ordinarily should file affidavit explaining that he cannot for reasons stated present by affidavit facts essential to justify his opposition to summary judgment, rather than relying upon motion for continuance signed by his attorney, if he wishes to avoid entry of judgment which is mandated when he does not respond as required. Rules of Civil Procedure, Rule 56(e, f).

[11] Judgment 228 ⚿186

228 Judgment
228V On Motion or Summary Proceeding
228k182 Motion or Other Application
228k186 k. Hearing and Determination. Most Cited Cases
At stage of case designed to ferret out and dispose of unsubstantiated claims, there is need for sufficient specificity in assertion of Fifth Amendment privilege against self-incrimination to permit judge weighing request for constitutional shelter to fashion remedy which protects rights of all parties and accommodates policies underlying privilege and summary judgment rule. Rules of Civil Procedure, Rule 56; U.S.C.A.Const. Amend. 5.

[12] Pretrial Procedure 307A ⚿714

307A Pretrial Procedure
307AIV Continuance
307Ak714 k. Grounds for Continuance in General. Most Cited Cases
In action wherein trust company sought summary judgment on two promissory notes and also sought to set aside alleged fraudulent transfers, trial court did not abuse its discretion in denying defendant's motion for continuance on ground that response to trust company's motion would violate Fifth Amendment privilege against self-incrimination, where records in trust company's possession would not have been protected by the privilege, requested continuance might have delayed the proceedings indefinitely, trust company's claims on the notes were strong, well-corroborated, and severable from fraudulent conveyance claims which more realistically might implicate the privilege, and motion for continuance could not apply to responsibility of defendant's wife on her separate guarantee. U.S.C.A.Const. Amend. 5.; Rules of Civil Procedure, Rule 56.

[13] Criminal Law 110 ⚿393(1)

110 Criminal Law
110XVII Evidence
110XVII(I) Competency in General
110k393 Compelling Accused to Criminate Himself
110k393(1) k. In General. Most Cited Cases
That defendant in civil action faces choice between complete silence and presenting defense has never been thought invasion of privilege against compelled self-incrimination. U.S.C.A.Const. Amend. 5.

[14] Judgment 228 ⚿186

228 Judgment
228V On Motion or Summary Proceeding
228k182 Motion or Other Application
228k186 k. Hearing and Determination. Most Cited Cases
Constitutional protection against self-incrimination in context of civil action wherein plaintiff seeks summary judgment, does not assure civil litigant that he may remain silent and still enjoy the advantages that might have resulted from opposing the motion. U.S.C.A.Const. Amend. 5.

[15] Judgment 228 ⚿185.2(4)

228 Judgment
228V On Motion or Summary Proceeding
228k182 Motion or Other Application
228k185.2 Use of Affidavits
228k185.2(4) k. Showing to Be Made on Opposing Affidavit. Most Cited Cases
In action by trust company which sought summary judgment on two promissory notes and also sought to set aside alleged fraudulent transfers, trust company's assertions setting out in detail facts surrounding execution of the notes, overdue and unpaid principal and interest amounts, amount of attorney fees and expenses incurred in connection with attempts to enforce defendants' obligations, absence of any extension of time to repay, and demands for payment shifted to defendants burden of making response setting forth specific facts showing that there was genuine issue for trial. Rules of Civil Procedure, Rule 56.

[16] Judgment 228 ⚿180

228 Judgment
228V On Motion or Summary Proceeding
228k180 k. Actions in Which Summary Judgment

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Is Authorized. Most Cited Cases
Actions to enforce promissory notes are especially suited to summary disposition, because often after pretrial no issue remains as to execution of the note and amount due and no affirmative defenses have been pleaded. Rules of Civil Procedure, Rule 56.

[17] Judgment 228 ⚿181(26)

228 Judgment
228V On Motion or Summary Proceeding
228k181 Grounds for Summary Judgment
228k181(15) Particular Cases
228k181(26) k. Negotiable Instrument Cases. Most Cited Cases
Absence of any demonstration by defendants that triable issue existed on question of damages warranted entry of summary judgment in favor of trust company which brought suit on two promissory notes executed by defendants. Rules of Civil Procedure, Rule 56(c, e, f).

[18] Bills and Notes 56 ⚿534

56 Bills and Notes
56XI Actions
56k528 Amount of Recovery
56k534 k. Attorney's Fees. Most Cited Cases
Trial court properly awarded attorney fees and expenses to trust company which brought suit on two promissory notes which expressly provided that borrower would be charged with all expenses, including reasonable attorney fees, incurred by holder in connection with enforcement of the notes.

[19] Bills and Notes 56 ⚿534

56 Bills and Notes
56XI Actions
56k528 Amount of Recovery
56k534 k. Attorney's Fees. Most Cited Cases
Fact that counsel for trust company, which brought action on two promissory notes which provided that borrower would be charged with all expenses, including reasonable attorney fees, incurred by holder in connection with enforcement of the notes, had not billed for or received payment of fees at time of the hearing did not mean that trust company had not yet "incurred" the expenses at that time so as to be entitled to award of attorney fees and expenses under terms of the notes.

[20] Appeal and Error 30 ⚿937(1)

30 Appeal and Error
30XVI Review
30XVI(G) Presumptions
30k937 Taking and Perfecting Appeal or Other Proceeding for Review
30k937(1) k. In General. Most Cited Cases
Exercise of trial court's discretion in determining absence of just reason for delay in entry of final judgment as to fewer than all claims is subject to appellate review. Rules of Civil Procedure, Rule 54(b).

[21] Appeal and Error 30 ⚿937(1)

30 Appeal and Error
30XVI Review
30XVI(G) Presumptions
30k937 Taking and Perfecting Appeal or Other Proceeding for Review
30k937(1) k. In General. Most Cited Cases
Trial court's determination of absence of just reason for delay in entry of final judgment as to fewer than all claims is entitled to a measure of deference, for that court is the one most likely to be familiar with the case and with any justifiable reasons for delay. Rules of Civil Procedure, Rule 54(b).

[22] Appeal and Error 30 ⚿358

30 Appeal and Error
30VII Transfer of Cause
30VII(B) Petition or Prayer, Allowance, and Certificate or Affidavit
30k358 k. Necessity of Allowance or Leave. Most Cited Cases
Certificate of final judgment should not be entered routinely or as a courtesy or accommodation to counsel, but only where, after balancing competing factors, judge and trial court can say with assurance, based on facts in the record, that finality of judgment should be ordered to advance interests of sound judicial administration and to prevent danger of hardship or injustice posed by delay. Rules of Civil Procedure, Rule 54(b).

[23] Appeal and Error 30 ⚿358

30 Appeal and Error
30VII Transfer of Cause
30VII(B) Petition or Prayer, Allowance, and

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Certificate or Affidavit
30k358 k. Necessity of Allowance or Leave. Most Cited Cases
Presence of counterclaims requires that judge exercise special care before issuing certificate of final judgment, but their presence alone does not render inappropriate certificate under rule governing judgment upon multiple claims or involving multiple parties. Rules of Civil Procedure, Rule 54(b).

[24] Appeal and Error 30 ⇦358

30 Appeal and Error
30VII Transfer of Cause
30VII(B) Petition or Prayer, Allowance, and Certificate or Affidavit
30k358 k. Necessity of Allowance or Leave. Most Cited Cases
Counterclaims, whether permissive or compulsory, are to be evaluated like other claims and their significance for purposes of rule governing judgment upon multiple claims or involving multiple parties turns on their interrelationship with the claims on which certification is sought. Rules of Civil Procedure, Rule 54(b).

[25] Appeal and Error 30 ⇦358

30 Appeal and Error
30VII Transfer of Cause
30VII(B) Petition or Prayer, Allowance, and Certificate or Affidavit
30k358 k. Necessity of Allowance or Leave. Most Cited Cases
In action wherein trust company sued on two promissory notes and to set aside alleged fraudulent transfers, trial judge, in deciding that certification of final summary judgment in favor of trust company on the promissory notes was appropriate, could have concluded that defendants' counterclaims had earmarks of afterthought, conceived in response to trust company's collection action, that nothing had been presented to demonstrate that the counterclaims had merit, that likelihood of recovery on the counterclaims was speculative, and that trust company was financially sound and in position to satisfy judgment on the counterclaims should any be entered, and therefore did not abuse its discretion in ordering entry of immediate judgment. Rules of Civil Procedure, Rule 54(b).

****384*314** Kirk Y. Griffin, Boston, for Richard L. & Aloise B. Herriott.

Larry C. Kenna, Charles P. Gamer, Mark L. Alderman, Choate, Hall & Stewart, Boston, for plaintiff.

Before ***313** HALE, C. J., and GOODMAN and GREANEY, JJ.

GREANEY, Justice.

By its amended action, United States Trust Company of New York (Trust Company) sought judgment against Richard L. Herriott (Herriott) and his wife, Aloise B. Herriott, on two promissory notes,[FN2] aggregating $450,000, plus interest, attorney's fees and expenses of collection. The action also sought to set aside alleged fraudulent transfers of real and personal property made by one or the other of the Herriotts to various corporations or trusts under their control and to reach and apply the Herriotts' interests in certain of those corporations and trusts. After answering to the merits, the defendants set forth thirty-four counterclaims against the Trust Company which asserted that the plaintiff's***315** action had intentionally or negligently interfered with the defendants' business relationships, that the suit constituted an abuse of process, and that the Trust Company's collection efforts violated G.L. c. 93A. Eighteen of the counterclaims were dismissed on the plaintiff's motion; the sixteen which survived are exclusively concerned with the Trust Company's action to reach and apply the interests of Herriott and his wife in the various business organizations under their control. The Trust Company filed a motion for summary judgment on the notes (Mass.R.Civ.P. 56(a), 365 Mass. 824 (1974)), supported by affidavits stating current indebtedness (with interest) and amounts due for attorney's fees and expenses. Neither Herriott (represented below by counsel other than their counsel on appeal) replied to the merits of the rule 56(a) motion. Instead, Richard Herriott moved for a continuance of the summary judgment proceedings on the ground that a response to the Trust Company's motion would violate his Fifth Amendment privilege against self-incrimination. That motion was denied and the plaintiff's motion for summary judgment allowed, with a certification by the judge that "there (is) no just reason for delay" in entering a judgment for the Trust Company.Mass.R.Civ.P. 54(b), 365 Mass. 821 (1974). After an evidentiary hearing on attorney's fees, a second judge ordered entry of a judgment for the plaintiff in the amount of $532,052.31.[FN3]The Herriotts' appeal from that judgment questions the propriety of the denial of the motion for a continuance; contends that they were improperly denied a jury trial on the assessment of damages; and challenges the sufficiency and correctness of the judicial certificate****385** under rule

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54(b). We affirm the judgment.

FN2. The notes were made by Herriott and separately guaranteed by his wife.

FN3. The components of the judgment are as follows:

Damages (principal and interest on notes)	- $488,744.60
Attorney's fees	- $ 41,179.25
Expenses	- $ 2,128.46

1. Herriott argues that the judge abused his discretion in refusing to continue the summary judgment proceedings ***316** based on the assertion that a response to the Trust Company's rule 56 motion would involve a violation of his privilege against self-incrimination. The motion requesting a continuance stated that Herriott was under investigation by a State grand jury in New York, that certain bank records, including records of the loans involved in this litigation, had been subpoenaed before that grand jury, that officers of the Trust Company "appear to have participated" in an investigation of Herriott's affairs by the Federal Bureau of Investigation, and that, based on the criminal investigation, Herriott had received a protective order prohibiting the Trust Company from taking his deposition until September 10, 1979. The motion was signed by his attorney; a supporting affidavit setting forth these facts or other facts that might establish the claim of privilege was not filed as required by Mass.R.Civ.P. 56(f), 365 Mass. 825 (1974).

[1][2][3][4][5][6][7] There is no question that the Fifth Amendment privilege against self-incrimination "applies alike to civil and criminal proceedings, wherever the answer might tend to subject to criminal responsibility him who gives it."McCarthy v. Arndstein, 266 U.S. 34, 40, 45 S.Ct. 16, 17, 69 L.Ed. 158 (1924). The scope of the application of the privilege is the same as in a criminal setting; that is, it "not only extends to (matters) that would in themselves support a conviction under a . . . criminal statute but likewise embraces (matters) which would furnish a link in the chain of evidence needed to prosecute the claimant for a . . . crime."Hoffman v. United States, 341 U.S. 479, 486, 71 S.Ct. 814, 818, 95 L.Ed. 1118 (1951). But the assertion of the privilege by a party in a civil case does not require the court to issue a blanket injunction staying the future course of the litigation. Nor is there a constitutional requirement that the civil proceeding must yield to the criminal one. See De Vita v. Sills, 422 F.2d 1172, 1181 (3d Cir.1970). See also Note, Resolving Tensions Between Constitutional Rights: Use Immunity in Concurrent or Related Proceedings, 76 Colum.L.Rev. 674, 701 (1976). Instead, the rights of the parties to the civil action are to be considered as equal. However, it would constitute a clear abuse of discretion for the judge to turn a deaf ear to ***317** a serious claim of privilege. See generally Lefkowitz v. Cunningham, 431 U.S. 801, 805-806, 97 S.Ct. 2132, 2135-2136, 53 L.Ed.2d 1 (1977). The judge's task is to balance any prejudice to the other civil litigants which might result from granting a stay, against the potential harm to the party claiming the privilege if he is compelled to choose between defending the civil action and protecting himself from criminal prosecution. See Arthurs v. Stern, 560 F.2d 477, 478-480 (1st Cir.1977), cert. denied, 434 U.S. 1034, 98 S.Ct. 768, 54 L.Ed.2d 782 (1978). See also Flint v. Mullen, 499 F.2d 100 (1st Cir.), cert. denied, 419 U.S. 1026, 95 S.Ct. 505, 42 L.Ed.2d 301 (1974). As was well stated by the United States Court of Appeals for the District of Columbia Circuit:

"There may be cases where the requirement that a criminal defendant participate in a civil action, at peril of being denied some portion of his worldly goods, violates concepts of elementary fairness in view of the defendant's position in an inter-related criminal prosecution. On the other hand, the fact that a man is indicted cannot give him a blank check to block all civil litigation on the same or related underlying subject matter. Justice is meted out in both civil and criminal litigation. The overall interest of the courts that justice be done may very well require that the compensation and remedy due a civil plaintiff should not be delayed (and possibly denied). The court, in its sound discretion, must assess and balance the nature and substantiality of the injustices claimed on either side."

Gordon v. Federal Deposit Ins. Corp., 427 F.2d 578, 580 (D.C.Cir.1970). The judge's actions should be supported by a statement of reasons or by a record which demonstrates the basis for his conclusion with ****386** sufficient clarity to provide meaningful appellate review.

[8][9][10][11] When the privilege is asserted in a

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summary judgment proceeding, the policy behind rule 56 asserts itself and must be recognized. That policy seeks "to make possible the prompt ***318** disposition of controversies on their merits without a trial, if in essence there is no real dispute as to the salient facts or if only a question of law is involved."Community Natl. Bank v. Dawes, 369 Mass. 550, 553, 340 N.E.2d 877, 879 (1976), quoting from 3 Barron & Holtzoff, Federal Practice and Procedure (Rules ed.) s 1231, at 96 (Wright rev.ed.1958). The rule itself expressly limits the judge's discretion to refuse summary judgment by providing that "(t)he judgment sought shall be rendered forthwith if the (materials) on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter or law."Mass.R.Civ.P. 56(c), 365 Mass. 824 (1974). To avoid summary judgment, an opposing party may not rely upon his pleadings or bald conclusions but "must set forth specific facts showing that there is a genuine issue for trial."Mass.R.Civ.P. 56(e), 365 Mass. 825 (1974).Turner v. McCune, 4 Mass.App. 864, 865, 357 N.E.2d 942 (1976). If he is unable to do so, he is expected to file an affidavit pursuant to section (f), explaining "that he cannot for reasons stated present by affidavit facts essential to justify his opposition."Mass.R.Civ.P. 56(f), 365 Mass. at 825. In these circumstances "the court may refuse the application for judgment or may order a continuance or may make such other order as is just."Ibid. A party claiming his Fifth Amendment privilege ordinarily should file an affidavit invoking section (f) rather than relying upon a motion for continuance signed by his attorney, if he wishes to avoid the entry of judgment which is mandated when he does not respond as required by section (e). See also Inglett & Co. v. Everglades Fertilizer Co., 255 F.2d 342, 349-350 (5th Cir.1958) ("if it takes an oath to establish or affirm that which is a fact . . . we doubt that it is conducive to the orderly administration of justice for counsel to become the voice on summary judgment"). But see Brody v. United States, 243 F.2d 378, 387 n.5 (1st Cir.), cert. denied, 354 U.S. 923, 77 S.Ct. 1384, 1 L.Ed.2d 1438 (1957). Thus, at the stage of the case designed to ferret out and dispose of unsubstantiated claims, there is a need for sufficient specificity in the assertion of the privilege to permit a judge weighing a request***319** for constitutional shelter to fashion a remedy which protects the rights of all parties and accommodates the policies underlying the privilege and the rule.

[12][13][14] Assuming that his counsel could raise Herriott's privilege in this case as his duly constituted agent (Brody, supra ; contrast Sousa v. Davenport, 3 Mass.App. 715, 323 N.E.2d 910 (1975)), Herriott has not shown an abuse of discretion by the judge in denying a continuance. In balancing the competing interests, the judge could have considered that Herriott had answered the merits of the Trust Company's claims and had stated multiple counterclaims, that portions of his answer raised some matters or defenses which could be supported by a rule 56(e) affidavit without the danger of self-incrimination, and that Herriott was obliged to file an affidavit under rule 56(e), at least as to those defenses stated in his answer where there could be no conceivable criminal implications. Also weighing against the defendant's motion were the facts that the records in the plaintiff's possession would not have been protected by the privilege (Couch v. United States, 409 U.S. 322, 330-336, 93 S.Ct. 611, 616-619, 34 L.Ed.2d 548 (1973)) and were open to full use by Herriott to resist summary judgment, that the continuance requested was generally open-ended and if allowed might have delayed the proceedings indefinitely, that the Trust Company's claims on the notes were strong, well corroborated and severable from the fraudulent conveyance claims (which more realistically might implicate the privilege), and that his motion for a continuance did not and could not apply to the responsibility of his wife on her separate guarantee. Moreover, Herriott ****387** made no request of the judge to examine his materials in light of the privilege in in camera proceedings; nor did he seek an order impounding any information he might offer on the merits of the rule 56(a) motion or in support of his assertion of the privilege. The judge was not obligated to accept Herriott's subjective impression that he would be involuntarily compelled to testify if he responded to the Trust Company's materials. As has been stated in the context of a criminal prosecution, "That the defendant faces . . . a choice between complete ***320** silence and presenting a defense has never been thought an invasion of the privilege against compelled self-incrimination."United States v. Hearst, 563 F.2d 1331, 1339 (9th Cir.1977), cert. denied, 435 U.S. 1000, 98 S.Ct. 1656, 56 L.Ed.2d 90 (1978). The constitutional protections in this context do not assure a civil litigant that he may remain silent and still enjoy the advantages that might have resulted from opposing the motion. On a sufficiently informative record and after giving a measure of deference to the judge's "personal perceptions of the peculiarities of the case," we feel that the judge acted properly. Hoffman v. United States, 341 U.S. at 486-487, 71 S.Ct. 814, 818.

[15][16][17] 2. The Herriotts next claim that they were denied their right to a jury trial on the question of damages and in the assessment of attorney's fees. We

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disagree. The plaintiff's motion was well documented on the matter of damages and included statements by a Trust Company vice president and one of its legal counsel setting out in detail the facts surrounding the execution of the notes; the overdue and unpaid principal and interest amounts; the amount of attorney's fees and expenses incurred in connection with attempts to enforce the Herriotts' obligations; the absence of any extension of time to repay; and the demands for payment. These assertions shifted to the defendants the burden of making a response setting forth specific facts showing that there was a genuine issue for trial. O'Brion, Russell & Co. v. LeMay, 370 Mass. 243, 245, 346 N.E.2d 861 (1976). The Herriotts failed to meet that burden. Actions to enforce promissory notes are especially suited to summary disposition because often "after pretrial, no issue remains as to execution of the note and the amount due, and no affirmative defenses have been pleaded." 6 Moore's Federal Practice, par. 56.17(8) at 56-759 (1980) (collecting cases). Community Natl. Bank v. Dawes, 369 Mass. at 553-556, 340 N.E.2d 877. The absence of any demonstration by the defendants that a triable issue existed on the question of damages warranted the entry of summary judgment for the plaintiff on that issue. Mass.R.Civ.P. 56(c), (e), (f), 365 Mass. 824, 825 (1974).

[18][19] The award of attorney's fees and expenses was also proper. The notes executed by Herriott expressly provided that the ***321** borrower would be charged with all expenses (including a reasonable attorney's fee) incurred by the holder in connection with enforcement of the notes. The argument that the Trust Company had not yet "incurred" the expenses at the time of the hearing because its counsel had not billed for or received payment of fees at that time is frivolous. See Lincoln St. Realty Co. v. Green, 374 Mass. 630, --,[FNa]373 N.E.2d 1172 (1978). As with damages, nothing was filed by the defendants which showed a triable issue on the matter of counsel fees. The argument for a jury made before the judge who fixed the amount of the fees sought such a trial only on the question of damages. Our view of the transcript indicates that no argument was pressed for a jury to determine the reasonableness of the counsel fees. The amount of fees and expenses awarded was based on an extensive documentary record of time and charges supplied by the plaintiff's counsel, on the evidence at the hearing on the matter where counsel for the defendants was permitted to cross-examine on the question, and on the judge's consideration of the variables involved in fee setting discussed in the cases. See ****388**Cummings v. National Shawmut Bank, 284 Mass. 563, 569, 188 N.E. 489 (1933); Heller v. Silverbranch Constr. Corp., 376 Mass. --, --,[FNb]382 N.E.2d 1065 (1978); Perkins v. Blake, 3 Mass.App. 415, 418, 332 N.E.2d 396 (1975).

FNa. Mass.Adv.Sh. (1978) 670, 673.

FNb. Mass.Adv.Sh. (1978) 2850, 2860.

[20][21][22] 3. The remaining question concerns the propriety of the determination that there was no just reason for delay in the entry of judgment on the Trust Company's claim on the notes and in directing the entry of judgment accordingly.[FN4]"The entry of such a certificate presents a matter for the trial court's discretion"(Acme Engr. & Mfg. Corp. v. Airadyne Co., --Mass.App. --, --,[FNc]404 N.E.2d 693 (1980); the exercise of that ***322** discretion is subject to appellate review. J. B. L. Constr. Co. v. Lincoln Homes Corp., --Mass.App. --, -- - --,[FNd]400 N.E.2d 871 (1980), Sears, Roebuck & Co. v. Mackey, 351 U.S. 427, 436, 437, 76 S.Ct. 895, 900, 100 L.Ed. 1297 (1956). The trial court's determination is entitled to a measure of deference, for that court is "the one most likely to be familiar with the case and with any justifiable reasons for delay."Sears, supra at 437, 76 S.Ct. at 901. Nevertheless, such a certificate should not be entered " 'routinely or as a courtesy or accommodation to counsel' " (Acme, supra at --,[FNe] 404 N.E.2d at 696 quoting from Panichella v. Pennsylvania R. R., 252 F.2d 452, 455 (3d Cir. 1958)), but only where, after balancing the competing factors, the judge in the trial court can say with assurance based on facts in the record that finality of judgment should be ordered to advance the interests of sound judicial administration (Sears, supra at 437, 76 S.Ct. at 900), and to prevent the " 'danger of hardship or injustice' " posed by delay. Acme, supra, at --,[FNf]404 N.E.2d 693, quoting from Campbell v. Westmoreland Farm, Inc., 403 F.2d 939, 942 (2d Cir. 1968). See Curtiss-Wright Corp. v. General Elec. Co., --U.S. --, 100 S.Ct. 1460, 64 L.Ed.2d 1 (1980).

FN4. The judge who allowed the motion for summary judgment made the certification under rule 54(b). A second judge ordered the entry of judgment after updating the interest due on the notes and determining the amount to be awarded as attorney's fees and expenses. Contrary to the Herriotts' contention, the judge's certification on the motion for summary judgment is not equivocal, and it is plain to us that he was directing the entry of an immediate judgment on the claims settled by the allowance of that

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motion.

FNc. Mass.App.Ct.Adv.Sh. (1980) 1027, 1029.

FNd. Mass.App.Ct.Adv.Sh. (1980) 335, 336-337.

FNe. Mass.App.Ct.Adv.Sh. (1980) at 1029.

FNf. Mass.App.Ct.Adv.Sh. (1980) at 1029.

[23][24][25] The Herriotts argue that the presence of their unadjudicated conuterclaims renders the certificate improper. The presence of counterclaims requires that the judge exercise special care before issuing the certificate, but their presence alone does not render a rule 54(b) certificate inappropriate. Curtiss-Wright, supra at --, 100 S.Ct. at 1465. Counterclaims, whether permissive or compulsory, are to be evaluated like other claims, and "their significance for Rule 54(b) purposes turns on their interrelationship with the claims on which certification is sought."Ibid. In deciding that certification was appropriate, the judge could have considered the matters already discussed in connection with the motion for a continuance and the fact that the remaining claims and counterclaims were factually and legally distinct from the claims which had been determined by the motion for summary judgment. The judge could have concluded that the defendants' counterclaims "had the earmarks of an afterthought, conceived in response to (the plaintiff's) collection ***323** action," that nothing had been presented to demonstrate that the counterclaims had merit, and "that the likelihood of recovery on the counterclaim(s) was therefore speculative."Acme, supra --Mass.App. at --,[FNg]404 N.E.2d at 69. Finally, the judge could have considered the fact that the plaintiff was financially sound and in a position to satisfy a judgment on the counterclaims should any be entered. It has not been made to appear that the ****389** judge abused his discretion in ordering the entry of an immediate judgment.

FNg. Mass.App.Ct.Adv.Sh. (1980) at 1030.

Judgment affirmed.

Mass.App.
U. S. Trust Co. of New York v. Herriott
10 Mass.App.Ct. 313, 407 N.E.2d 381

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Matter of Germaine B.
N.Y.A.D.,1982.

Supreme Court, Appellate Division, First Department, New York.
In re Matter of GERMAINE B., et al., etc.-Alice B. and Henry R.B., Respondents-Appellants,
Law Guardian,
Commissioner of Social Services, Respondent.
Feb. 25, 1982.

Commissioner of Social Services brought child abuse action. The Family Court, Bronx County, Zuckerman, J., denied parents' application for continuance, and parents appealed. The Supreme Court, Appellate Division, First Department, held that trial court did not abuse its discretion in denying parents' application for six-month continuance until the conclusion of related criminal proceeding charging them with manslaughter in the second degree and criminally negligent homicide in connection with the death of one of their children.

Affirmed.

West Headnotes

[1] Criminal Law 110 ⚿393(1)

110 Criminal Law
110XVII Evidence
110XVII(I) Competency in General
110k393 Compelling Self-Incrimination
110k393(1) k. In General. Most Cited Cases
No violation of constitutional rights occurs when party is required to proceed in a civil proceeding before adjudication of related criminal charges.

[2] Infants 211 ⚿204

211 Infants
211VIII Dependent, Neglected, and Delinquent Children
211VIII(D) Proceedings
211k204 k. Time for Hearing. Most Cited Cases
In child abuse proceeding, trial court did not abuse its discretion in denying parents' application for six-month continuance until the conclusion of related criminal proceeding charging them with manslaughter in the second degree and criminally negligent homicide in connection with the death of one of their children.

****449** L. L. Frank, H. P. Solleder, H. Neuborne, New York City, for respondents-appellants.
Michael S. Adler, New York City, for respondent.

Before SANDLER, J. P., and SULLIVAN, BLOOM and ASCH, JJ.

MEMORANDUM DECISION.

Order of the Family Court, Bronx County, entered September 9, 1981, denying application of respondents-appellants for a six-month continuance of a child abuse proceeding until the conclusion of related criminal ***848** proceedings against them, unanimously affirmed, without costs.

Respondents-appellants, Alice B. and Henry R.B., parents of two children in a child abuse proceeding, appeal from an order of the Family Court denying their oral application for a six-month continuance of the proceedings against them until the conclusion of related criminal proceedings charging them with manslaughter in the second degree and criminally negligent homicide in connection with the death of a third child.

The principal issue is raised by the contention of respondents-appellants that their constitutionally protected right against self-incrimination will be violated if they are required to proceed to trial in the pending Family Court child abuse proceeding prior to the trial in the criminal case. In substance, respondents-appellants argue that it is impermissible to confront them with the choice of giving testimony in the Family Court proceeding that might thereafter be used against them in the criminal trial, or suffer the disadvantage arising from their failure to testify.

[1] Abundant appellate authority establishes that no violation of constitutional rights occurs when a

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party is required to proceed in a civil proceeding before adjudication of related criminal charges. See *Baxter v. Palmigiano*, 425 U.S. 308, 96 S.Ct. 1551, 47 L.Ed.2d 810;*Diebold v. Civil Serv. Comm'n*, 8th Cir., 611 F.2d 697;*United States v. White*, 5th Cir., 589 F.2d 1283;*Arthurs v. Stern*, 560 F.2d 477,*cert. den.*, 434 U.S. 1034, 98 S.Ct. 768, 54 L.Ed.2d 782; cf. *Marine Midland Bank v. John E. Russo Procedure Co.*, 50 N.Y.2d 31, 427 N.Y.S.2d 961, 405 N.E.2d 205. The situation presented is clearly to be distinguished from those in which an automatic penalty follows the failure of a witness or party to testify in a proceeding. Cf. *Gardner v. Broderick*, 392 U.S. 273, 88 S.Ct. 1913, 20 L.Ed.2d 1082;*Garrity v. New Jersey*, 385 U.S. 493, 87 S.Ct. 616, 17 L.Ed.2d 562;*Spevack v. Klein*, 385 U.S. 511, 87 S.Ct. 625, 17 L.Ed.2d 574;*Lefkowitz v. Cunningham*, 431 U.S. 801, 97 S.Ct. 2132, 53 L.Ed.2d 1.

[2] The question thus is one addressed to the discretion of the Family Court, and we are not persuaded under the circumstances presented that the denial of the application constituted an abuse of discretion. The Family Court clearly had the right to consider the interests of the children in an expeditious determination of the child abuse proceedings.

In finding no abuse of discretion under the circumstances presented, we do not intend**450 to minimize the possible disadvantage to those in the position of respondents-appellants in being required to proceed first with a child abuse proceeding intimately related to a pending criminal charge. We also appreciate that a just resolution of the Family Court proceeding might be furthered by the removal of an impediment to relevant testimony by critical witnesses.

Clearly the preferable resolution of the dilemma presented is, when reasonably possible, to try the criminal case so promptly that it would avoid any harmful delay in the determination of the important matters before the Family Court. What is urgently required is the close and active cooperation of the judges in charge of the separate proceedings, the counsel for the varied parties, and the parties themselves.

N.Y.A.D.,1982.
Matter of Germaine B.

86 A.D.2d 847, 447 N.Y.S.2d 448

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Arthurs v. Stern,
C.A.Mass. 1977.

United States Court of Appeals,First Circuit.
Alexander T. ARTHURS, Plaintiff, Appellee,
v.
Chris O. STERN et al., Defendants, Appellants.
No. 77-1122.

Argued June 6, 1977.
Decided Aug. 16, 1977.
As Amended on Denial of Rehearing Sept. 23, 1977.

A physician accused of writing illegal prescriptions brought an action in federal district court to require that a state disciplinary board suspend disciplinary proceedings against him until criminal charges arising out of such activities were disposed of. The United States District Court for the District of Massachusetts, 427 F.Supp. 425, Joseph L. Tauro, J., enjoined the disciplinary board from refusing a continuance, and an appeal was taken. The Court of Appeals, Coffin, Chief Judge, held that self-incrimination principles did not require that the disciplinary proceedings be stayed.

Reversed.

West Headnotes

Health 198H ⚿215

198H Health
198HI Regulation in General
198HI(B) Professionals
198Hk214 Disciplinary Proceedings
198Hk215 k. In General. Most Cited Cases

(Formerly 299k11.3(1) Physicians and Surgeons)
Physician accused of writing illegal prescriptions was not entitled, by virtue of his right to be free of coerced self-incrimination, to continuance of disciplinary proceedings until criminal charges arising out of such conduct were disposed of. M.G.L.A. c. 112 § 63; U.S.C.A.Const. Amend. 5.

*477 S. Stephen Rosenfeld, Asst. Atty. Gen., with whom Francis X. Bellotti, Atty. Gen., Steven A. Rusconi and Garrick F. Cole, Asst. Attys. Gen., Boston, Mass., were on brief, for defendants, appellants.
David Berman, Medford, Massachusetts, for plaintiff, appellee.

Before COFFIN, Chief Judge, CAMPBELL, Circuit Judge, CAFFREY,[FN*] District Judge.

FN* Of the District of Massachusetts, sitting by designation.

*478 COFFIN, Chief Judge.

The plaintiff-appellee is a physician accused of writing illegal prescriptions. As a result of the charges, disciplinary proceedings were begun before the Board of Registration and Discipline in Medicine of the Commonwealth of Massachusetts. A criminal investigation was also begun, and indictments were handed down. When the disciplinary hearing began, the plaintiff requested that proceedings be continued until after disposition of the criminal charges. The hearing officer refused, pointing to a state statute (s 63) that forbids continuances of that sort.[FN1]

FN1. "Said boards shall not defer action upon any charge before them until the conviction of the person accused . . ."Mass.Gen. Laws, ch. 112, s 63.

The plaintiff then brought this suit in federal district court. He pointed out that the disciplinary board would draw an adverse inference from his silence if he invoked his privilege against self-incrimination at the hearing. The threat of losing his license, he argued, would force him to testify, thus revealing his criminal defenses and making statements that might be used against him in the criminal trial. The district court, relying on the Fifth Amendment's privilege against self-incrimination and general notions of due process, enjoined the disciplinary board from using s 63 as a reason for refusing the plaintiff a continuance. The present appeal followed. After the appeal, but before this opinion issued, one set of criminal charges went to trial. Plaintiff testified at his trial and was acquitted.

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Other charges are pending, and the board has not attempted to go forward with its proceedings.

This case can be resolved on the merits [FN2] by reference to settled law. The board is not constitutionally forbidden from drawing an adverse inference if a doctor refuses to testify at a disciplinary hearing. The board is not conducting a criminal trial, and civil proceedings are governed by a different set of Fifth Amendment principles. In civil cases, the state may not force incriminating testimony from a citizen by threatening penalties or automatic unfavorable judgments. See, e. g., Lefkowitz v. Cunningham, 431 U.S. 801, 97 S.Ct. 2132, 53 L.Ed.2d 1 (1977). But this principle does not control when the only consequence of silence is the danger that the trier of fact will treat silence as evidence of guilt.[FN3]The distinction is drawn in Baxter v. Palmigiano, 425 U.S. 308, 96 S.Ct. 1551, 47 L.Ed.2d 810 (1976), which held that a prison disciplinary board may give weight to an accused inmate's silence when he stands mute for fear of a related criminal prosecution. The Baxter Court stated the principle broadly: the Fifth Amendment does not bar an adverse inference "where the privilege is claimed by a party to a civil cause."Id. at 318, 96 S.Ct. at 1558.We think it applies as forcefully in medical discipline cases as it does in prison discipline cases. The appellee's assertion that doctors have a stronger liberty and property interest in continuing their practice than prisoners have in avoiding discipline is not very persuasive. Moreover, while such distinctions may have a place in a procedural or substantive due process case, they are not relevant to Fifth Amendment analysis. Cf. Paul v. Davis, 424 U.S. 693, 96 S.Ct. 1155, 47 L.Ed.2d 405 (1976).

> FN2. On appeal, for the first time, the board urges several other grounds for reversal. We are reluctant to consider them at this late date. Because we reverse on the merits, we need not decide whether these belated arguments were properly before us.

> FN3. The Commonwealth has stated in its brief (p. 42) that "The Board's ultimate decision could not be based solely upon an adverse inference drawn from (the doctor's) presumed refusal to testify . . . (S)uch a determination would lack substantial evidence and be subject to sure invalidation upon judicial review."

Nor is there anything inherently repugnant to due process in requiring the doctor to choose between giving testimony at the disciplinary hearing, a course that may help the criminal prosecutors, and keeping silent, *479 a course that may lead to the loss of his license. The doctor's due process argument rests in part on the claim that the threat of an adverse inference unfairly forces him to reveal his criminal defense in advance of trial. He has some case support for his proposition. Silver v. McCamey, 95 U.S.App.D.C. 318, 221 F.2d 873 (1955).[FN4] To the extent that this argument rests on the broad ground that parties with something to lose in a proceeding may never be forced to make this choice, it is answered by United States v. Kordel, 397 U.S. 1, 90 S.Ct. 763, 25 L.Ed.2d 1 (1970). In Kordel, the FDA began an in rem action against two products sold by a corporation whose officers were in serious danger of criminal prosecutions related to the products. The officers argued that it violated due process to hold the civil proceeding, with its attendant discovery, before the criminal trial. This the Court emphatically and unanimously denied:

> FN4. A related argument is that the threat of subsequent criminal proceedings unfairly forces him to remain silent and thus constitutes an unconstitutional restriction on the evidence the board accepts. Cf. Bowman Trans., Inc. v. Arkansas-Best Freight System, Inc., 419 U.S. 281, 288 n. 4, 95 S.Ct. 438, 42 L.Ed.2d 447 (1974). We see no merit in this claim. See generally Flint v. Mullin, 499 F.2d 100 (1st Cir. 1974). The cases on which appellee apparently relies on are inapposite; they deal with the limits of judicial notice and rest on notions of unfair surprise. See, e. g., Ohio Bell Telephone Co. v. Public Utilities Comm'n, 301 U.S. 292, 57 S.Ct. 724, 81 L.Ed. 1093 (1937).

"The public interest in protecting consumers throughout the Nation from misbranded drugs requires prompt action by the agency charged with responsibility for administration of the federal food and drug laws. But a rational decision whether to proceed criminally against those responsible for the misbranding may have to await consideration of a fuller record than that before the agency at the time

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of the civil seizure of the offending products. It would stultify enforcement of federal law to require a governmental agency such as FDA invariably to choose either to forego recommendation of a criminal prosecution once it seeks civil relief, or to defer civil proceedings pending the ultimate outcome of a criminal trial."Id. at 11,[FN5]90 S.Ct. at 769.

> FN5. The Kordel Court found no particular facts requiring a different result in that case. Nor do we find such facts here. The disciplinary proceeding was not brought solely to obtain evidence for the criminal prosecution; the doctor was aware during the hearing of the pending criminal actions; the doctor had counsel; and the doctor does not claim a danger of adverse publicity or any other special circumstances. See Kordel, supra, 397 U.S. at 11-12, 90 S.Ct. 763.

The defendants in Kordel raised one hypothetical that disturbed the Court. Suppose, they argued, no officer could answer the civil interrogatories without incriminating himself. The Court responded that "(f)or present purposes we may assume that in such a case the appropriate remedy would be a protective order under Rule 30(b), postponing civil discovery until after termination of the criminal action."Id. at 9, 90 S.Ct. at 768.

The doctor seizes on this cautiously tentative language, arguing that the Fifth Amendment may require the board to stay its proceedings until the criminal action ends. We disagree. Whatever suggestion that such an order is compelled might be read into this dictum would seem to be negated by the later decision in Baxter v. Palmigiano, supra.Indeed, the discussion in Kordel regarding protective orders is limited to the unique context in which corporate officers might be prevented from exercising their Fifth Amendment privilege because to do so would unacceptably extend the constitutional protection to the corporation which employed them. This is totally inapposite to the case before us. The remainder of the Kordel opinion is simply a recognition of the power of federal courts, after a balancing of interests in the particular case before them, to stay civil suits because of pending criminal charges. See, e. g., Gordon v. FDIC, 138 U.S.App.D.C. 308, 427 F.2d 578 (1968). The denial is ***480** reviewed simply for abuse of discretion. See Iannelli v. Long, 487 F.2d 317 (3d Cir. 1973); General Dynamics Corp. v. Selb Mfg. Co., 481 F.2d 1204 (8th Cir. 1973). Given the strong public interest in promptly disciplining errant physicians taken as a class, we see no reason to hold that the board was or could be constitutionally required to stay its proceedings until the criminal prosecutions against any particular doctor were over[FN6]. De Vita v. Sills, 422 F.2d 1172 (3d Cir. 1970); United States v. Sloan, 388 F.Supp. 1062 (S.D.N.Y.1975); Keene v. Rodgers, 316 F.Supp. 217, 221 n. 4 (D.Me.1970).

> FN6. The district court took the view that s 63 impermissibly restricted the board's discretion to grant a continuance. We have concluded that the constitution does not require a stay in this case; we need not ask whether s 63 can be constitutionally applied in all cases. The statute is constitutional as applied, and we see no reason to create a variant of "overbreadth" analysis for cases of this sort.

Reversed.

C.A.Mass. 1977.
Arthurs v. Stern
560 F.2d 477

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Gabrilowitz v. Newman
C.A.R.I.,1978.

United States Court of Appeals,First Circuit.
Steven A. GABRILOWITZ, Plaintiff-Appellee,
v.
Frank NEWMAN, President of the University of Rhode Island, and Jack Shay, Vice President for Student Affairs of the University of Rhode Island, Defendants-Appellants.
No. 77-1565.

Argued March 8, 1978.
Decided June 21, 1978.

State university student, who was denied assistance of counsel at a student disciplinary hearing, sought injunctive relief restraining university from conducting such hearing unless he was allowed representation by attorney of choice. The United States District Court for the District of Rhode Island, Francis J. Boyle, J., entered preliminary injunction, and university appealed. The Court of Appeals, Bownes, Circuit Judge, held that because of pending criminal case against student, denial to student of right to have a lawyer of his own choice consult with him and advise him during student disciplinary hearing without participating further in such proceeding would deprive student of due process of law.

Affirmed as modified.

Levin H. Campbell, Circuit Judge, dissented and filed opinion.

West Headnotes

[1] Federal Courts 170B 46

170B Federal Courts
170BI Jurisdiction and Powers in General
170BI(B) Right to Decline Jurisdiction; Abstention Doctrine
170Bk46 k. Constitutional and Federal Questions, Abstention. Most Cited Cases
Abstention doctrine is not a bar to a challenge to a state proceeding claimed to be constitutionally defective where there is no opportunity to present federal claim in state judicial proceeding.

[2] Federal Courts 170B 815

170B Federal Courts
170BVIII Courts of Appeals
170BVIII(K) Scope, Standards, and Extent
170BVIII(K)4 Discretion of Lower Court
170Bk814 Injunction
170Bk815 k. Preliminary Injunction; Temporary Restraining Order. Most Cited Cases

Injunction 212 135

212 Injunction
212IV Preliminary and Interlocutory Injunctions
212IV(A) Grounds and Proceedings to Procure
212IV(A)1 In General
212k135 k. Discretion of Court. Most Cited Cases
Issuance of preliminary injunction lies within sound discretion of trial court and will not be reversed absent a clear abuse of that discretion or clear error of law.

[3] Colleges and Universities 81 9.30(7)

81 Colleges and Universities
81k9 Students
81k9.30 Regulation of Conduct in General
81k9.30(4) Expulsion, Suspension, or Other Discipline
81k9.30(7) k. Proceedings and Review. Most Cited Cases
(Formerly 81k9)
State university student, who was subject of student disciplinary hearing, was not presented with an unconstitutional choice in deciding whether to testify at student disciplinary hearing and risk self-incrimination at criminal trial arising out of same facts or not testify and risk expulsion from school.

[4] Constitutional Law 92 4224(12)

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92 Constitutional Law
92XXVII Due Process
92XXVII(G) Particular Issues and Applications
92XXVII(G)8 Education
92k4218 Post-Secondary Education
92k4224 Students
92k4224(10) Notice and Hearing; Proceedings and Review
92k4224(12) k. Disciplinary Proceedings. Most Cited Cases
(Formerly 92k278.5(7))
Where there was pending criminal case against state university student arising out of same facts giving rise to student disciplinary hearing, denial to student of right to have lawyer of his own choice consult with and advise him during student disciplinary hearing without participating further in such proceeding would deprive student of due process of law.

***101** Daniel J. Murray, Providence, R. I., with whom Joseph DeAngelis and Letts, Quinn & Licht, Providence, R. I., were on brief, for defendants-appellants.
Milton Stanzler, Providence, R. I., with whom Richard A. Boren and Abedon, Stanzler, Biener, Skolnik & Lipsey, Providence, R. I., were on brief, for plaintiff-appellee.

Before COFFIN, Chief Judge, CAMPBELL and BOWNES, Circuit Judges.
BOWNES, Circuit Judge.

This is an appeal by defendants-appellants, officials of the University of Rhode Island, pursuant to 28 U.S.C. s 1292(a) from an order of the United States District Court for the District of Rhode Island granting a preliminary injunction restraining appellants from conducting a disciplinary hearing against plaintiff-appellee, Steven A. Gabrilowitz, unless he is allowed to be represented by an attorney of his choice.

At the outset, we note that the issue before us is somewhat different than that presented by the terms of the injunction. We interpret the injunction to mean, as counsel did in their briefs, that appellee's attorney, if allowed to represent him at the hearing, would do so in the traditional sense, I. e., he would conduct direct and cross-examination. At oral argument, counsel for appellee stated in response to a question from the bench that it was not necessary for the lawyer to participate in direct or cross-examination; all that appellee wanted was that a lawyer be at his side during the hearing for consultation and advice. It is in this context, therefore, that we address ourselves to the case.

On November 11, 1977, the South Kingstown, Rhode Island, Police Department charged appellee, a senior at the University of Rhode Island (U.R.I.), with assault with intent to commit rape on another student on October 18, 1977.[FN1] While appellee was at the police station being charged, a U.R.I. employee delivered a letter to him notifying him that he had been suspended from the school and barred from entering the campus. On November 16, 1977, U.R.I. sent appellee another letter informing him that the campus police had charged him with violating the U.R.I. Community Standards of Behavior.[FN2] Gabrilowitz was directed to defend against the specific allegations of assault with intent to rape and an additional allegation of a later assault on the same student before the University Board on Student Conduct (U.B.S.C.). The letter outlined the procedures of the hearing and informed appellee of the existence of rules defining his rights at the hearing. One of the rules prohibits the existence or presence ***102** of legal counsel at the hearing. Appellee, thereupon, petitioned the district court for an injunction pursuant to 42 U.S.C. s 1983.

FN1. R.I.Gen.Laws s 11-5-1 (1970).

FN2. Appellee was charged with violating Section 2.4, Part 2, of the Community Standards of Behavior : "Fighting, threats to, physical abuse of, or harrassment (Sic) which threatens to or endangers the health, safety, or welfare of a member of the university community."

The procedural guidelines for a disciplinary hearing are set forth in Section 23 of Part 2 of RamPages, a student's guide to the University. While the student is not "permitted to employ professional legal counsel or other persons from outside the University community to present the case before the hearing board," he "shall have the right to request the assistance of an advisor of his/her choice from the community."Section 23.6.

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"The technical rules of evidence applicable to civil and criminal trials are not applicable and the board shall rule on the admissibility of evidence."Section 23.8.

"During the hearing, the accused student and/or his/her advisor shall have the right to cross-examine all witnesses and to view and question all evidence presented to the judicial board. . . ." Section 23.9.

"Decisions shall be based only upon evidence and testimony introduced at the hearing."Section 23.10.

"In cases in which a student denies an allegation, the burden of proof shall rest upon the person bringing the charge."Section 23.11.

"All decisions made by a judicial board shall be by a majority vote. . . ." Section 23.12.

There is a right of appeal: "Such appeals shall be based only on specific evidence, presenting (Sic) in writing, of fraud, denial of rights, procedural error, or on the claim of new evidence not previously available which would have materially affected the decision of the board."Section 23.22.

After a two-day hearing, the district court found irreparable harm and, while noting that the weight of authority supported the position of appellant, decided that, under the circumstances of this case, there was a due process violation.

[1] We note preliminarily that this action is not barred by the doctrine of Younger v. Harris, 401 U.S. 37, 91 S.Ct. 746, 27 L.Ed.2d 669 (1971). Younger applies to some civil and administrative proceedings, Geiger v. Jenkins, 401 U.S. 985, 91 S.Ct. 1236, 28 L.Ed.2d 525 (1971), but is not a bar to a challenge to a state proceeding claimed to be constitutionally defective. Withrow v. Larkin, 421 U.S. 35, 44 n. 8, 95 S.Ct. 1456, 43 L.Ed.2d 712 (1975); Gibson v. Berryhill, 411 U.S. 564, 93 S.Ct. 1689, 36 L.Ed.2d 488 (1973). Younger presupposed the existence of a competent state forum. The U.R.I. Community Standards of Behavior prohibit legal counsel under all circumstances. There is no opportunity here to present the federal claim in a state judicial proceeding. Cf. Juidice v. Vail, 430 U.S. 327, 337 n. 15, 97 S.Ct. 1211, 51 L.Ed.2d 376 (1977).

[2] The issuance of a preliminary injunction lies within the sound discretion of the trial court and will not be reversed absent a clear abuse of that discretion, Grimard v. Carlston, 567 F.2d 1171 (1st Cir. 1978), or a clear error of law, Automatic Radio Mfg. Co. v. Ford Motor Company, 390 F.2d 113, 115 (1st Cir.), Cert. denied, 391 U.S. 914, 88 S.Ct. 1807, 20 L.Ed.2d 653 (1968). The power of a federal court to stay a civil proceeding because of a nexus between that proceeding and a pending criminal case is well established. United States v. Kordel, 397 U.S. 1, 12 n.25, n.27, 90 S.Ct. 763, 25 L.Ed.2d 1 (1970); Arthurs v. Stern, 560 F.2d 477, 479 (1st Cir. 1977); Silver v. McCamey, 95 U.S.App.D.C. 318, 221 F.2d 873 (1955).

Appellants' position is that the district court committed errors of law of such magnitude in issuing the injunction as to amount to an abuse of discretion. In addition to claiming that the order requiring the appointment of counsel in a student disciplinary hearing is contrary to authority, appellants also claim that it was error for the district court to take into consideration the effect that the disciplinary proceeding might have on the pending criminal action.

We deal first with the alleged error of considering the implications of the criminal case. We reject at the outset appellants' assertion that criminal and civil proceedings ***103** arising out of the same facts are unrelated and must be treated as separate entities. Judicial deference to academic autonomy is not a before-the-fact policy. Rather, it emerges from a balancing of the interests of the parties. See e. g., Downing v. LeBritton, 550 F.2d 689 (1st Cir. 1977); Wasson v. Trowbridge, 382 F.2d 807 (2d Cir. 1967).

Were the appellee to testify in the disciplinary proceeding, his statement could be used as evidence in the criminal case either to impeach or as an admission if he did not choose to testify. Appellee contends that he is, therefore, impaled on the horns of a legal dilemma: if he mounts a full defense at the disciplinary hearing without the assistance of counsel and testifies on his own behalf, he might jeopardize his defense in the criminal case; if he fails to fully defend himself or chooses not to testify at all, he risks loss of the college degree he is within weeks of

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receiving and his reputation will be seriously blemished. Appellants respond that appellee risks nothing by mounting a full defense at the hearing because his words would be compelled testimony precluded from admission at the criminal case under the doctrine of Garrity v. New Jersey, 385 U.S. 493, 87 S.Ct. 616, 17 L.Ed.2d 562 (1967). See also Lefkowitz v. Cunningham, 431 U.S. 801, 97 S.Ct. 2132, 53 L.Ed.2d 1 (1977). It is our opinion that neither Garrity nor Lefkowitz apply to the facts of this case.

In Garrity v. New Jersey, supra, 385 U.S. 493, 87 S.Ct. 616, 17 L.Ed.2d 562, police officers were questioned in the course of a state investigation of ticket fixing.

Before being questioned, each appellant was warned (1) that anything he said might be used against him in any state criminal proceeding; (2) that he had the privilege to refuse to answer if the disclosure would tend to incriminate him; but (3) that if he refused to answer he would be subject to removal from office.Id. at 494, 87 S.Ct. at 617.

In setting aside the convictions that resulted from testifying at the investigation, the Court focused on the fact that "(t)he choice imposed on petitioners was one between self-incrimination or job forfeiture."Id. at 496, 87 S.Ct. at 618. The Court found: "Where the choice is 'between the rock and the whirlpool,' duress is inherent in deciding to 'waive' one or the other."Id. at 498, 87 S.Ct. at 619.[FN3]

> FN3. Appellants misconstrue the reliance of the Vermont Supreme Court on Garrity in Nzuve v. Castleton State College, 133 Vt. 225, 232, 335 A.2d 321, 326 (1975), a case involving a factual situation nearly identical to the one at hand. The court in Nzuve concurred with the line of reasoning advanced in Furutani v. Ewigleben, 297 F.Supp. 1163 (N.D.Cal.1969), that any statement made under compulsion by students subject to disciplinary proceedings would not be admissible at a subsequent criminal proceeding. However, the court also found no compulsion to exist in Nzuve, and ruled that any statement made by the student would be voluntary and subsequently admissible at the criminal proceeding. We also note that the student in Nzuve was entitled to counsel at the disciplinary proceeding.Nzuve, supra, 133 Vt. at 232, 335 A.2d at 326.

Duress was also the key factor in Lefkowitz v. Cunningham, supra, 431 U.S. 801, 97 S.Ct. 2132, 53 L.Ed.2d 1. At issue was the constitutionality of a New York statute providing that, if an officer of a political party was subpoenaed by a grand jury to testify about the conduct of his office and refused to testify or waive immunity against criminal prosecution, his term of office would be terminated and he would be disqualified from holding any party or public office for five years. In holding the statute unconstitutional, the Court said: "These cases settle that government cannot penalize assertion of the constitutional privilege against compelled self-incrimination by imposing sanctions to compel testimony which has not been immunized."Id. at 806, 97 S.Ct. at 2137.

The case at bar does not involve compelled testimony. The U.R.I. standards governing a disciplinary hearing neither require nor prohibit the drawing of an adverse inference from the silence of the accused. The procedures outlined in Section 23.10 state simply: "Decisions shall be based only upon evidence and testimony ***104** introduced at the hearing."The letter of suspension enclosed a list of procedures to be followed during the hearing which included the right "(t)o remain silent and not testify against himself/herself."The outline of procedures also stated: "Student(s) should remember that if they remain silent, the Board is compelled to hear the case and render a decision based on the evidence presented."Exhibit No. 4 at I(c)(5). There is no indication that the hearing board will consider the silence of an accused as either pointing to or being conclusive evidence of guilt. Appellee's testimony would be, therefore, entirely voluntary and subsequently admissible at the criminal case. Although the possibility of expulsion may make participation a wise choice, the hearing procedures do not place appellee "between the rock and the whirlpool."Garrity v. New Jersey, supra, 385 U.S. at 498, 87 S.Ct. at 619. He can, if he wishes, stay out of the stream and watch the proceedings from dry land. But, if he does so, he forfeits any opportunity to control the direction of the current. Appellee must decide whether or not to testify at the hearing with the knowledge that, if he does, his statements may be

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used against him in the criminal case.

[3] A factor which further complicates the choice is an awareness of his own inability to evaluate the effect his statements may have in the criminal case. Although the choice facing him is difficult, that does not make it unconstitutional. In McGautha v. California, 402 U.S. 183, 91 S.Ct. 1454, 28 L.Ed.2d 711 (1971), a case involving a convicted murderer faced with the Hobson's choice of testifying in the hope of a lenient sentence and risking self-incrimination or remaining silent and facing a harsh sentence, the Court said: "The criminal process, like the rest of the legal system, is replete with situations requiring the 'making of difficult judgments' as to which course to follow."Id. at 213, 91 S.Ct. at 1470. This court followed McGautha when considering the case of a convicted felon found in violation of a deferred sentence agreement.Flint v. Mullen, 499 F.2d 100 (1st Cir. 1974). In rejecting the contention that defendant was unconstitutionally forced to choose between testifying at the sentencing hearing and risking self-incrimination at a criminal trial arising out of the same facts, we noted the applicability of the principle applied in McGautha :

> A defendant at a criminal trial for a substantive offense may wish to speak in his own defense but refrain, fearing a subsequent conspiracy prosecution. The choice is a strategic one, within a setting which requires many strategic choices.
>
> We would view the choice as less strategic were an adverse finding to be based on the fact of defendant's silence, rather than independent evidence, as here.

Flint v. Mullen, supra, 499 F.2d at 103.

The issue is not whether it is unconstitutional to force appellee to decide whether or not to testify in the disciplinary proceeding. The issue is whether he is unconstitutionally deprived of due process of law because he is forced to make that choice, or other choices, without the benefit of a lawyer in the face of a pending criminal case arising from the same facts that triggered the disciplinary proceeding.

We recognize, as did the district court, that most courts have declined to grant students the right to counsel in disciplinary proceedings. But, with the exception of Nzuve v. Castleton State College, 133 Vt. 225, 232, 335 A.2d 321, 326 (1975), and Furutani v. Ewigleben, 297 F.Supp. 1163 (N.D.Cal.1969), these cases did not involve the specter of a pending criminal case hovering over the hearing. See e. g., Wasson v. Trowbridge, supra, 382 F.2d 807;Garshman v. Pennsylvania State University, 395 F.Supp. 912;Haynes v. Dallas County Junior College District, 386 F.Supp. 208 (N.D.Tex.1974); Barker v. Hardway, 283 F.Supp. 228 (S.D.W.Va.), Cert. denied, 394 U.S. 905, 89 S.Ct. 1009, 22 L.Ed.2d 217 (1969); Due v. Florida A. & M. University, 233 F.Supp. 396 (N.D.Fla.1963).

There are cases, however, holding that due process mandates the right to counsel at student expulsion proceedings.***105**Mills v. Board of Education of District of Columbia, 348 F.Supp. 866, 881 (D.D.C.1972); Givens v. Poe, 346 F.Supp. 202, 209 (W.D.N.C.1972); Esteban v. Central Missouri State College, 277 F.Supp. 649, 651 (W.D.Mo.1967).[FN4]

> FN4. We are aware, of course, of those cases holding that prisoners in disciplinary proceedings are not allowed counsel.Baxter v. Palmigiano, 425 U.S. 308, 96 S.Ct. 1551, 47 L.Ed.2d 810 (1976); Wolff v. McDonnell, 418 U.S. 539, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974). We do not find those cases controlling because of two key distinguishing features: (1) the absence of pending criminal charges in those cases, and (2) the exceptional nature of the prison context. In Baxter, the Court specifically noted that "(n)o criminal proceedings are or were pending against Palmigiano."425 U.S. at 317, 96 S.Ct. at 1557. The Court also observed that the "peculiar environment of the prison setting", Id. at 322 n. 5, 96 S.Ct. at 1560, made inappropriate certain procedural requirements. We do not read Palmigiano or Wolff as applying to situations outside the prison walls. Indeed, the Court observed that "one cannot automatically apply procedural rules designed for free citizens in an open society, or for parolees or probationers under only limited restraints, to the very different situation presented by a disciplinary proceeding in a state prison."418 U.S. at 560, 94 S.Ct. at 2977. Repeated references to the exigencies attending prison settings

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and the concomitant inappropriateness of applying inflexible due process standards are sprinkled throughout both Palmigiano and Wolff.
Cf. Mathis v. United States, 391 U.S. 1, 88 S.Ct. 1503, 20 L.Ed.2d 381 (1968), for an analysis by the Court of a situation where even a prisoner is entitled to counsel and the warning of his right to remain silent. Mathis involved a prisoner, incarcerated for one crime, who was interrogated by an I.R.S. agent concerning possible tax violations. As a result of the questioning, criminal charges were brought against the prisoner. The Court there held that, because the tax investigation was always colored by the possibility of a subsequent criminal prosecution, Miranda rights attached. The importance of Mathis is that it illustrates that, even within the prison setting, there are instances where the right to counsel is essential to ensure due process. The likelihood or pendency of criminal charges resulting from the interrogation presents such circumstances.
See also Gagnon v. Scarpelli, 411 U.S. 778, 93 S.Ct. 1756, 36 L.Ed.2d 656 (1973), for a discussion of the case-by-case approach to be taken in parole and probation revocation hearings on the issue of whether counsel should be permitted."The need for counsel at revocation hearings derives, not from the invariable attributes of those hearings, but rather from the peculiarities of particular cases."Id. at 789, 93 S.Ct. at 1763. In making the analysis of whether counsel is required, the "touchstone" should be "fundamental fairness." Id. at 790, 93 S.Ct. at 1763.

Because of the lack of compelling precedent, we apply the traditional due process balancing test as delineated by the Supreme Court in Mathews v. Eldridge, 424 U.S. 319, 334-335, 96 S.Ct. 893, 903, 47 L.Ed.2d 18 (1976):

More precisely, our prior decisions indicate that identification of the specific dictates of due process generally requires consideration of three distinct factors: First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.

See also Board of Curators of University of Missouri v. Horowitz, 435 U.S. 78, 99-100, 98 S.Ct. 948, 55 L.Ed.2d 124, 46 U.S.L.W. 4179, 4185 (1978); Goldberg v. Kelly, 397 U.S. 254, 263-271, 90 S.Ct. 1011, 25 L.Ed.2d 287 (1970).

The private interest and risk of erroneous deprivation that will be affected by the refusal of the hearing board to allow appellee the assistance of counsel depend upon the choice made at the hearing. If appellee chooses not to risk self-incrimination, he risks loss of his college degree. If he chooses to protect his degree, he risks self-incrimination and possible imprisonment of up to twenty years.[FN5] All that appellee asks is that he be allowed the advice of counsel when he throws his college degree into the balance against a possible loss of liberty. Appellee has not asked that the hearing be postponed until after the criminal case has been tried; he is willing to participate in the hearing provided he is accompanied by ***106** counsel to advise and guide him. The role of his attorney could be analogized to that of counsel representing a client at a congressional investigative hearing. We echo the comments of the district judge:

FN5.R.I.Gen.Laws s 11-5-1 (1970).

Further, the charge of assault with intent to rape is decidedly a matter of legal construction. Indeed, the definition of assault by itself, known and applied by legal professionals, is markedly different from the concept of laymen of what actions constitute an assault. The consequences of this plaintiff's participation in what otherwise might be strictly a University affair, reaches well beyond the University walls in terms of potential effect upon this plaintiff.

In Flint v. Mullen, supra, 499 F.2d 100, we found the convicted felon not to be presented with an unconstitutional choice because, Inter alia, "(p)etitioner, however, was provided with counsel, and both petitioner and his counsel had full opportunity to cross-examine every adverse witness and could have called their own."Id. at 103. More recently, we reversed the enjoining of disciplinary proceedings against a physician until criminal charges arising out

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of the same actions were completed, finding: "The disciplinary proceeding was not brought solely to obtain evidence for the criminal prosecution; the doctor was aware during the hearing of the pending criminal actions; The doctor had counsel ; . . ." (emphasis added). Arthurs v. Stern, supra, 560 F.2d at 479 n.5. See also United States v. Kordel, supra, 397 U.S. at 12 n.25, n.27, 90 S.Ct. 763.

Appellee's need for an attorney at the hearing seems obvious. With the exception of the denial of counsel, the disciplinary proceedings are, in many respects, similar to that of a criminal trial. Only a lawyer is competent to cope with the demands of an adversary proceeding held against the backdrop of a pending criminal case involving the same set of facts. The risk involved in participation at the hearing is substantial with counsel present; without counsel, it is enormous. The presence of counsel will, of course, not remove all risks. It will, however, enable appellee to make an intelligent, informed choice between the risks presented.

Academic institutions have a significant interest in the promulgation of procedures for the resolution of student disciplinary problems. Healy v. James, 408 U.S. 169, 184, 92 S.Ct. 2338, 33 L.Ed.2d 266 (1972); Wasson v. Trowbridge, supra, 382 F.2d 807; Dixon v. Alabama State Board of Education, 294 F.2d 150 (5th Cir.), Cert. denied, 368 U.S. 930, 82 S.Ct. 368, 7 L.Ed.2d 193 (1961); Morales v. Grigel, 422 F.Supp. 988, 997 (D.N.H.1976); Furutani v. Ewigleben, supra, 297 F.Supp. 1163. The limited role of counsel that we are considering, however, would not be very intrusive. Counsel would be present only to safeguard appellee's rights at the criminal proceeding, [FN6] not to affect the outcome of the disciplinary hearing. Counsel's principal functions would be to advise appellee whether he should answer questions and what he should not say so as to safeguard appellee from self-incrimination; and to observe the proceeding first-hand so as to be better prepared to deal with attempts to introduce evidence from the hearing at a later criminal proceeding. [FN7] To fulfill these functions, counsel need speak to no one but appellee. Counsel should, however, be available to consult with appellee at all stages of the hearing, especially while appellee is being questioned. Appellee, or his chosen U.R.I. counsel, will conduct the defense. The board will be conscious of the presence of an outsider, but this will emphasize the potential as well as present gravity of the charge. The presence of counsel will not place any financial or administrative burden on the University. It will set a precedent only for a truly unusual situation. See Garshman v. Pennsylvania State University, 395 F.Supp. 912 (M.D.Pa.1975). The ***107** most serious effect on the hearing of having counsel present that we can anticipate is that it will probably take longer to complete.

> FN6. We note that this relief is designed to protect his rights to due process. He has no constitutional right to counsel Per se in this context.
>
> FN7. For example, the presence of counsel may help ensure accuracy as well as identify points of inconsistency.

[4] We hold that, because of the pending criminal case, the denial to appellee of the right to have a lawyer of his own choice consult with and advise him during the disciplinary hearing without participating further in such proceeding would deprive appellee of due process of law.

The order of the district court as modified is affirmed.

LEVIN H. CAMPBELL, Circuit Judge (dissenting).

As the court points out, the pendency of serious criminal charges against him could complicate appellee's defense at the University's disciplinary hearing, perhaps making the presence of counsel more valuable to him than in the ordinary disciplinary proceeding. Confronted with a similar situation involving prison disciplinary proceedings against convicts facing possible criminal charges arising out of the same incident, this court once held that the potential for self-incrimination required the presence of counsel to assist those convicts. Palmigiano v. Baxter, 487 F.2d 1280 (1st Cir. 1973), Vacated and remanded, 418 U.S. 908, 94 S.Ct. 3200, 41 L.Ed.2d 1155 (1974), Reaffirmed, 510 F.2d 534 (1st Cir. 1974). The Supreme Court disagreed, ruling

"(n)either Miranda (V. Arizona, 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed.2d 694 (1966)), nor Mathis (V. United States, 391 U.S. 1, 88 S.Ct. 1503, 20 L.Ed.2d 381 (1968)), has any substantial bearing on the question whether counsel must be provided at

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'(p)rison disciplinary hearings (which) are not part of a criminal prosecution.'Wolff v. McDonnell, 418 U.S. 539, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974). The Court has never held, and we decline to do so now, that the requirements of those cases must be met to render pretrial statements admissible in other than criminal cases."

Baxter v. Palmigiano, 425 U.S. 308, 315, 96 S.Ct. 1551, 1556, 47 L.Ed.2d 810 (1976). After Palmigiano, I think we must accept that the pendency of criminal charges is irrelevant to the question of whether the due process clause allows a person to insist upon having counsel present at a separate civil proceeding involving similar facts. Although the Supreme Court's decision in Palmigiano drew upon its earlier ruling in Wolff v. McDonnell, another prisoner case, I do not see how its rationale can be meaningfully limited to prison disciplinary proceedings only. All the key factors present here were present there.[FN*] Because I believe that Palmigiano applies here, and also because like my brothers I am not prepared to rule that due process requires the presence of retained counsel at all or most student disciplinary proceedings, I am unable to join the opinion of the court.

> FN* Although, as my brothers note, no actual charges had been filed against Palmigiano, he had been advised that charges might be filed and the Supreme Court did not rely on the absence of actual charges in discussing his right to counsel, but rather relied on the broader principle referred to above. The court referred to the fact that no charges were pending only in its discussion of Palmigiano's privilege against self-incrimination.

Not only does the court's decision run counter to the most directly applicable Supreme Court precedent, but I fear that it opens the door to a claim of right to counsel in almost all student disciplinary proceedings. Although the court stresses this case "will set a precedent only for a truly unusual situation,"Ante at 106. I do not see how the right recognized here can be so easily confined. Most conduct of a serious enough nature to merit disciplinary action will involve at least colorable misdemeanors, if not felonies, and a student very well might contend that the fact that criminal charges may be brought, even if they are not pending, requires the presence of counsel at his hearing. Furthermore, I believe most of the benefits of the passive assistance of counsel, the only right involved in the court's decision, can be realized through consultations between the student and his counsel before the proceeding begins or perhaps by periodic consultations outside the ***108** room while the hearing is in progress. For these reasons, I respectfully dissent.

C.A.R.I.,1978.
Gabrilowitz v. Newman
582 F.2d 100

END OF DOCUMENT

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Box Contents

2007-2008 Studies/Nonstanding Committees

Box 8

1. 2008 Thomas E. Wright – Report to the House
2. 2008 Thomas E. Wright – Motions Research
3. 2008 Courts Commission
4. 2006-2008 State & Local Fiscal Modernization Study Commission
5. 1982 Chowan-Albemarle Legislative Study Commission

2008

HOUSE SELECT COMMITTEE TO INVESTIGATE.... THOMAS E. WRIGHT

REPORT TO THE 2007 HOUSE OF REPRESENTATIVES

RECEIVED
MAR 12 2008
Carmen Caulton 9:15 am
HOUSE PRINCIPAL CLERK
NC GENERAL ASSEMBLY
STATE LEGISLATIVE BUILDING
RALEIGH, NC 27601-1096

North Carolina House of Representatives

House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright

REPRESENTATIVE RICK GLAZIER, CHAIR
REPRESENTATIVE PAUL STAM, VICE-CHAIR
REPRESENTATIVE MARVIN LUCAS
REPRESENTATIVE BILL MCGEE
REPRESENTATIVE EDITH WARREN
REPRESENTATIVE LAURA WILEY

REPORT TO THE 2007 HOUSE OF REPRESENTATIVES

House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright

The House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright, (hereafter referred to as the "Committee"), makes its report to the 2007 House of Representatives pursuant to the Committee Authorization issued by the Speaker of the House of Representatives on December 13, 2007.

In accordance with the Committee Authorization, the Committee conducted an investigation into the matters reflected in the indictments against Representative Wright and other allegations of possible unethical or unlawful conduct against him. The Committee met on eight separate days: December 18, 2007 to adopt rules, January 9, 2008 to conduct a probable cause hearing, February 11, 2008 to hear and rule on dispositive motions, February 25, 2008 to approve witnesses and authorize subpoenas, and March 3 through March 6, 2008 to conduct an evidentiary hearing.

At the evidentiary hearing, the Committee heard sworn testimony from seven witnesses, received 21 documents into evidence, and heard arguments from the Committee's Outside Counsel and counsel for Representative Wright. Representative Wright called no witnesses and offered no evidence for consideration.

Attached to and incorporated by reference as part of this Report are the transcriptions of the February 11 and March 3 through 6, 2008 meetings together with the exhibits admitted into evidence; dispositive motions made by Representative Wright, the legal briefs on those motions, and the rulings on those motions; the Second Revised Notice of Charges of Unethical Conduct by Representative Wright and Representative Wright's response to the charges;

Committee Rules; Committee authorization; and research on North Carolina legislative and other legislative bodies' disciplinary actions.

At the conclusion of its investigation, the Committee unanimously found by clear and convincing evidence the following findings:

COUNT 1

On or about March 13, 2002 and on or about March 15, 2002, while a member of the North Carolina House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by orally and in writing improperly and unethically soliciting Torlen L. Wade, Acting Director of the North Carolina Department of Health and Human Services Office of Research, Demonstrations, and Rural Health Development, to write and mail to him a fraudulent letter stating that such Office was endorsing The Community's Health Foundation's project to convert a building located on the 900 block of 4th Street in Wilmington, North Carolina into Community's Health Foundation offices, New Hanover Community Health Center offices, and a History Museum and committing $150,000.00 in funding toward the completion of that project. At the time of the solicitation, Thomas E. Wright was an officer of The Community's Health Foundation, Inc., located at 322 South 17th Street in Wilmington, North Carolina. Thomas E. Wright confirmed his earlier oral solicitation by having his legislative assistant type the necessary details needed in the commitment letter in an e-mail that was sent to Torlen L. Wade by use of his State e-mail account and on a State computer, both of which were authorized for him based on his position as a member of the North Carolina House of Representatives. At the time of the oral solicitation, the typing and sending of the e-mail, and the typing and sending of the Torlen L. Wade letter, both Thomas E. Wright and Torlen L. Wade knew that the Office of Rural Health would not make such a grant and that Thomas E. Wright would use the letter in seeking to fraudulently obtain funding for The Community's Health Foundation from other sources such as financial institutions and other organizations that make grants and that would believe and rely on the false representations in Torlen L. Wade's letter.

COUNT 3

On or about December 15, 2003, while a member of the House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, and unethically converting money intended to be a charitable contribution to The Community's Health Foundation, Inc. to his own personal use. Thomas E. Wright wrote a letter on the letterhead stationery of The Community's Health Foundation, Inc. to a representative of AstraZeneca Pharmaceuticals, LP, requesting as the Foundation's president a donation to the Foundation, a charitable organization that Thomas E. Wright represented to be qualified to receive tax-deductible donations, that would be used by the Foundation for various health related purposes, including but not limited to educational initiatives, a needs assessment, identification of trends and bridging the gap of minority health care for an underserved population in New Hanover County. Thereafter, when on December 15, 2003, a representative of AstraZeneca Pharmaceuticals, LP signed and sent to Thomas E. Wright and The Community's Health Foundation, Inc., a check made out to "Communitys Hlth Found Inc" in the amount of $2,400.00, Thomas E. Wright deposited that check into his own personal account rather than into the account of The Community's Health Foundation, Inc.

COUNT 4

On or about February 6, 2004, while a member of the House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, and unethically converting money intended to be a charitable contribution to The Community's Health Foundation, Inc. to his own personal use. Thomas E. Wright wrote a letter on the letterhead stationery of The Community's Health Foundation, Inc. to a representative of Anheuser-Busch Companies, Inc., requesting as the Foundation's president a donation to the Foundation, a

charitable organization that Thomas E. Wright represented to be qualified to receive tax-deductible donations, that would be used by the Foundation for acquisition and development of a building in Wilmington, North Carolina that would serve as a museum. Thereafter, on March 5, 2004, when a representative of Anheuser-Busch Companies, Inc. signed and sent to Thomas E. Wright and The Community's Health Foundation, Inc., a check made out to "Communitys Health Foundation Inc" in the amount of $5,000, Thomas E. Wright deposited that check into his own personal account rather than into the account of The Community's Health Foundation, Inc.

COUNT 5

On or about April 1, 2004, while a member of the House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, and unethically converting money intended to be a charitable contribution to The Community's Health Foundation, Inc. to his own personal use. Thomas E. Wright wrote an invoice on the letterhead stationery of The Community's Health Foundation, Inc. to a representative of AT&T Corp. as a solicitation of a charitable contribution to the Foundation, a charitable organization that Thomas E. Wright represented to be qualified to receive tax-deductible donations. Thereafter, on April 1, 2004, when a representative of AT&T Corp. signed and sent to Thomas E. Wright and The Community's Health Foundation, Inc., a check made out to "Communitys Health Foundation I" in the amount of $1,500, Thomas E. Wright deposited that check into his own personal account rather than into the account of The Community's Health Foundation, Inc.

COUNT 7

Between January 1, 2000 and January 31, 2007, while a member of the North Carolina House of Representatives, Thomas E. Wright did improperly, fraudulently, and unethically engage in a pattern of conduct unbecoming and

unfitting a member of the House of Representatives by intentionally failing to disclose approximately $180,000.00 in contributions received by his campaign during that time period, which disclosures are required by law and are intended to safeguard the public trust and to preserve the integrity of the electoral process, the integrity of the House of Representatives, and the integrity of the legislative process. The contributions that are the subject of this Court are set out in Exhibit 15 of the Committee hearing held March 3-6, 2008 as modified by the testimony of Kim Strach, Deputy Director of the State Board of Elections, and incorporated into this Count by reference.

COUNT 8

Between on or about October, 2001 and on or about August, 2004, while a member of the North Carolina House of Representatives, Thomas E. Wright did engage in a pattern of conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, deceptively, and unethically soliciting a false document from a State agency and soliciting corporations for donations to a charitable corporation, The Community's Health Foundation, Inc., and by converting to his own personal use money contributed to that charitable organization.

As to Count 2, evidence was presented at the hearing as to that Count but no finding was made by the Committee. As to Count 6, no evidence was presented at the hearing as to Count 6 and that Count was not considered by the Committee at that time. The Committee retained jurisdiction over Counts 2 and 6 for possible further consideration.

RECOMMENDATION

Based on its findings that the allegations in Counts 1, 3, 4, 5, 7, and 8, are true, following arguments by Committee Counsel as to the appropriate sanction, and after discussion by the Committee, the Committee unanimously recommends that Representative Wright be expelled as a member of the House of Representatives.

This report submitted on authority of the Committee this the 11th day of March, 2008.

Representative Rick Glazier, Chair
House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments against Representative Thomas E. Wright

Attachments:

Transcript of Evidentiary Hearing - 4 days
Exhibits Admitted at Evidentiary Hearing
Charges
Response and Dispositive Motions
Respondent's Response to Notice of Witness Requirements
Recusal Motion
Committee Rules
Committee Authorization
Research on Disciplinary Actions in Legislative Bodies

Transcript is included in the minutes

THE GENERAL ASSEMBLY OF THE STATE OF NORTH CAROLINA

MEETING OF THE HOUSE SELECT COMMITTEE
TO INVESTIGATE ALLEGED MISCONDUCT AND OTHER MATTERS
INCLUDED IN INDICTMENTS REGARDING
REPRESENTATIVE THOMAS E. WRIGHT

TRANSCRIPT OF THE PROCEEDINGS

March 3, 2008

THE SELECT COMMITTEE:

Rep. Rick Glazier, Chair
Rep. Paul Stam, Vice-chair
Rep. Marvin Lucas
Rep. William McGee
Rep. Edith Warren
Rep. Laura Wiley

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MAR 12 2008
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11:03 A.M.

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Katherine M. Becker

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THE GENERAL ASSEMBLY OF THE STATE OF NORTH CAROLINA

MEETING OF THE HOUSE SELECT COMMITTEE
TO INVESTIGATE ALLEGED MISCONDUCT AND OTHER MATTERS
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REPRESENTATIVE THOMAS E. WRIGHT

TRANSCRIPT OF THE PROCEEDINGS

March 3, 2008

THE SELECT COMMITTEE:

Rep. Rick Glazier, Chair
Rep. Paul Stam, Vice-chair
Rep. Marvin Lucas
Rep. William McGee
Rep. Edith Warren
Rep. Laura Wiley

In Raleigh, N.C.
11:03 A.M.

Reported by:
Katherine M. Becker

THE CHAIR: This House Select Committee to Investigate the Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright is now in order. It is March 3rd, 2008, at approximately eleven-oh-three A.M. in Room 544 at the Legislative Office Building. This meeting is called to order.

Again, as everyone knows, the meeting is being recorded by a court reporter, so I am going to, for the record, ask the people who are on staff to introduce themselves, and as well so that Counsel know who they may need to go to at breaks or otherwise. And I'll begin on the back row with Mr. Gehron.

MR. GEHRON: Jake Gehron, office of Representative Glazier.

MS. HUNTLEY: Denise Huntley, research staff.

MR. REAGAN: Walker Reagan, Committee co-counsel.

MR. KREHELY: Brad Krehely, staff attorney with the Research Division, and Committee co-counsel.

MS. GOLDSMITH: Kory Goldsmith, Committee

co-counsel and staff attorney.

MS. FENNELL: Heather Fennell, Committee co-counsel and staff attorney.

THE CHAIR: Ms. Savel?

THE CLERK: Carin Savel, Committee clerk.

THE CHAIR: Members of the Committee?

REP. STAM: Paul Stam, Vice-Chair.

THE CHAIR: Rick Glazier, Chairman.

REP. WARREN: Edith Warren, Committee Member.

REP. McGEE: Bill McGee, Committee Member.

REP. LUCAS: Marvin Lucas, Committee Member.

REP. WILEY: Laura Wiley, Committee Member.

THE CHAIR: Counsel, please. Mr. Hart?

MR. HART: William Hart, Special Counsel.

MR. PETERS: Alexander Peters, Special Counsel.

PROF. JOYNER: Irving Joyner, attorney for Representative Wright.

REP. WRIGHT: Representative Thomas Wright.

MR. HARRIS: Doug Harris, attorney for Representative Wright.

THE CHAIR: And to my right is Katherine Becker, court reporter, as has been at previous hearings.

All right. Members of the Committee, I'm going to give you some instructions now as we start our process. We have now reached the evidentiary stage of our investigation into the allegations against Representative Wright of unethical conduct. In accord with the Committee rules, I have asked Committee's outside legal counsel, Bill Hart and Alec Peters, to prepare the presentation of evidence against Representative Wright to be presented to you today.

In accord with the Rules, Representative Wright has been supplied with a list of witnesses Mr. Hart and Mr. Peters have considered calling. He has also been presented with a copy of all documents Mr. Hart and Mr. Peters might want to offer into evidence at this hearing.

Representative Wright was requested to present the Committee with a list of witnesses he might want to call in his defense, but has not done

State of North Carolina
Department of the Secretary of State

SOSID: 588358
Date Filed: 4/18/2001 3:59 PM
Elaine F. Marshall
North Carolina Secretary of State

ARTICLES OF INCORPORATION
NONPROFIT CORPORATION

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 corporation is: The Community's Health Foundation, Inc.

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

3. The street address and county of the initial registered office of the corporation is:

   Number and Street 322 S. 17th Street

   City, State, Zip Code Wilmington, NC 28401 County New Hanover

4. The mailing address *if different from the street address* of the initial registered office is:

   same

5. The name of the initial registered agent is:

   Thomas E. Wright

6. The name and address of each incorporator is as follows:
   Thomas E. Wright, 322 S. 17th St., Wilmington, NC 28401
   Daniel Gottovi, MD, 116 Martingale Ln., Wilmington, NC 28409
   James Lofton, 117 Avant Dr., Wilmington, NC 28405
   Bessie Funderburg, 414 S. 14th St., Wilmington, NC 28401

7. (Check either a or b below.)
   a. x The corporation will have members.
   b. ___ The corporation will not have members.

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

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

10. The street address and county of the principal office of the corporation is:

    925 North 4th St., Wilmington, NC 28401 County New Hanover

11. The mailing address *if different from the street address* of the principal office is:

    Same

Ex. 1

EXHIBIT
1

Purpose of Corporation

This corporation is organized for the following purpose(s) (*check as applicable*):

____religious,

_x_charitable,

_x_educational,

____testing for public safety,

_x_scientific,

____literary,

____fostering national or international amateur sports competition, and/or

____prevention of cruelty to children or animals,

including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under Sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1986 (herein the "Code") (or the corresponding provisions of any future United States Internal Revenue Code).

Prohibited Activities

No part of the net earnings of the corporation shall inure to the benefit of or be distributable to, its members, directors, officers, or other private persons except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of purposes set forth in these articles of incorporation. No substantial part of the activities of the corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation, and the corporation shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provisions of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 501(c)(3) of the Code or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Code.

Distributions Upon Dissolution

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

This is the ____ day of _____, 20____.

Thomas F. Wright

Signature of Incorporator

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

NOTES:
Filing fee is $60. This document and one exact or conformed copy of these articles must be filed with the Secretary of State.

January 2000

Form N-01

...IONS DIVISION

P. O. BOX 29622

RALEIGH, NC 27626-0622

04/11/2001 11:54 919-807-2063

PAGE 04

Subject: Per our conversation
Date: Wed, 13 Mar 2002 16:47:04 -0500
From: "Vanda Wilson-Wormack (Rep. Wright)" <wrightla2@ncleg.net>
To: "Torlen Wade (E-mail)" <torlen.wade@ncmail.net>

Torlen,

Per our conversation, the letter of endorsement should be addressed to Chairman Thomas E. Wright, Community's Health Foundation, Inc. 322 South 17th Street Wilmington, NC 28401.

The language should include $150,000 in funding to be received no later than July or August.

The building will be located on the 900 block of 4th Street and will be used as office space for the Community's Health Foundation, Inc. Upon completion of the expansion project of the New Hanover Community Health Center, an effort would be made to convert the building into a History Museum.

Please fax the letter of endorsement to (910) 343-3339 and mail the hard copy to
Community's Health Foundation
322 South 17th Street
Wilmington, NC 28401.

If you have any further questions or comments, please call the office at (919) 733-5754 or (910) 232-1007.

Thanks

Thomas Wright

EXHIBIT
2

North Carolina Department of Health and Human Services
Office of Research, Demonstrations, and
Rural Health Development
2009 Mail Service Center • Raleigh, North Carolina 27699-2009
Tel 919-733-2040 • Fax 919-733-8300

Michael F. Easley, Governor
Carmen Hooker Odom, Secretary

James D. Bernstein, Director

March 15, 2002

Thomas E. Wright, Chairman
Community's Health Foundation
322 South 17th Street
Wilmington, NC 28401

Dear Mr. Wright:

On behalf of the Office of Research, Demonstrations, and Rural Health Development, I am writing to enthusiastically endorse the Community's Health Foundation's effort to convert the building located on the 900 block of 4th Street into Foundation offices, New Hanover Community Health Center offices and into a History Museum.

With this endorsement, the Office is committing $150,000 in funding toward the completion of this conversion project. The funding will be awarded by June 30, 2002.

We wish you all the best as you embark on this important project.

Sincerely,

Torlen L. Wade
Acting Director

TLW/lw

EXHIBIT
3

REPORT OF LOAN OR NE OF CREDIT DATE March 5, 2002

BORROWER: (Exact legal name of entity)
Community Health Foundation

ADDRESS:

PRINCIPALS: (If different than Borrower)
Thomas Wright Title Chairman
Don Gatlin Title Treasurer
_____ Title _____

NATURE OF BUSINESS OR WHERE EMPLOYED

TYPE OF BUSINESS OR JOB TITLE
CORP_____ S-CORP_____
PARTNERSHIP_____ EMPLOYER
PROPRIETORSHIP_____
non-profit

GUARANTORS:
Unlimited ___ Limited ___ Amount of Note ___
Names Liquidity OSNW Income
Na
33-78-41826

PURPOSE OF CREDIT (Be Specific) & AMOUNT
Purchase lot + Building for 1898 memorial on 4th St

Loan Amount: $150,000.00

TOTAL O/S & COMMITMENTS (Omit 000's)

	O/S	Comm.
U/S		
R/E		
Class 1 Collateral		
Other Collateral		
Total		

Unused Commitments $_____

Payment History @ Coastal Federal:

SOURCE OF REPAYMENT
Primary: Grant money from State + Fed. govt.
Secondary Conversion of assets

BASIS OF CREDIT (Check all that apply)
_____ Unsecured
✓ Secured
Mortgage/Type (Constr., Leasehold, etc.): Permanent
Location: Site N. 4th St. Wilmington, NC
Assign of Rents: yes F. F. & E: no
Other:

_____ Line of Credit ✓ Loan
✓ New _____ Renewal
LTV 92.8 % Lien Position:
TLTV 92.8 % 1st DT
AV: 329,000 (Sales Price)

Beacon Score:_____
Debt Ratio:_____
N.O.I._____
Debt Service Coverage:_____

This is a CDBG loan for a museum (to be created) to commemorate the 1898 Race Riots in Wilmington. Funded by State + Federal Grant Money

SCHEDULE OF REPAYMENT
Rate: WSJ Pr 1.5% Fee: 1/2 ($750.00)
Term: 180 days Amortization:_____
Other: 6 mnth S/P - int. due @ maturity

ACCOUNT BALANCE DATE
Present Balance All Accounts $_____
Average Bal. Last 12 Months $_____
# of Overdrafts past 12 months_____

Related Accounts:	12 Month Avg. Bal.

Required Accounts Relationship:
Foundation acct. to be opened

Request Denied:_____

APPROVED As Submitted: _____Yes _____No. If no, list
CONDITIONS OF APPROVAL:

CASE # 2002-0189
ATTACH. #837 - 10 PG 1 OF 6

Recommended Risk Grade 5
ASSIGNED RISK GRADE_____

Are there any underwriting or documentation exceptions? _____No _____Yes. If yes, list:

Are there any Loan Policy Exceptions being requested: ✓ No _____Yes. If yes, list the exception.
Non-Recourse Financing

APPROVED:
Loan Officer: [signature]
Credit Administration:_____
Loan Committee:_____

EXHIBIT 4

02521

(1)
17

2004834119

FOR REGISTRATION REGISTER OF DEEDS
REBECCA T. CHRISTIAN
NEW HANOVER COUNTY, NC
2004 JUN 28 03:48:12 PM
BK:4385 PG:765-766 FEE:$12.00

INSTRUMENT # 2004834119

NOTICE OF FORECLOSURE

Drawn By: H. Terry Hutchens, PA
PRESENT RECORD OWNER: The Community Health Foundation, Inc.
aka The Community's Health Foundation, Inc

Mail To: H. Terry Hutchens, PA
P.O. Box 1028
Fayetteville, North Carolina 28302
Case No: 597.69856

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

This notice of foreclosure is filed for recordation pursuant to the provisions of N.C.G.S. 45-38.

GRANTOR:	Thomas E. Wright, President of The Community Health Foundation Inc. and Daniel Gottovi, Treasurer of The Community Health Foundation, Inc.
ORIGINAL TRUSTEE:	Michael C. Gerald
BENEFICIARY:	Coastal Federal Bank

in the amount of $150,000.00 recorded in Book 3259, Page 842, and foreclosed and conveyed to John L. Battle and wife, Mary A. Battle on May 18, 2004.

See Book 4340, Page 911, and Appointment of Substitute Trustee recorded in Book 4052, Page 756.

This the 22nd day of June, 2004.

H. TERRY HUTCHENS, PA
SUBSTITUTE TRUSTEE

BY: Debra L. Milligan
Debra L. Milligan
Assistant Vice President

EXHIBIT
5

REBECCA T. CHRISTIAN
REGISTER OF DEEDS, NEW HANOVER
216 NORTH SECOND STREET

WILMINGTON, NC 28401

Filed For Registration:	06/28/2004 03:40:12 PM
Book:	RE 4385 Page: 765-766
Document No.:	2004034119
	N/F 2 PGS $12.00
Recorder:	MARVIS ANN STORER

State of North Carolina, County of New Hanover

REBECCA T. CHRISTIAN , REGISTER OF DEEDS

By: Marvis Ann Storer
Deputy/Assistant Register of Deeds

YELLOW PROBATE SHEET IS A VITAL PART OF YOUR RECORDED DOCUMENT. PLEASE RETAIN WITH ORIGINAL DOCUMENT AND SUBMIT FOR RE-RECORDING.

2004034119
2004034119

THE COMMUNITY'S HEALTH FOUNDATION, INC.

Thomas E. Wright, President

322 S 17TH Street
Wilmington, NC 28401
Ofc. #(910) 343-9842
Fed. Tax ID# 56-2252434

February 6, 2004

Mr Lewis McKinney
Anheuser-Busch Companies, Inc.
1 Busch Place, 202-8
St. Louis, Missouri 63118

Dear Mr. McKinney,

The Community's Health Foundation, Inc is requesting your support in the acquisition and development of a building in Wilmington, North Carolina that will serve as a historical relic and museum about the 1898 Race Riot that occurred in Wilmington, North Carolina. The museum will exhibit historical events that took place and recapture these moments for future generations to explore, examine, and uncover the truth about such a horrific time in American History. This is a very important endeavor for the community of Wilmington, the state of North Carolina and our nation.

We are requesting your support to aid this foundation's efforts. Please make the check payable to **The Community's Health Foundation, Inc.**, in care of **Thomas E. Wright.** Contributions are tax deductible under the 501 (c) (3) of the Internal Revenue Code. Our Tax Id# is **56-2252434.**

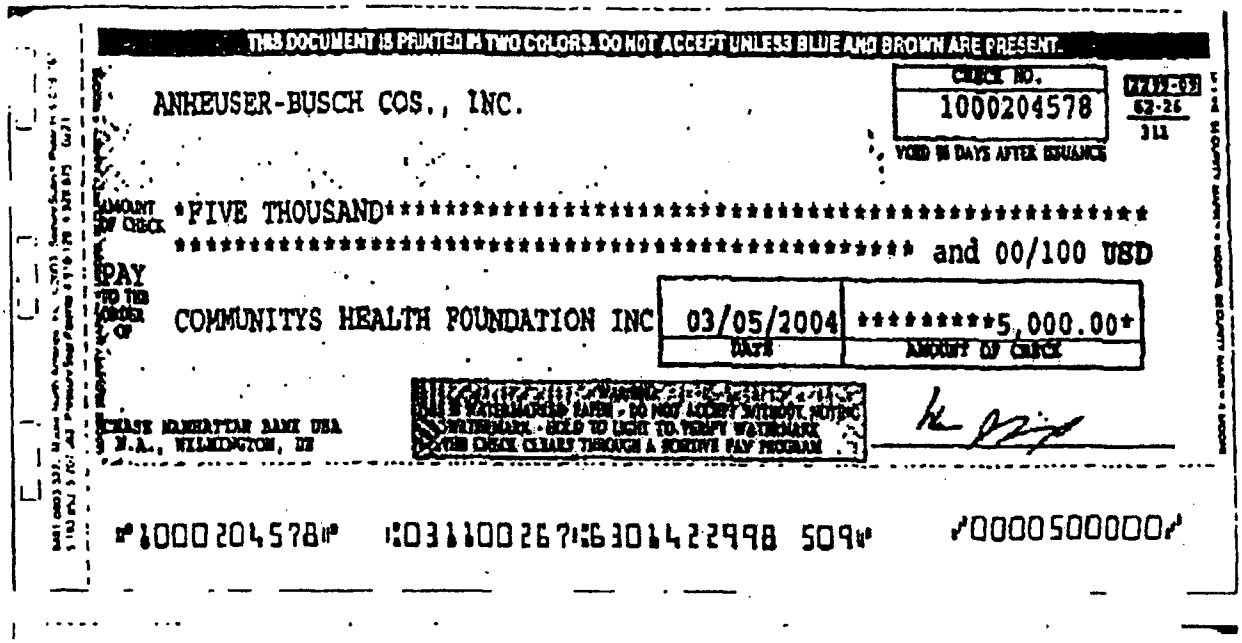
If you need to contact me or need additional information, please do not hesitate to give me a call. Again, thanks for your support.

Sincerely,

Thomas E. Wright

EXHIBIT
6

Amount:	$5,000.00	Sequence Number:	6400501484
Account:	6301422998509	Capture Date:	08/11/2004
Bank Number:	03110026	Check Number:	1000204578



THIS DOCUMENT IS PRINTED IN TWO COLORS. DO NOT ACCEPT UNLESS BLUE AND BROWN ARE PRESENT.

ANHEUSER-BUSCH COS., INC.

CHECK NO. 1000204578

VOID 90 DAYS AFTER ISSUANCE

7709-63 62-26 311

AMOUNT OF CHECK *FIVE THOUSAND********** and 00/100 USD

PAY TO THE ORDER OF COMMUNITYS HEALTH FOUNDATION INC

DATE 03/05/2004

AMOUNT OF CHECK *********5,000.00*

CHASE MANHATTAN BANK USA N.A., WILLMINGTON, DE

WARNING - THIS DOCUMENT CONTAINS A WATERMARKED PAPER - DO NOT ACCEPT WITHOUT NOTING WATERMARK - HOLD TO LIGHT TO VERIFY WATERMARK - THIS CHECK CLEARS THROUGH A POSITIVE PAY PROGRAM

⑈1000204578⑈ ⑆031100267⑆6301422998 509⑈ ⑈0000500000⑈

EXHIBIT 7

THE COMMUNITY'S HEALTH FOUNDATION, INC.

Thomas E. Wright, President

322 S. 17th Street
Wilmington, NC 28401
Ofc. #(910) 343-9842
Fed. Tax ID# 56-2252434

November 14, 2003

Mr. Brian Shank
AstraZeneca Pharmaceuticals
104 Mancino Court
Morrisville, NC 27560

Dear Mr. Shank,

The Community's Health Foundation, Inc. is requesting your support in assisting the New Hanover Community Health Center, located in Wilmington, North Carolina, with our educational initiatives and projects. Our presentation of multidisciplinary perspectives will address critical clinical and care delivery issues, as well as, an exhaustive needs assessment that will survey the ongoing needs of the primary care physician, healthcare providers and the patients. Also, the identification of trends and changes in practices based on research data from surveys of our patients and constituents will enable the Center to maximize their healthcare services. In addition, the Community's Health Foundation is continuing the strides in bridging the health status gap between minorities that will improve access to public health services for the underserved population in New Hanover County.

$2400.00

We are requesting your support of ~~$1500.00~~ to support this foundation's efforts. Please make the check payable to **The Community's Health Foundation, Inc.**, in care of **Thomas E. Wright**. Contributions are tax deductible under the 501 (c) (3) of the Internal Revenue Code. **Our Tax Id# is 56-2252434.**

If you need to contact me, please do not hesitate to give me a call. Again, thanks for your support.

Sincerely,

Thomas E. Wright

EXHIBIT
8

2007-01489
Attachment 794-43
pg 1 of 3

01040

Amount:	$2,400.00	Sequence Number:	6400501485
Account:	3299924268	Capture Date:	08/11/2004
Bank Number:	06111278	Check Number:	12343708

AstraZeneca

AstraZeneca Pharmaceuticals LP
1800 Concord Pike
PO Box 15437
Wilmington, DE 19850-5437

30020579 06 12343708

DOCUMENT NO.
12343708

64-1278
611

MONTH DAY YEAR
12/15/03

PAY TWO THOUSAND FOUR-HUNDRED AND 00/100 DOLLARS

$ *******2,400.00

TO THE ORDER OF
COMMUNITYS HLTH FOUND INC
322 S 17TH ST
WILMINGTON NC 28401

Bank of America Customer Connection
Bank of America, N.A.
Atlanta, DeKalb County, Georgia

Authorized Signature

VOID AFTER 180 DAYS

THE BACK OF THIS DOCUMENT HAS THE AUTHORIZED GOOD PANTONE BLUE 281 TO MULTIPLE POSITIONS. HOLD AT AN ANGLE TO VIEW. NOT A RECEIPT

⑈12343708⑈ ⑆061112788⑆ 329 992 4268⑈ ⑈0000240000⑈

EXHIBIT
10

THE COMMUNITY'S HEALTH FOUNDATION, INC.

Thomas E. Wright, President

322 S. 17th Street
Wilmington, NC 28401
Ofc. # (910) 343-9842
Fed. Tax ID # 56-2252434

Sept. 26, 2003

Invoice

Inv # 092603TheCom

To: John Policastro
AT&T

From: The Community's Health Foundation, Inc.

Please remit the following payment. Checks may be made to The Community's Health Foundation, Inc.

Payment $1500

PO# P059652

Thank you.

PAY THIS AMOUNT

MATTER: NC
ISSUE: T-D
TACTIC: TPI

EXHIBIT
11

pg 2

02180

Amount:	$1,500.00	Sequence Number:	6200948986
Account:	31172621	Capture Date:	07/26/2004
Bank Number:	07192382	Check Number:	11390100

DO NOT CASH WITHOUT BLUE / GREEN BACKGROUND — POSITIVE IDENTIFICATION REQUIRED

70-2382/719

AT&T

The Northern Trust Company
Chicago, IL 6071
Payable through Northern Trust Bank / DuPage, Oak Brook, IL
Account Number 31172621

Check No.	Payable Mo. Day Yr.
11390100	04|01|04

AP Payment

ONE THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS IN US DOLLARS

PAY TO THE ORDER OF

COMMUNITYS HEALTH FOUNDATION I
322 S 17TH ST
WILMINGTON NC 28401

$******1,500.00

PLEASE CASH PROMPTLY. VOID AFTER 180 DAYS

VENDOR NO. 483977 | INVOICE NO. | OTPC

Edward M. Dwyer
Authorized Signature

⑈11390100⑈ ⑆071923828⑆03117262 1⑈ ⑈0000150000⑈

WARNING: DO NOT CASH UNLESS VOID
PROTECTED
ON BACK. HOLD AT ANGLE TO VIEW
VERIFY WATERMARK.
KNOW YOUR ENDORSER

BANK OF AMERICA CHI
MICROBUSINESS EARLY TO P16
07/26/04
6200948986

EXHIBIT
13

Committee to E. Thomas E. Wright
Contributions Not Disclosed
2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
AIA PAC		Bank of America 5071	$ 500.00	3/24/2000	2000 First Quarter Plus
Alexander	William	Bank of America 5071	$ 100.00	3/13/2000	2000 First Quarter Plus
Bone	Roger	Bank of America 5071	$ 250.00	3/24/2000	2000 First Quarter Plus
Crossland	Thomas	Bank of America 1059	$ 100.00	4/3/2000	2000 First Quarter Plus
DUKE ENERGY CORP PAC		Bank of America 5071	$ 500.00	3/23/2000	2000 First Quarter Plus
Duncan	Allyson	Bank of America 1059	$ 100.00	4/3/2000	2000 First Quarter Plus
Gore	Rex	Bank of America 5071	$ 100.00	3/22/2000	2000 First Quarter Plus
McCoy	John	Bank of America 1059	$ 100.00	4/3/2000	2000 First Quarter Plus
Mercer	Linwood	Bank of America 5071	$ 500.00	3/22/2000	2000 First Quarter Plus
NC ACADEMY OF TRIAL LAWYERS PAC		Bank of America 5071	$ 500.00	3/28/2000	2000 First Quarter Plus
NC ASSIST LIVING ASSOC. PAC		Bank of America 5071	$ 250.00	3/22/2000	2000 First Quarter Plus
NC Assn of Nurse Anesthetists PAC		Bank of America 5071	$ 200.00	3/10/2000	2000 First Quarter Plus
NC ASSOC OF LONG TERM CARE FACILITIES		Bank of America 5071	$ 300.00	3/22/2000	2000 First Quarter Plus
NC BEER AND WINE WHOLESALERS ASSOC. PAC		Bank of America 5071	$ 400.00	3/24/2000	2000 First Quarter Plus
NC DENTAL PAC		Bank of America 5071	$ 1,000.00	3/15/2000	2000 First Quarter Plus
NC DENTAL PAC		Bank of America 5071	$ 500.00	3/22/2000	2000 First Quarter Plus
NC HCFA PAC		Bank of America 5071	$ 500.00	3/22/2000	2000 First Quarter Plus
NC HOSPITAL ASSOC		Bank of America 5071	$ 1,000.00	3/15/2000	2000 First Quarter Plus
NC LUPAC		Bank of America 5071	$ 500.00	3/22/2000	2000 First Quarter Plus
NC MEDICAL SOCIETY		Bank of America 1059	$ 1,000.00	4/13/2000	2000 First Quarter Plus
NC REALTORS PAC		Bank of America 5071	$ 1,000.00	4/6/2000	2000 First Quarter Plus
NC STATE AFL-CIO COPE-PAC		Bank of America 1059	$ 100.00	5/10/2000	2000 First Quarter Plus
Plage	Robert	Bank of America 5071	$ 250.00	3/15/2000	2000 First Quarter Plus
Roff	Roger	Bank of America 5071	$ 1,000.00	4/6/2000	2000 First Quarter Plus
ROSEMAN	L.A.	Bank of America 5071	$ 250.00	3/15/2000	2000 First Quarter Plus
Snyder	Richard	Bank of America 1059	$ 100.00	4/3/2000	2000 First Quarter Plus
Sutton	William	Bank of America 5071	$ 100.00	3/13/2000	2000 First Quarter Plus
Taylor	Joseph	Bank of America 5071	$ 300.00	3/22/2000	2000 First Quarter Plus
WARWICK	Nurham	Bank of America 5071	$ 500.00	3/23/2000	2000 First Quarter Plus
Wright	Thomas	Bank of America 1059	$ 100.00	4/3/2000	2000 First Quarter Plus
Anderson	Anthony	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Bowden	Jimmy	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Clarida	Jimmy	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Cllette	Pat	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Dees	Doris	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Evans	J.B.	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
George	Eugene	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
George	Roosevelt	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
George	Sarah	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Gerald	Carvin	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Gerald	Paul	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Hayes	Raymond	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
High	James	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Hill	Nancy	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Hill	Dewey	Bank of America 1059	$ 100.00	5/10/2000	2000 Second Quarter

EXHIBIT
15

Committee to Elect Thomas E. Wright
Contributions Not Disclosed
2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
Jenkins	Geraldine	Bank of America 1059	$ 100.00	4/21/2000	2000 Second Quarter
Jones	Anne	Bank of America 1059	$ 100.00	4/21/2000	2000 Second Quarter
KEEP CONLON ON COUNCIL		Bank of America 1059	$ 100.00	4/25/2000	2000 Second Quarter
Lawrence	David	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
McKenzie	Amon	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Mercer	Leo	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
METROLINA AREA RADIOLOGISTS FOR QUALITY IN		Bank of America 5071	$ 1,000.00	5/12/2000	2000 Second Quarter
Parker	Constance	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Phipps	William	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Powell	Tonya	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Recko	Marc	Bank of America 1059	$ 100.00	5/2/2000	2000 Second Quarter
Sands	Alexander	Bank of America 1059	$ 100.00	4/21/2000	2000 Second Quarter
Sasser	Rhone	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Simpson	Jereline	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Soles	R.C	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Spaulding	James	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Spaulding	John	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Stines	Suzette	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Timmons	Jo Ann	Bank of America 1059	$ 100.00	4/21/2000	2000 Second Quarter
Troy	Harold	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Troy	Ralph	Bank of America 1059	$ 100.00	5/2/2000	2000 Second Quarter
Tyler	R. Mitchel	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Webster	John	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Webster	Victoria	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
White	Robert	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Wright	Thomas	Bank of America 1059	$ 200.00	5/3/2000	2000 Second Quarter
AT&T PAC		Bank of America 5071	$ 500.00	11/6/2000	2000 Third Quarter Plus
BADDOUR FOR NC HOUSE		Bank of America 5071	$ 500.00	8/4/2000	2000 Third Quarter Plus
Cutting	Robert	Bank of America 5071	$ 200.00	8/4/2000	2000 Third Quarter Plus
McCaffray	Edmund	Bank of America 5071	$ 100.00	8/4/2000	2000 Third Quarter Plus
NC Anesthesiologists PAC		Bank of America 5071	$ 300.00	11/6/2000	2000 Third Quarter Plus
NC ASSN LONG TERM CARE FACS PAC		Bank of America 5071	$ 250.00	11/6/2000	2000 Third Quarter Plus
NC BANK PAC		Bank of America 5071	$ 250.00	8/4/2000	2000 Third Quarter Plus
NC ORTHOPAEDIC PAC		Bank of America 5071	$ 250.00	8/4/2000	2000 Third Quarter Plus
NCHBA BUILD PAC		Bank of America 5071	$ 1,000.00	10/17/2000	2000 Third Quarter Plus
BROWN & WILLIAMSTON TOBACCO CORP. EMP PAC		Bank of America 5071	$ 250.00	11/16/2000	2000 Fourth Quarter
CVS Corp Fed PAC		Bank of America 5084	$ 500.00	12/29/2000	2000 Fourth Quarter
GE COMPANY, PAC		Bank of America 5071	$ 500.00	11/6/2000	2000 Fourth Quarter
Hemingway	Jerome	Bank of America 1059	$ 100.00	12/7/2000	2000 Fourth Quarter
MICROSOFT CORP PAC		Bank of America 5071	$ 250.00	11/16/2000	2000 Fourth Quarter
Mottola	D	Bank of America 5071	$ 500.00	11/6/2000	2000 Fourth Quarter
NC DEMOCRATIC HOUSE PAC		Bank of America 5071	$ 500.00	11/16/2000	2000 Fourth Quarter
NC HOSPITAL ASSOC		Bank of America 5071	$ 500.00	11/16/2000	2000 Fourth Quarter
NC PORK COUNCIL		Bank of America 5071	$ 500.00	11/6/2000	2000 Fourth Quarter
OPTOMETRY PAC		Bank of America 5071	$ 500.00	11/16/2000	2000 Fourth Quarter

Committee to El homas E. Wright
Contributions Not Disclosed
2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
Wilson	Lanny	Bank of America 5071	$ 1,000.00	11/6/2000	2000 Fourth Quarter
Cash Contributions		Bank of America 5071	$ 250.00	4/19/2001	2001 Mid Year Semi-Annual
Cash Contributions		Bank of America 5071	$ 800.00	5/18/2001	2001 Mid Year Semi-Annual
International Paper PAC (IP PAC)		Bank of America 5071	$ 500.00	1/26/2001	2001 Mid Year Semi-Annual
LAMB GROUP, INC.		Bank of America 5071	$ 1,500.00	1/29/2001	2001 Mid Year Semi-Annual
NOVARTIS EMPL GOOD GOVT FUND		Bank of America 5071	$ 200.00	4/18/2001	2001 Mid Year Semi-Annual
Cash Contributions		Bank of America 5071	$ 1,400.00	11/7/2001	2001 Year End Semi-Annual
Cash Contributions		Bank of America 5071	$ 500.00	11/23/2001	2001 Year End Semi-Annual
Alley	Zeb	Bank of America 5071	$ 250.00	4/2/2002	2002 First Quarter Plus
BELL SOUTH EMPLOYEES NC PAC		Bank of America 5071	$ 1,000.00	3/1/2002	2002 First Quarter Plus
Bone	Roger	Bank of America 5071	$ 200.00	4/2/2002	2002 First Quarter Plus
COMMITTEE FOR EDMISTEN		Bank of America 5071	$ 500.00	4/2/2002	2002 First Quarter Plus
GLAXOSMITHKLINE PAC		Bank of America 5071	$ 1,000.00	3/1/2002	2002 First Quarter Plus
Goodman	John	Bank of America 5071	$ 500.00	4/2/2002	2002 First Quarter Plus
HOUSE PAC		Bank of America 5071	$ 500.00	4/2/2002	2002 First Quarter Plus
JIM BLACK CAMPAIGN FUND		Bank of America 5071	$ 1,000.00	4/2/2002	2002 First Quarter Plus
MERCK PAC		Bank of America 5071	$ 1,000.00	3/22/2002	2002 First Quarter Plus
NC Amusement Machine Assoc. PAC Acct		Bank of America 5071	$ 1,000.00	4/9/2002	2002 First Quarter Plus
NC AUTO DEALERS PAC		Bank of America 5071	$ 500.00	4/2/2002	2002 First Quarter Plus
NC BEER/WINE WHOLESALERS PAC		Bank of America 5071	$ 500.00	4/9/2002	2002 First Quarter Plus
NC FIN. ASSOC. PAC		Bank of America 5071	$ 500.00	4/2/2002	2002 First Quarter Plus
NC HOSPITAL ASSN. PAC		Bank of America 5071	$ 2,000.00	4/2/2002	2002 First Quarter Plus
NC REALTORS PAC		Bank of America 5071	$ 500.00	4/2/2002	2002 First Quarter Plus
AIA PAC		Bank of America 1059	$ 250.00	5/29/2002	2002 Second Quarter
AMERICAN INTER. GROUP, INC. EMPLOY PAC		Bank of America 1059	$ 500.00	6/11/2002	2002 Second Quarter
AT&T PAC		Bank of America 5071	$ 500.00	5/6/2002	2002 Second Quarter
BANK OF AMERICA NC PAC		Bank of America 1059	$ 500.00	5/29/2002	2002 Second Quarter
CITIGROUP, INC. PAC		Bank of America 1059	$ 250.00	5/29/2002	2002 Second Quarter
COMMITTEE FOR EDMISTEN		Bank of America 1059	$ 500.00	6/11/2002	2002 Second Quarter
CREDIT UNION POLITICAL ACTION PAC		Bank of America 5071	$ 250.00	4/29/2002	2002 Second Quarter
DOMINION PAC		Bank of America 1059	$ 250.00	5/29/2002	2002 Second Quarter
DUKE ENERGY CORP. PAC- STATE		Bank of America 1059	$ 500.00	5/29/2002	2002 Second Quarter
ELI LILLY & CO. PAC		Bank of America 1059	$ 750.00	6/11/2002	2002 Second Quarter
JEFFERSON PILOT STATE GOOD GOV. COMM.		Bank of America 1059	$ 300.00	6/11/2002	2002 Second Quarter
JOHNSON&JOHNSON EMPLOY GOOD GOV FUND		Bank of America 1059	$ 500.00	6/11/2002	2002 Second Quarter
NC BANK PAC		Bank of America 5071	$ 600.00	4/29/2002	2002 Second Quarter
NC BEER & WINE WHOLESALERS ASSOC. PAC		Bank of America 1059	$ 250.00	5/29/2002	2002 Second Quarter
NC DENTAL PAC		Bank of America 5071	$ 500.00	5/21/2002	2002 Second Quarter
NC TRUCKING ASSOC. CGG		Bank of America 1059	$ 250.00	5/29/2002	2002 Second Quarter
VERIZON GOOD GOVT CLUB - NC		Bank of America 1059	$ 100.00	5/29/2002	2002 Second Quarter
VERIZON GOOD GOVT CLUB - NC		Bank of America 1059	$ 150.00	5/29/2002	2002 Second Quarter
NC DENTAL PAC		Bank of America 5071	$ 500.00	7/5/2002	2002 Interim
Cash Contributions		Bank of America 5071	$ 1,200.00	9/6/2002	2002 Third Quarter Plus
Cash Contributions		Bank of America 5071	$ 1,000.00	10/7/2002	2002 Third Quarter Plus
FOOD LION LLC, PAC		Bank of America 1059	$ 100.00	12/24/2002	2002 Fourth Quarter

Committee to Elect Thomas E. Wright
Contributions Not Disclosed
2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
Lofton	Wayne	Bank of America 5071	$ 3,000.00	11/4/2002	2002 Fourth Quarter
REAP		Bank of America 1059	$ 250.00	12/24/2002	2002 Fourth Quarter
Simpson	Cleveland	Bank of America 1059	$ 100.00	10/29/2002	2002 Fourth Quarter
Simpson	Jerelne	Bank of America 1059	$ 100.00	10/29/2002	2002 Fourth Quarter
Sutton	William	Bank of America 5071	$ 100.00	10/23/2002	2002 Fourth Quarter
Thomas Wright Campaign		Bank of America 5071	$ 3,000.00	11/4/2002	2002 Fourth Quarter
Thomas Wright Campaign		Bank of America 1059	$ 1,050.00	11/29/2002	2002 Fourth Quarter
Abbott Laboratories		Bank of America 5071	$ 250.00	2/14/2003	2003 Mid Year Semi-Annual
NC Veterinary Medical Association		Bank of America 5071	$ 100.00	2/14/2003	2003 Mid Year Semi-Annual
Allstate Insurance Company PAC		Bank of America 5071	$ 250.00	10/15/2003	2003 Year End Semi-Annual
Cigna Corporation		Bank of America 5071	$ 150.00	10/15/2003	2003 Year End Semi-Annual
Cash Contributions		Bank of America 5071	$ 4,000.00	4/6/2004	2004 First Quarter Plus
Dameron	Allan	Bank of America 5071	$ 1,000.00	4/8/2004	2004 First Quarter Plus
Rudd	SR.	Bank of America 5071	$ 1,000.00	4/8/2004	2004 First Quarter Plus
ALTRIA GROUP PAC		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
Bank of America PAC		Bank of America 5071	$ 1,000.00	5/5/2004	2004 Second Quarter
BELLSOUTH PAC		First Citizens Bank 5211	$ 500.00	4/23/2004	2004 Second Quarter
BLUE CROSS PAC		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
BUILD PAC		First Citizens Bank 5211	$ 1,000.00	4/23/2004	2004 Second Quarter
CAPA-PAC Carolina Asphalt Assoc. PAC		Bank of America 5071	$ 500.00	5/12/2004	2004 Second Quarter
CASH AMERICA PAC		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
Cash Contributions		Bank of America 5071	$ 600.00	6/22/2004	2004 Second Quarter
Causey	Brian	First Citizens Bank 5211	$ 150.00	4/23/2004	2004 Second Quarter
Causey	Sidney	First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
CITIZENS FOR HIGHER EDUCATION		First Citizens Bank 5211	$ 2,000.00	5/17/2004	2004 Second Quarter
COCA-COLA PAC		First Citizens Bank 5211	$ 250.00	4/23/2004	2004 Second Quarter
COREPAC		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
Davis	Chris	First Citizens Bank 5211	$ 125.00	4/23/2004	2004 Second Quarter
DAVITA INC. PAC		First Citizens Bank 5211	$ 500.00	4/23/2004	2004 Second Quarter
DOMINION PAC		First Citizens Bank 5211	$ 300.00	4/23/2004	2004 Second Quarter
Eckerd	Jack	First Citizens Bank 5211	$ 300.00	5/7/2004	2004 Second Quarter
ELI LILLY PAC		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
Eudy	Kenneth	First Citizens Bank 5211	$ 250.00	5/17/2004	2004 Second Quarter
Hines	David	First Citizens Bank 5211	$ 125.00	4/23/2004	2004 Second Quarter
INTL PAPER PAC		First Citizens Bank 5211	$ 500.00	4/23/2004	2004 Second Quarter
Kelly	David	First Citizens Bank 5211	$ 50.00	4/23/2004	2004 Second Quarter
McKim	Catherine	Bank of America 5071	$ 50.00	6/18/2004	2004 Second Quarter
Mills	Fred	First Citizens Bank 5211	$ 250.00	5/3/2004	2004 Second Quarter
Moore	Robert	First Citizens Bank 5211	$ 250.00	4/23/2004	2004 Second Quarter
NATIONWIDE PAC		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
NC Amusement Machine Assoc. PAC Acct		Bank of America 5071	$ 1,000.00	5/12/2004	2004 Second Quarter
NC BANK PAC		First Citizens Bank 5211	$ 800.00	5/3/2004	2004 Second Quarter
NC DENTAL PAC		First Citizens Bank 5211	$ 1,000.00	4/23/2004	2004 Second Quarter
NC FARM BUREAU PAC		First Citizens Bank 5211	$ 250.00	4/23/2004	2004 Second Quarter
NC HOSPITAL ASSN PAC		First Citizens Bank 5211	$ 1,000.00	5/3/2004	2004 Second Quarter

Committee to El mas E. Wright
Contributions Not Disclosed
2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
NC ORTHOPAEDIC PAC		First Citizens Bank 5211	$ 500.00	5/17/2004	2004 Second Quarter
NC PORK COUNCIL PAC		First Citizens Bank 5211	$ 125.00	4/23/2004	2004 Second Quarter
NC PORK COUNCIL PAC		First Citizens Bank 5211	$ 250.00	5/17/2004	2004 Second Quarter
NC RPAC		First Citizens Bank 5211	$ 1,000.00	5/3/2004	2004 Second Quarter
NC STATE AFL-CIO COPE-PAC		First Citizens Bank 5211	$ 100.00	5/3/2004	2004 Second Quarter
NCAE PAC		First Citizens Bank 5211	$ 500.00	4/23/2004	2004 Second Quarter
NCAE PAC		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
NCHCFA PAC		First Citizens Bank 5211	$ 500.00	5/17/2004	2004 Second Quarter
NMRS NC STATE PAC		First Citizens Bank 5211	$ 250.00	5/3/2004	2004 Second Quarter
Norfolk Southern Corporation Good Govt Fund		Bank of America 5071	$ 100.00	5/19/2004	2004 Second Quarter
NOVARTIS PAC		First Citizens Bank 5211	$ 200.00	4/23/2004	2004 Second Quarter
OB-GYN Political Action & Education Comm		Bank of America 5071	$ 500.00	5/19/2004	2004 Second Quarter
PAC FOR MH-DD-SAS		First Citizens Bank 5211	$ 100.00	5/17/2004	2004 Second Quarter
Progress Energy Employees' Carolinas PAC		Bank of America 5071	$ 1,000.00	5/4/2004	2004 Second Quarter
REAP		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
RJR PAC		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
Thomas Wright Campaign		Bank of America 5071	$ 1,900.00	5/4/2004	2004 Second Quarter
Thomas Wright Campaign		Bank of America 5071	$ 1,000.00	6/2/2004	2004 Second Quarter
Thorpe	Bill	First Citizens Bank 5211	$ 50.00	4/23/2004	2004 Second Quarter
TIME WARNER PAC		First Citizens Bank 5211	$ 200.00	4/23/2004	2004 Second Quarter
VERIZON PAC		First Citizens Bank 5211	$ 175.00	4/23/2004	2004 Second Quarter
Bayer Corporation PAC		Bank of America 5071	$ 500.00	9/24/2004	2004 Third Quarter Plus
Clardella	Margaret	First Citizens Bank 5211	$ 100.00	7/23/2004	2004 Third Quarter Plus
Davis	Allen	First Citizens Bank 5211	$ 250.00	8/19/2004	2004 Third Quarter Plus
Edwards	Melinda	First Citizens Bank 5211	$ 100.00	7/23/2004	2004 Third Quarter Plus
FRIENDS OF STAN WATSON		First Citizens Bank 5211	$ 250.00	7/23/2004	2004 Third Quarter Plus
Giddeons	Diane	First Citizens Bank 5211	$ 100.00	9/17/2004	2004 Third Quarter Plus
Grear	Peter	First Citizens Bank 5211	$ 50.00	7/23/2004	2004 Third Quarter Plus
Haddock	Nancy	First Citizens Bank 5211	$ 350.00	7/23/2004	2004 Third Quarter Plus
McCoy	Catrecia	First Citizens Bank 5211	$ 50.00	8/19/2004	2004 Third Quarter Plus
Morison	Roxie	First Citizens Bank 5211	$ 50.00	10/7/2004	2004 Third Quarter Plus
NCAE PAC		First Citizens Bank 5211	$ 1,000.00	7/23/2004	2004 Third Quarter Plus
SPRINT PAC		First Citizens Bank 5211	$ 500.00	8/19/2004	2004 Third Quarter Plus
Thomas Wright Campaign		Bank of America 5071	$ 3,000.00	9/17/2004	2004 Third Quarter Plus
Weston	Jonathan	First Citizens Bank 5211	$ 500.00	8/19/2004	2004 Third Quarter Plus
Young	David	First Citizens Bank 5211	$ 250.00	8/19/2004	2004 Third Quarter Plus
AETNA PAC		First Citizens Bank 5211	$ 150.00	11/24/2004	2004 Fourth Quarter
BELLSOUTH PAC		First Citizens Bank 5211	$ 500.00	11/24/2004	2004 Fourth Quarter
ELECTRICITIES PAC		First Citizens Bank 5211	$ 250.00	11/24/2004	2004 Fourth Quarter
Falson	Angela	First Citizens Bank 5211	$ 25.00	11/24/2004	2004 Fourth Quarter
MANUFACTURED HOUSING PAC		First Citizens Bank 5211	$ 250.00	11/24/2004	2004 Fourth Quarter
MERCK PAC		First Citizens Bank 5211	$ 250.00	11/24/2004	2004 Fourth Quarter
MICROSOFT PAC		First Citizens Bank 5211	$ 250.00	11/24/2004	2004 Fourth Quarter
NC AUTO DEALERS PAC		First Citizens Bank 5211	$ 500.00	11/24/2004	2004 Fourth Quarter
NC PORK COUNCIL		First Citizens Bank 5211	$ 125.00	11/24/2004	2004 Fourth Quarter

Committee to Elect Thomas E. Wright
Contributions Not Disclosed
2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
PIEDMONT, NATURAL GAS PAC		First Citizens Bank 5211	$ 250.00	11/24/2004	2004 Fourth Quarter
Quattlebaum	Benjamin	First Citizens Bank 5211	$ 75.00	11/24/2004	2004 Fourth Quarter
Thomas Wright Campaign		Bank of America 5071	$ 2,000.00	10/29/2004	2004 Fourth Quarter
Thomas Wright Campaign		Bank of America 5071	$ 2,300.00	11/9/2004	2004 Fourth Quarter
Thomas Wright Campaign		Bank of America 5071	$ 1,500.00	11/24/2004	2004 Fourth Quarter
Thomas Wright Campaign		Bank of America 5071	$ 2,000.00	12/20/2004	2004 Fourth Quarter
Thomas Wright Campaign		Bank of America 5071	$ 600.00	12/23/2004	2004 Fourth Quarter
CIGNA PAC		First Citizens Bank 5211	$ 200.00	2/17/2005	2005 Mid Year Semi-Annual
Davis	Jared	First Citizens Bank 5211	$ 1,000.00	2/17/2005	2005 Mid Year Semi-Annual
FAM PAC		First Citizens Bank 5211	$ 500.00	2/17/2005	2005 Mid Year Semi-Annual
NCALA PAC		First Citizens Bank 5211	$ 500.00	2/17/2005	2005 Mid Year Semi-Annual
PFIZER PAC		First Citizens Bank 5211	$ 500.00	2/17/2005	2005 Mid Year Semi-Annual
Thomas Wright Campaign		Bank of America 5071	$ 1,000.00	2/17/2005	2005 Mid Year Semi-Annual
Allen	Sandra	Bank of America 5071	$ 50.00	12/21/2005	2005 Year End Semi-Annual
Bonnette	John	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
Bullock	Paula	Bank of America 5071	$ 50.00	12/21/2005	2005 Year End Semi-Annual
Cash America Inc PAC		Bank of America 5071	$ 500.00	11/18/2005	2005 Year End Semi-Annual
Chalfa	Rebecca	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
Chandler	Lorraine	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
Evans	Janet	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
Gray	Joanne	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
JM Family Ent PAC		Bank of America 5071	$ 1,000.00	11/18/2005	2005 Year End Semi-Annual
Kelly	Myra	Bank of America 5071	$ 50.00	12/21/2005	2005 Year End Semi-Annual
Lopp	Judy	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
Maree	Nancy	Bank of America 5071	$ 45.00	12/21/2005	2005 Year End Semi-Annual
Mehaffey	E	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
Murray	Timothy	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
Nelson	Gilma	Bank of America 5071	$ 50.00	12/21/2005	2005 Year End Semi-Annual
Ouellette	Richard	Bank of America 5071	$ 50.00	12/21/2005	2005 Year End Semi-Annual
Reardon	Diane	Bank of America 5071	$ 250.00	12/21/2005	2005 Year End Semi-Annual
Sito Chiropractic, PA		Bank of America 5071	$ 250.00	12/21/2005	2005 Year End Semi-Annual
Southeastern Healthcare		Bank of America 5071	$ 250.00	12/21/2005	2005 Year End Semi-Annual
Wall	Konette	Bank of America 5071	$ 50.00	12/21/2005	2005 Year End Semi-Annual
Williford	Peggy	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
Anesthesia Airways, PLLC		Bank of America 5071	$ 500.00	1/26/2006	2006 First Quarter Plus
Bagshaw	Mindy	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Bell South NC PAC		Bank of America 5071	$ 1,500.00	3/16/2006	2006 First Quarter Plus
Berger	Susan	Bank of America 5071	$ 25.00	1/26/2006	2006 First Quarter Plus
Blue Cross & Blue Shield of NC PAC		Bank of America 5071	$ 1,000.00	1/17/2006	2006 First Quarter Plus
Boyd	Babette	Bank of America 5071	$ 50.00	3/31/2006	2006 First Quarter Plus
Bristol Myers Squibb PAC		Bank of America 5071	$ 500.00	1/17/2006	2006 First Quarter Plus
Brock	Danny	Bank of America 5071	$ 2,000.00	3/2/2006	2006 First Quarter Plus
Browning	Jeanne	Bank of America 5071	$ 50.00	1/17/2006	2006 First Quarter Plus
Burger	Linda	Bank of America 5071	$ 25.00	1/26/2006	2006 First Quarter Plus
Camp	Dale	Bank of America 5071	$ 1,000.00	1/17/2006	2006 First Quarter Plus

Committee to El[illegible]homas E. Wright
Contributions Not Disclosed
2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
Caudle	Jeffery	Bank of America 5071	$ 1,150.00	1/17/2006	2006 First Quarter Plus
Clark	Yetta	Bank of America 5071	$ 125.00	3/31/2006	2006 First Quarter Plus
Coggin	Barbara	Bank of America 5071	$ 200.00	1/17/2006	2006 First Quarter Plus
Coley	Jeffery	Bank of America 5071	$ 40.00	1/17/2006	2006 First Quarter Plus
Collins	Margaret	Bank of America 5071	$ 25.00	1/26/2006	2006 First Quarter Plus
Combs	Jamie	Bank of America 5071	$ 200.00	1/17/2006	2006 First Quarter Plus
Coy	Jerry	Bank of America 5071	$ 200.00	1/17/2006	2006 First Quarter Plus
Dameron	Allan	Bank of America 5071	$ 1,000.00	3/16/2006	2006 First Quarter Plus
Dameron	Lydia	Bank of America 5071	$ 1,000.00	3/16/2006	2006 First Quarter Plus
Daniels	Windell	Bank of America 5071	$ 1,000.00	3/16/2006	2006 First Quarter Plus
Doyle	Rose	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Forbes	W. Ann	Bank of America 5071	$ 100.00	1/26/2006	2006 First Quarter Plus
Frye-Kryder	Sandra	Bank of America 5071	$ 30.00	1/26/2006	2006 First Quarter Plus
Gas Bill, Inc.		Bank of America 5071	$ 100.00	1/26/2006	2006 First Quarter Plus
Gray	R. Frank	Bank of America 5071	$ 250.00	1/17/2006	2006 First Quarter Plus
Griner	Richmond	Bank of America 5071	$ 30.00	1/17/2006	2006 First Quarter Plus
Haley	John	Bank of America 5071	$ 50.00	3/31/2006	2006 First Quarter Plus
Harp	Karen	Bank of America 5071	$ 50.00	1/17/2006	2006 First Quarter Plus
Harris	John	Bank of America 5071	$ 500.00	3/2/2006	2006 First Quarter Plus
Haynes	Brenda	Bank of America 5071	$ 50.00	1/26/2006	2006 First Quarter Plus
Headlee	Barbara	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Hilsman	Matthew	Bank of America 5071	$ 50.00	3/31/2006	2006 First Quarter Plus
Hodges	Jane	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Hoffmann-LaRoche PAC		Bank of America 5071	$ 500.00	1/17/2006	2006 First Quarter Plus
Hornberger	Carol	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Jenkins	Thomas	Bank of America 5071	$ 50.00	1/26/2006	2006 First Quarter Plus
Jordan	Erica	Bank of America 5071	$ 25.00	1/17/2006	2006 First Quarter Plus
JSM Nurse Anesthesia, PA		Bank of America 5071	$ 150.00	1/26/2006	2006 First Quarter Plus
Kane	Judy	Bank of America 5071	$ 25.00	1/26/2006	2006 First Quarter Plus
Kimball	Jimmy	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Kirkpatrick	Lisa	Bank of America 5071	$ 25.00	1/17/2006	2006 First Quarter Plus
KMB of NC, Inc		Bank of America 5071	$ 250.00	1/26/2006	2006 First Quarter Plus
Lawrance	Bruce	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Lee	Mary	Bank of America 5071	$ 250.00	1/17/2006	2006 First Quarter Plus
McGants	Gerry	Bank of America 5071	$ 500.00	1/17/2006	2006 First Quarter Plus
McVay	V. Billy	Bank of America 5071	$ 50.00	1/17/2006	2006 First Quarter Plus
Moore	Linda	Bank of America 5071	$ 250.00	1/17/2006	2006 First Quarter Plus
Morgan	Linda	Bank of America 5071	$ 50.00	1/26/2006	2006 First Quarter Plus
NC Dental PAC		Bank of America 5071	$ 500.00	3/16/2006	2006 First Quarter Plus
NC Home Builders PAC		Bank of America 5071	$ 1,000.00	1/17/2006	2006 First Quarter Plus
NC Realtors PAC		Bank of America 5071	$ 2,000.00	4/12/2006	2006 First Quarter Plus
Nitz	James	Bank of America 5071	$ 1,000.00	1/17/2006	2006 First Quarter Plus
Nitz	Lisa	Bank of America 5071	$ 1,000.00	1/17/2006	2006 First Quarter Plus
Novartis PAC		Bank of America 5071	$ 500.00	1/17/2006	2006 First Quarter Plus
Ouellette	Richard	Bank of America 5071	$ 50.00	1/26/2006	2006 First Quarter Plus

Committee to Elect Thomas E. Wright
Contributions Not Disclosed
2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
Owens	Janet	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Pendergrast	Walter	Bank of America 5071	$ 75.00	1/17/2006	2006 First Quarter Plus
Pierce	Susan	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Pojeski	Stephen	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Post	Moria	Bank of America 5071	$ 75.00	1/17/2006	2006 First Quarter Plus
Reynolds	Julie	Bank of America 5071	$ 200.00	1/17/2006	2006 First Quarter Plus
Reynolds	James	Bank of America 5071	$ 500.00	1/17/2006	2006 First Quarter Plus
Ruppe	Charles	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Safeway Chevrolet		Bank of America 5071	$ 1,000.00	1/26/2006	2006 First Quarter Plus
Sangiuliano	Linda	Bank of America 5071	$ 200.00	1/17/2006	2006 First Quarter Plus
Sheids	Colleen	Bank of America 5071	$ 50.00	1/17/2006	2006 First Quarter Plus
Smith	Michael	Bank of America 5071	$ 250.00	1/17/2006	2006 First Quarter Plus
Stein	Joan	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Stine	Peggy	Bank of America 5071	$ 50.00	1/17/2006	2006 First Quarter Plus
Stoter	Shanna	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Todd	BB	Bank of America 5071	$ 50.00	3/31/2006	2006 First Quarter Plus
Tripp	Lois	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Tyndal	Kristy	Bank of America 5071	$ 150.00	1/17/2006	2006 First Quarter Plus
Wilson	Jill	Bank of America 5071	$ 1,000.00	3/16/2006	2006 First Quarter Plus
Wilson	Lanny	Bank of America 5071	$ 1,000.00	3/16/2006	2006 First Quarter Plus
Yates	Teresa	Bank of America 5071	$ 75.00	1/26/2006	2006 First Quarter Plus
Alley	Zeb	Bank of America 5071	$ 250.00	5/30/2006	2006 Second Quarter
CitiGroup PAC		Bank of America 5071	$ 250.00	5/30/2006	2006 Second Quarter
Clark	G. Douglas	Bank of America 5071	$ 1,000.00	5/30/2006	2006 Second Quarter
Cloud	Randolph	Bank of America 5071	$ 250.00	5/30/2006	2006 Second Quarter
Coca-Cola Consolidated PAC		Bank of America 5071	$ 250.00	5/30/2006	2006 Second Quarter
Dinkins	Michael	Bank of America 5071	$ 100.00	5/30/2006	2006 Second Quarter
Drain	Allene	Bank of America 5071	$ 50.00	5/30/2006	2006 Second Quarter
Friends of Forestry PAC		Bank of America 5071	$ 500.00	5/30/2006	2006 Second Quarter
Friends of OT PAC		Bank of America 5071	$ 250.00	5/30/2006	2006 Second Quarter
Gramblicka	David	Bank of America 5071	$ 300.00	4/24/2006	2006 Second Quarter
Hunton & Williams PAC		Bank of America 5071	$ 250.00	5/30/2006	2006 Second Quarter
Lennon	Lawrence	Bank of America 5071	$ 50.00	5/30/2006	2006 Second Quarter
Matria Healthcare, Inc.		Bank of America 5071	$ 1,500.00	5/30/2006	2006 Second Quarter
Mottola	D	Bank of America 5071	$ 300.00	5/30/2006	2006 Second Quarter
NC Assoc of Auto Dealers PAC (NCAutoPAC)		Bank of America 5071	$ 500.00	5/30/2006	2006 Second Quarter
NC Association of Convenience Stores PAC		Bank of America 5071	$ 500.00	5/30/2006	2006 Second Quarter
NC Association of Educators PAC		Bank of America 5071	$ 500.00	5/30/2006	2006 Second Quarter
NP PAC		Bank of America 5071	$ 1,000.00	5/30/2006	2006 Second Quarter
Reeves	Venitta	Bank of America 5071	$ 2,000.00	5/30/2006	2006 Second Quarter
RJ Reynolds PAC		Bank of America 5071	$ 1,000.00	5/30/2006	2006 Second Quarter
Shepard	Leo	Bank of America 5071	$ 30.00	5/30/2006	2006 Second Quarter
Synder	Richard	Bank of America 5071	$ 100.00	4/24/2006	2006 Second Quarter
Taylor	Walker	Bank of America 5071	$ 50.00	4/24/2006	2006 Second Quarter
Taylor	Julie	Bank of America 5071	$ 200.00	5/30/2006	2006 Second Quarter

Committee to El[illegible]homas E. Wright
Contributions Not Disclosed
2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
Turner	Jeffery	Bank of America 5071	$ 100.00	5/30/2006	2006 Second Quarter
Walker	Kevin	Bank of America 5071	$ 2,000.00	5/30/2006	2006 Second Quarter
Bank of America PAC		Bank of America 5071	$ 500.00	8/25/2006	2006 Third Quarter Plus
BAYER PAC		Bank of America 5071	$ 250.00	10/6/2006	2006 Third Quarter Plus
Beach	Martin	Bank of America 5071	$ 50.00	10/6/2006	2006 Third Quarter Plus
Duke Energy State PAC		Bank of America 5071	$ 1,000.00	10/6/2006	2006 Third Quarter Plus
FBC Combined PAC		Bank of America 5071	$ 300.00	9/1/2006	2006 Third Quarter Plus
Glaxo Smith Kline PAC		Bank of America 5071	$ 1,500.00	10/6/2006	2006 Third Quarter Plus
Haddock	Nancy	Bank of America 5071	$ 250.00	8/25/2006	2006 Third Quarter Plus
JM Family Enterprises PAC		Bank of America 5071	$ 1,500.00	10/6/2006	2006 Third Quarter Plus
Marshburn	Carl	Bank of America 5071	$ 1,000.00	9/15/2006	2006 Third Quarter Plus
Nationwide Carolina Political Participation Fund		Bank of America 5071	$ 500.00	10/6/2006	2006 Third Quarter Plus
NC Academy of Trial Lawyers		Bank of America 5071	$ 500.00	10/6/2006	2006 Third Quarter Plus
NC Dental PAC		Bank of America 5071	$ 750.00	9/1/2006	2006 Third Quarter Plus
REAP		Bank of America 5071	$ 200.00	8/14/2006	2006 Third Quarter Plus
Wyeth Good Government Fund		Bank of America 5071	$ 1,000.00	10/6/2006	2006 Third Quarter Plus
Assoc for Home and Hospice Care PAC		Bank of America 5071	$ 300.00	11/6/2006	2006 Fourth Quarter
Bill Faison for House		Bank of America 5071	$ 1,000.00	11/6/2006	2006 Fourth Quarter
CSX PAC		Bank of America 5071	$ 250.00	11/6/2006	2006 Fourth Quarter
Drive Committee PAC		Bank of America 5071	$ 750.00	11/6/2006	2006 Fourth Quarter
Eli Lilly PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
Engineers PAC of NC		Bank of America 5071	$ 400.00	11/6/2006	2006 Fourth Quarter
Enterprise Rent A Car PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
EP PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
Feezor	Allen	Bank of America 5071	$ 100.00	11/6/2006	2006 Fourth Quarter
GE PAC		Bank of America 5071	$ 750.00	11/6/2006	2006 Fourth Quarter
International Paper PAC (IP PAC)		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
Lorillard PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
Manufactured Housing PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
Mottola	D	Bank of America 5071	$ 300.00	11/6/2006	2006 Fourth Quarter
NC AHU PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
NC Assoc of Convenience Stores PAC		Bank of America 5071	$ 250.00	11/6/2006	2006 Fourth Quarter
NC Auto Dealer PAC (NC AUTO PAC)		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
NC Bank PAC		Bank of America 5071	$ 800.00	11/6/2006	2006 Fourth Quarter
NC Beer & Wine Wholesalers Assn PAC		Bank of America 5071	$ 1,500.00	11/6/2006	2006 Fourth Quarter
NC Chiropractic PAC		Bank of America 5071	$ 1,000.00	11/6/2006	2006 Fourth Quarter
NC Medical Society Federal PAC		Bank of America 5071	$ 1,000.00	11/6/2006	2006 Fourth Quarter
NC PGA PAC		Bank of America 5071	$ 300.00	11/6/2006	2006 Fourth Quarter
NC Pork Council PAC		Bank of America 5071	$ 250.00	11/6/2006	2006 Fourth Quarter
NC State Optrometric Society PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
NC Time Warner PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
Novartis PAC		Bank of America 5071	$ 750.00	11/6/2006	2006 Fourth Quarter
OB GYN PAC		Bank of America 5071	$ 250.00	11/6/2006	2006 Fourth Quarter
PAC for MH-DD-SAS		Bank of America 5071	$ 100.00	11/6/2006	2006 Fourth Quarter
Resident Lenders of NC PAC		Bank of America 5071	$ 300.00	11/6/2006	2006 Fourth Quarter

Committee to Elect Thomas E. Wright
Contributions Not Disclosed
2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
Simpson	Cleveland	Bank of America 5071	$ 250.00	11/6/2006	2006 Fourth Quarter
Southeastern Radiology Org PAC		Bank of America 5071	$ 2,000.00	11/6/2006	2006 Fourth Quarter
Wachovia PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
TOTAL			$ 185,000.00		
Checks Made Payable to Community's Health Foundation		**BANK ACCOUNT**	**AMOUNT**	**DEPOSIT DATE**	
At&T		Bank of America 5071	$ 1,500.00	7/26/2004	
AstraZeneca Pharmaceuticals, LP		Bank of America 5071	$ 2,400.00	8/11/2004	
Anheuser-Busch Companies, Inc.		Bank of America 5071	$ 5,000.00	8/11/2004	
TOTAL			$ 8,900.00		
TOTAL CONTRIBUTIONS NOT DISCLOSED			$ 193,900.00		

POLITICAL COMMITTEE DISCLOSURE REPORT

RECEIVED
MAY 23 2000
CAMPAIGN REPORTING

RECEIVED
MAY 23 2000
CAMPAIGN REPORTING
Hand-Deliver

Name of Committee: Thomas Wright Campaign Committee	SBOE ID Number: 2209800
Address of Committee: PO Box 1654	Type of Report: 1st Quarter
City: Wilmington State: NC ZIP: 28402	Period Covered From: Jan. 2000 To: 4-14-00

Type of Committee (check one)

☑ Candidate Campaign ☐ PAC ☐ Party ☐ Referendum ☐ Individual

Treasurer Name Thomas Wright Phone Number (optional) _____

Street Address PO Box 1654

City/State/Zip Wilmington, NC 28402-1654

Assistant Treasurer Name _____ Phone Number (optional) _____

Street Address _____

City/State/Zip _____

Custodian of Books Name _____ Phone Number (optional) _____

Street Address _____

City/State/Zip _____

Depository Bank of America

Address Wilmington NC

Account Number(s) [redacted]

VERIFICATION BY OATH OR AFFIRMATION

State North Carolina

County Wake

Being duly sworn, I depose (affirm) and say that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Signature of Appointed Treasurer

Subscribed and sworn (affirmed) to before me, this 23 day of May, 19 2000.

Seal

SANDRA M. SHANAHAN NOTARY PUBLIC WAKE COUNTY, NC

Notary Public

My commission expires 11/10/2003

Is this an amendment? ____ yes ____ no

NCSBOE/CR/D (may be copied)

EXHIBIT 16A

CutePDF — www.cutepdf.com

DETAILED SUMMARY PAGE OF RECEIPTS AND DISBURSEMENTS

NAME OF COMMITTEE	SBOE ID Number
Thomas Wright Campaign Committee	2209800

	Total this Period	This Election
Cash on Hand January 1, 19 2000	XXXXXXXXXXX	8595.06 ~~13,300.00~~
Cash on Hand at Beginning of Reporting Period	~~11,550.00~~	XXXXXXXXXXX
Receipts		
1. Contributions From:		
(a) Individuals other than Political Committees		
(i) Itemized	-0-	0-6500.00
(ii) Unitemized	-0-	-0-
(iii) Total	-0-	-0-6500.00
(b) Political Party Committees	-0-	-0-
(c) Other Political Committees (such as PACs)	~~1,000.00~~	2350.00 ~~1,000.00~~
(d) Total Contributions	1000.00 ~~12,550.00~~	8850.00 ~~12,550.00~~
2. Loan Proceeds	-0-	-0-
3. Interest Earned on Bank Accounts	-0-	-0-
4. Refunds	-0-	-0-
5. Total Receipts	1000.00 ~~12,550.00~~	8850.00 ~~4,000.00~~
Disbursements		
6. Operating Expenditures	~~6,232.85~~	10,252.91 ~~6,025.85~~
7. Contributions to Candidates/Political Committees	-0-	-0-875.00
8 Coordinated Party Expenditures	-0-	-0-
9. Loan Repayments	-0-	-0-
10. Total Disbursements	~~6,232.85~~	11,127.91 ~~6,025.85~~
Cash on Hand at End of Reporting Period	6317.15 ~~6,317.21~~	6317.15 ~~6,317.21~~
Debts and Obligations owed TO the Committee		
Debts and Obligations owed BY the Committee		

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ITEMIZED RECEIPTS

Use separate form for each category of the summary

Name of Committee (in full) Thomas Weight Campaign Committee

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Blue Cross Blue Shield PAC Durham NC 7400000	Election Sum to Date $ 500.00	Dec 1999	500.00
Bank of America PAC 600 Peachtree St Suite 1500 Atlanta, GA 30308 7100009	Election Sum to Date $ 500.00	Dec. 1999	500.00
	Election Sum to Date $		
	Election Sum to Date $		
	Election Sum to Date $		
	Election Sum to Date $		
	Election Sum to Date $		
	Election Sum to Date $		

TOTAL OF RECEIPTS THIS PAGE $ 1000.00

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LOAN PROCEEDS

Name of Committee (in full)				
Source of Loan Full Name, Address and Zip Code Total Amount of Loan $	Job Title or Profession Employer's Name or Specific Field	Date loan begins/ends	Amount of Endorsement	Rate of Interest Security Pledged
Source of Loan Full Name, Address and Zip Code Total Amount of Loan $	Job Title or Profession Employer's Name or Specific Field	Date loan begins/ends	Amount of Endorsement	Rate of Interest Security Pledged
TOTAL OF LOAN PROCEEDS THIS PAGE			$ -0-	

LOAN REPAYMENTS

Name of Committee (in full)				
Full Name, Address and Zip Code	Date of Repayment	Original Loan Date	Amount of Repayment	Balance of Loan
Full Name, Address and Zip Code	Date of Repayment	Original Loan Date	Amount of Repayment	Balance of Loan
TOTAL OF LOAN REPAYMENTS THIS PAGE			$ -0-	

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ITEMIZED DISBURSEMENTS

Name of Committee (in full): Thomas Wright Campaign Committee

Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Cumulis Broadcasting 721 N. 4th St Suite 201 Wilmington, NC 28401	Advertisment Election Sum to Date $ 240.00	dec 1999 Jan 2000	240.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
US Postal Service Wilmington, NC. 28401	Stamps & POBox Rental Election Sum to Date $ 264.00	Jan 2000	264.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Atlell Communications Bell South mobility Wilmington, NC 28412	mobile telephone. Election Sum to Date $	January 2000	320.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Leath Furniture NO 4th Street Wilmington, NC 28401	Office Furniture. Election Sum to Date $ 780.00	February 2000	780.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Office Salvage Furniture 3918 Market Street Wilmington, NC 28405	Desks / Misc chairs TABLES Election Sum to Date $ 637.00	February, 2000	637.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Fennells Florist Wilmington, NC 28470	Bereavement Flowers Fruit Baskets Election Sum to Date $ 1,833.00	Feb 2000	296.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Office Depot Oleander Dr. Wilmington. NC	Digital Camera Election Sum to Date $ 243.00	Feb 2000	243.00
TOTAL OF DISBURSEMENTS THIS PAGE			$ 2,780.00

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ITEMIZED DISBURSEMENTS

Name of Committee (in full)	Thomas Wright Campaign Committee.		
Full Name, Address and Zip Code Joni Simmons Realtor 2901 Chestnut St Wilmington, NC 28401	Purpose of Disbursement Facility Rental 815 N. 4th Street Election Sum to Date $ 1000 00	Date (month, day, year) February 2000 March	Amount of each Disbursement this period 1,000 00
Full Name, Address and Zip Code Bell South Raleigh, NC —	Purpose of Disbursement Telephone Service Office Bldg Election Sum to Date $ 2744.00 ~~564 00~~	Date (month, day, year) February, 2000	Amount of each Disbursement this period 564 00
Full Name, Address and Zip Code Global Computer Supplies Suwanee GA. 30024	Purpose of Disbursement Printer Color Election Sum to Date $ 1,080 05	Date (month, day, year) Feb. 2000	Amount of each Disbursement this period 1,080 05
Full Name, Address and Zip Code Port City Signs, 1703 Castle St. Wilmington NC 28403	Purpose of Disbursement Banner Sign 1 Election Sum to Date $ 218 20	Date (month, day, year) Feb 2000	Amount of each Disbursement this period 218 20
Full Name, Address and Zip Code Office MAX Mkt. Street Wilmington NC 28412	Purpose of Disbursement Dot matrix Printer Election Sum to Date $ ~~383 00~~	Date (month, day, year) Feb 2000	Amount of each Disbursement this period 383 10
Full Name, Address and Zip Code New Hanover County Board of Elections 24 N 3rd Street Wilmington NC 28401	Purpose of Disbursement Filing Fee Election Sum to Date $ 207 00	Date (month, day, year) Jan 2000	Amount of each Disbursement this period 207 00
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
TOTAL OF DISBURSEMENTS THIS PAGE			$ 3,269 25

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POLITICAL COMMITTEE DISCLOSURE REPORT

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JUL 14 2000
CAMPAIGN REPORTING

Name of Committee	SBOE ID Number
Thomas Wright Campaign Committee	2209800
Address of Committee	**Type of Report**
P O Box 1654	2nd Quarter
City / State / ZIP	**Period Covered**
Wilmington NC 28402	From 4-15-00
	To June 30, 2000

Type of Committee (check one)

☑ Candidate Campaign ☐ PAC ☐ Party ☐ Referendum ☐ Individual

Treasurer Name Thomas Wright Phone Number (optional) _____

Street Address PO Box 1654

City/State/Zip Wilmington, NC 28402-1654

Assistant Treasurer Name _____ Phone Number (optional) _____

Street Address _____

City/State/Zip _____

Custodian of Books Name _____ Phone Number (optional) _____

Street Address _____

City/State/Zip _____

Depository Bank of America

Address Wilmington, NC

Account Number(s) [redacted]

VERIFICATION BY OATH OR AFFIRMATION

State North Carolina

County Wake

Being duly sworn, I depose (affirm) and say that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Signature of Appointed Treasurer

Subscribed and sworn (affirmed) to before me, this 18th day of July, 2000.

Seal

Meredith L Norris
Notary Public
My commission expires Nov. 16, 2002

Is this an amendment? ____ yes ____ no

NCSBOE/CR/D (may be copied)

DETAILED SUMMARY PAGE OF RECEIPTS AND DISBURSEMENTS

NAME OF COMMITTEE	SBOE ID Number 220980

	Total this Period	This Election
Cash on Hand January 1, 19 ____	XXXXXXXXXXX	
Cash on Hand at Beginning of Reporting Period	6,025 85	XXXXXXXXXXX
Receipts		
1. Contributions From:		
(a) Individuals other than Political Committees		
(i) Itemized		
(ii) Unitemized		
(iii) Total		
(b) Political Party Committees	-0-	-0-
(c) Other Political Committees (such as PACs)		
(d) Total Contributions	43,925 53	56,475 53
2. Loan Proceeds	-0-	-0-
3. Interest Earned on Bank Accounts	-0-	-0-
4. Refunds	-0-	-0-
5. Total Receipts	43,925 53	56,475 53
Disbursements		
6. Operating Expenditures	33,480 30	39,506 15
7. Contributions to Candidates/Political Committees	250 00	-0-
8. Coordinated Party Expenditures	-0-	-0-
9. Loan Repayments	-0-	-0-
10. Total Disbursements	33,730 30	39,756 45
Cash on Hand at End of Reporting Period	16,492 44	16,492 44
Debts and Obligations owed TO the Committee		
Debts and Obligations owed BY the Committee		

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OCT 31 2000
hand delivered
CAMPAIGN REPORTING

POLITICAL COMMITTEE DISCLOSURE REPORT

Name of Committee: Thomas Wright Campaign Committee	SBOE ID Number: 2209800
Address of Committee: P O Box 1654	Type of Report: 2nd Quarter
City: Wilmington State: NC ZIP: 28402	Period Covered From: 04-15-2000 To: Jun 30, 2000

Type of Committee (check one)

☑ Candidate Campaign ☐ PAC ☐ Party ☐ Referendum ☐ Individual

Treasurer Name THOMAS E. WRIGHT Phone Number (optional) _____

Street Address PO Box 1654

City/State/Zip Wilmington, NC 28402

Assistant Treasurer Name _____ Phone Number (optional) _____

Street Address _____

City/State/Zip _____

Custodian of Books Name Treasurer Phone Number (optional) _____

Street Address _____

City/State/Zip _____

Depository Bank of America

Address Wilmington, NC

Account Number(s) [redacted]

VERIFICATION BY OATH OR AFFIRMATION

State North Carolina

County Wake

Being duly sworn, I depose (affirm) and say that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Signature of Appointed Treasurer

Subscribed and sworn (affirmed) to before me, this 18th day of July, 2000.

Seal

Meredith L Norris
Notary Public
My commission expires Nov. 16, 2002

Is this an amendment? ____ yes ____ no

NCSBOE/CR/D (may be copied)

DETAILED SUMMARY PAGE OF RECEIPTS AND DISBURSEMENTS

NAME OF COMMITTEE	SBOE ID Number
	220980

	Total this Period	This Election
Cash on Hand January 1, 19 ___	XXXXXXXXXXX	~~16,492.44~~ 8595.0
Cash on Hand at Beginning of Reporting Period	~~6,025.85~~ 6319.15	XXXXXXXXXXX
Receipts		
1. Contributions From:		
(a) Individuals other than Political Committees	14,300	20,800
(i) Itemized	~~21,000.00~~	~~21,000.00~~
(ii) Unitemized	8,225.53	8,225.53
(iii) Total 22,525.53	~~29,225.53~~	~~29,225.53~~ 29,025.5
(b) Political Party Committees	-0-	-0-
(c) Other Political Committees (such as PACs) *	~~14,700.00~~ 21,400	23,750 ~~52,975.53~~
(d) Total Contributions	43,925.53	~~56,775.53~~
2. Loan Proceeds	-0-	-0-
3. Interest Earned on Bank Accounts	-0-	-0-
4. Refunds	-0-	-0-
5. Total Receipts	43,925.53	~~56,775.53~~ 52,975.53
Disbursements		
6. Operating Expenditures	~~33,980.30~~ 34,164.70	~~39,506.45~~ 44,417.61
7. Contributions to Candidates/Political Committees	~~250.00~~	~~0~~ 1125
8. Coordinated Party Expenditures **	~~250.00~~ -0-	-0-
9. Loan Repayments	-0-	-0- 45,542.61
10. Total Disbursements 34,414.70	~~33,730.30~~	~~39,506.45~~ 45,542.61
Cash on Hand at End of Reporting Period ~~16,492.44~~ 15,827.98	~~16,492.44~~	~~16,492.44~~ 9.98
Debts and Obligations owed TO the Committee	*** Poll Workers - need itemiza	
Debts and Obligations owed BY the Committee		

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OCT 31

Page 1 of _____
For Line Number _____
Use separate form for each category of the summary

ITEMIZED RECEIPTS

Name of Committee (in full)
Thomas Wright Campaign

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Daniel Gottovi 116 Martin Gate Lane Wilmington NC 28409	Physician Internal medicine 1000.00	April 2000	1000.00
W. Travis Porter 2106 Wiltshire Dr. Durham NC, 27604	Attorney Corp. law 500.00	April 2000	500.00
NC Association of Pharmacists 702 N. Person St Raleigh, NC 27604 13001	PAC 500.00	April 2000	500.00 *
Gerry McCants 5004 Bluegrass Ct. Wilmington, NC 28403	Publisher Magazine 250.00	April 2000	250.00
Zeb D. Alley PO Box 12803 Raleigh, NC 27605	Attorney Business law 500.00	April 2000	500.00
House PAC - 2700 Sanders Rd Prospect Heights, IL 60070 91000	PAC 500	April 2000	300.00 *
NC Automobile Dealers PAC POBox 12167 Raleigh, NC 27605 18600	PAC 500	April 2000	500.00 *
TOTAL OF RECEIPTS THIS PAGE			$ 3,750.00

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OCT 31

Page 2 of _____
For Line Number _____
Use separate form for each category of the summary

ITEMIZED RECEIPTS

Name of Committee (in full)

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Bell South Employees PAC 1522 Bell south Plaza 300 S. Brevard St Charlotte, NC 28202 1700002	PAC Election Sum to Date $ 750.00	April 2000	250.00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
RJR Political Action Comm PO Box 1718 960002 Winston-Salem NC 28202	PAC Election Sum to Date $ 500.00	April 2000	500.00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Jim Black Campaign Fund 114 S. Tryon St. Charlotte, NC 28202 2203600	optometrist Election Sum to Date $ 4000.00	April 2000	4000.00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
N.C. Trucking Assoc. PAC PO Box 2977 Raleigh, NC 27602 1800043	PAC Election Sum to Date $ 200.00	April 2000	200.00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Dr. Michael E. Goins 5030 Randall pkwy. Wilmington, NC 28403	optometrist Election Sum to Date $ 200.00	April 2000	200.00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
OB-GYN Political Action Cmte PAC 101 Bethesda Dr Greenville, NC 27834 1300	PAC Election Sum to Dare $ 200.00	April 2000	200.00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
~~Charles~~ Deloris Warren PO Box 3891 Wilmington, NC 28406	Retired educators Election Sum to Date $ 200.00	March 2000	200.00

TOTAL OF RECEIPTS THIS PAGE $ 6,050.00

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ITEMIZED RECEIPTS

OCT 31

Name of Committee (in full)

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Joseph Tonja Gamboatowe 4118 Plantain Terrace Peachtree, GA 30269 F	Corp Officer Pharmacy 200.00	April 2000	200.00
Full Name, Mailing Address & Zip Code William & Frances McMillan 2200 Deepwood Dr Wilmington, NC 28405 F	Job Title or Profession Physicians Pediatrics Election Sum to Date $ 200.00	Date (month, day, year) March 2000 F	Amount of each receipt this period 200.00
Full Name, Mailing Address & Zip Code Employees State PAC CP&L POB* 1510 Raleigh, NC 27602 770000	Job Title or Profession PAC Employer's Name or Specific Field Election Sum to Date $ 500.00	Date (month, day, year) March 2000 F	Amount of each receipt this period 500.00 *
Full Name, Mailing Address & Zip Code 9700005 Sprint Corp. N. Carolina Region PAC ~~POBox~~ 434 Fayetteville St Raleigh NC 27602	Job Title or Profession PAC Employer's Name or Specific Field Election Sum to Date $ 250.00	Date (month, day, year) April 2000	Amount of each receipt this period 250.00 *
Full Name, Mailing Address & Zip Code NC Medical Society PAC POBox 25834 Raleigh, NC 27611 130001	Job Title or Profession PAC Employer's Name or Specific Field Election Sum to Date $ 2000.00	Date (month, day, year) April 2000	Amount of each receipt this period 2000.00 *
Full Name, Mailing Address & Zip Code Paul G. Butler, JR. POBox 985 Elizabethtown, NC 28337	Job Title or Profession Exec. Director Business Development Election Sum to Date $ 1000.00	Date (month, day, year) April 2000	Amount of each receipt this period 1000.00
Full Name, Mailing Address & Zip Code Mr & Mrs James Crawford Jr 509 College St Oxford, NC 27565 11	Job Title or Profession Legislator Employer's Name or Specific Field Election Sum to Date $ 500.00	Date (month, day, year) April 2000	Amount of each receipt this period 500.00
TOTAL OF RECEIPTS THIS PAGE			$ 4,650.00

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Page 4 of _____
For Line Number _____
Use separate form for each category of the summary

ITEMIZED RECEIPTS

OCT

Name of Committee (in full)

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Gregory & Sharon Pittillo 6620 Pheasant Pines Ct. Wilmington, NC 28403 F	Retired Election Sum to Date $ 1000.00	April 2000	1000.00
Henry & Sylvia Miller PO Box 2046 Wilmington, NC 28402 F	Builder Miller Construction Election Sum to Date $ 1000.00	April 2000	1000.00
CPAC of NC 720 W. Hargett St. Raleigh, NC 27603 13000	PAC Election Sum to Date $ 500.00	April 2000	500.00 *
First Union NC Employees Good Govt. Fund 71000 4	PAC Election Sum to Date $ 500.00	April 2000	500.00 *
M. Guy Rahling 11 Dupont Circle, NW Suite 300 Washington, DC 20063	Attorney Business Law Election Sum to Date $ 500.00	April 2000	500.00
William L. Joyner, MD 2004 Oyster Catcher Dr. Hampstead, NC 28443	Physician Family Medicine Election Sum to Date $ 500.00	April 2000	500.00
American General Corp PAC 1101 Pennsylvania Ave. NW Washington, DC 20004-2514 71000 4	PAC Election Sum to Date $ 500.00	April 2000	500.00 *
TOTAL OF RECEIPTS THIS PAGE			$ 4,500.00

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ITEMIZED RECEIPTS

OCT 1

Name of Committee (in full)

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Dupont Pharmaceuticals PAC 16000 Chestnut Run, WR-2066 Wilmington, DE 19805	PAC / / 250.00	April 2000	250.00 *
John d Lucy Bode PO Box 6338 Raleigh, NC 27628 F	Attorney / Coop. Law / 1000.00	April 2000	1000.00
Sandra Kemp 2406 N Ridge Ave Tifton, GA 31793	Businesswoman / Farms / 1000.00	April 2000	1000.00
C. Alex Kemp PO Box 7710 Tifton GA 31793 10036	Attorney / Business law / 1000.00	April 2000	1000.00
Southeastern Radio 5th PAC 1329 Robeson St. Fayetteville, NC 28305	PAC / / 2000.00	April 2000	2000.00 *
Coca-Cola Employee PAC 16000 P.O.Box 31487 Charlotte, NC 28231	PAC / / 150.00	April, 2000	150.00 *
REAP PAC 17000 POBox 1495 Raleigh NC 27602	PAC / / 700.00	April 2000	700.00 *
TOTAL OF RECEIPTS THIS PAGE			$ 6,100.00

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ITEMIZED RECEIPTS

OCT

Name of Committee (in full)

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Sidney & Susan Comdon 6709 Piedmont Pl. Wilmington, NC 28411 F	Election Sum to Date $ 250.00	April 2000	250.00
R. Mitchell Tyler P.O. BOX 222 LAKE WACCAMAW NC 28450	Job Title or Profession: Retired Educator Election Sum to Date $ 125.00	April 2000	125.00
Melvin D. Gerald 11403 Allendale Dr. Mitchellville, MD 20721	Job Title or Profession: Physician Election Sum to Date $ 125.00	April 2000	125.00
Velma S. Harvey 4367 Tom Sessions Rd Whiteville, NC 28472	Job Title or Profession: Retired Educator Employer's Name or Specific Field: Teacher Election Sum to Date $ 200.00	April 2000	200.00
Dr. Adams Oscar Blanks 5280 Hallsboro Rd. N. Clarkton, NC 28433 F	Job Title or Profession: Ret. Educator Election Sum to Date $ 200.00	April 2000	200.00
Joseph Stanley 5651 Main St. Whiteville, NC 28472	Job Title or Profession: Business man Employer's Name or Specific Field: Nothing Store Election Sum to Date $ 200.00	April 2000	200.00
Beverly M. Agnew Phd 211 Wilson Pt. Rd. New Bern, NC 28562	Job Title or Profession: Legislator Election Sum to Date $ 500.00	April 2000	500.00
TOTAL OF RECEIPTS THIS PAGE			$ 1,600.00

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ITEMIZED RECEIPTS

Name of Committee (in full)

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Nationwide PAC 1400007 One Nationwide Plz. 1-32-09 Columbus, Oh. 43216	PAC 7750	April 2000	750.00 *
Jack Eckerd 100 N. Starcrest Dr. Clearwater Fla. 33588	CRD Pharmacy 500.00	April 1 2000	500.00
Blue Cross Blue Shield PAC 1400009 P.O. Box 2291 Durham, NC 27702-2291	PAC 1000 500.00	April 2000	500.00 *
Barbour for NC House 7201703 PO Box 916 Goldsboro, NC 27533	Legislator 2500.00	April/May 2000	2500.00 *
The Committee for Responsible Govt. PAC 1400017 P.O Box 26666 Richmond, VA. 23261	PAC 200.00	April 2000	200.00 *
Hank Estep 3500 Melissa Court Wilmington, NC 28409	Physician 250.00	April 2000	250.00
Frye PAC 1300013 PO Box 99629 Raleigh, NC 27624	PAC 300.00	April 2000	300.00 *
TOTAL OF RECEIPTS THIS PAGE			$ 5,000.00

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ITEMIZED RECEIPTS

OCT

Name of Committee (in full)

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Chauffeurs Teamsters & Helpers Local 391 PAC 1800001 PO Box 25405 Greensboro, NC 27425	PAC Election Sum to Date $ 200.00	April 2000	200.00 *
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Thomas Wright III PO Box 1630 Wilmington, NC 28402	CFO Element Corp Election Sum to Date $ 200.00	April 2000	200.00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Fitzgerald Jr. 2122 Fowler St Wilmington, NC 28403	Developer Election Sum to Date $ 500.00	April 2000	500.00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Pepsico PAC 6600004	PAC Election Sum to Date $ 150.00	April 2000	150.00 *
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
NC State AFL-CIO Alc PO Box 10805 1800014 Raleigh, NC 27605	PAC Election Sum to Date $ 200.00	April 2000	200.00 *
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
T. Craig Wright 390 Walter Todd Rd. Claredon, NC 28432	Attorney Election Sum to Date $ 200	April 2000	200.00
Full Name, Mailing Address & Zip Code 1800001 Engineers for Better Gov't 111 N Boylan Ave. Raleigh, NC 27603	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
	PAC Election Sum to Date $ 200.00	April 2000	200.00 *
TOTAL OF RECEIPTS THIS PAGE			$ 1,650.00

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ITEMIZED RECEIPTS

OCT 1

Name of Committee (in full)

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Jefferson-Pilot State Govt PAC P.O. Box 21008 Greensboro, NC 27420 1400	PAC 250.00	April 2000	250.00 *
ANNSPAC - NC Society Anesthesiologist - PAC PO Box 98629 Raleigh, NC 27624 1300	PAC 500.00	April 2000	500.00 *
NRA - Political Victory Fund 9910010 11250 Waples Mill Rd. Fairfax, VA 22030-2400	PAC 1000.00	May 2000	1000.00 *
H. David Sutton 523 Amblake Jones Dr. Wilmington, NC 28405	Developer 500.00	April 2000	500.00
Optimum Choice of North Carolina PAC 1300 4 Taft Ct Rockville MD 20850	PAC 150.00	April 2000	150.00 *
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period

TOTAL OF RECEIPTS THIS PAGE $ 2,400.00

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Page 1 of 6
For Line Number
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OCT - 1

ITEMIZED DISBURSEMENTS

Name of Committee (in full) Thomas Wright Campaign Committee

Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
SEA Communications, Inc Wilmington, NC.	Radio ADs Election Sum to Date $ 2,410	April 2000	1,770,00 640 00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Cumulus Broadcasting Wilmington, NC	Radio Ads 2912 Election Sum to Date $ 2672 00	April/May 2000	2,434 00 238 00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Kiss Radio	Radio Ads Election Sum to Date $ 312 00	April 2000	312 00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
WAAV Radio	Ads Election Sum to Date $ 634 00	April 2000	634 00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Port City Signs 1719 Castle Street Wilmington NC 28401	Campaign Signs 40 3,175 50 Election Sum to Date	April 2000	683 70 1968 00 1,207 50
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
NH Count Democratic Party 8/28/00	Advertisement Election Sum to Date $ 250 00	April 2000	250 00 **
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Soncland Chapter ARI ~~Souvenir Book~~ Wilmington, NC	Souvenir Booklet Election Sum to Date $ 50 00	April 2000	50 00
TOTAL OF DISBURSEMENTS THIS PAGE			$ 9,503 50

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OCT

ITEMIZED DISBURSEMENTS

Name of Committee (in full): Thomas Wright Campaign Committee

Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Powder Post Boiling, NC	newspaper Ad. Election Sum to Date $ 308.70	April 2000	308.70
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Wilmington Journal 501 7th Street Wilmington, NC 28401	Newspaper Ad Election Sum to Date $ 630.00	April 2000	630.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
The news Reporter Whiteville NC	Newspaper Ad Election Sum to Date $ 189.28	April 2000 May 2000	42.25 147.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
STAR NEWS PAPER Wilmington NC 28401	Newspaper Ad. Election Sum to Date $ 1,933.07	April, 2000	1,933.07
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
WWAY TV3 Wilmington, NC	AIR time for advertisment Election Sum to Date $ 697.00	April, 2000	697.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
ON LOCATION Production Wilmington NC	Production work for commercials Election Sum to Date $ 1,775.00	April, 2000	1775.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Alpha Graphics Wilmington NC	Printing Cost Election Sum to Date $ 4,068.32	April/May 2000	800.00 931.28 1,791.85 382.13 1626.86 / 10.50

TOTAL OF DISBURSEMENTS THIS PAGE $ 9,601.07

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OCT 31

ITEMIZED DISBURSEMENTS

Name of Committee (in full) Thomas Wright Campaign Comittee

Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Office Depot oleander Dr. Wilmington, NC. 28401	Copies 140.20 Election Sum to Date $ 396.60	April 2000	396.60
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
WNCR Radio Chadbourn, NC	Radio Ad's Election Sum to Date $ 525.00	April 2000	525.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
~~Verizon~~ Bellsouth WILMINGTON, NC CHARLOTTE	Telephones 4440.32 Election Sum to Date $ 1696.32	April/May	1,696.32 48.16 48.16
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Enterprise Rent-A-Car wilmington, NC 28401	~~Rent~~ Van Rental Election Sum to Date $ 563.63	April/May 2000	563.63 281.81 281.82
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Harold Troy Whiteville, NC 2	Fund Raising cost Election Sum to Date $ 221.50	April 2000	221.50
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Bank of America WILMINGTON, NC	Bank Charge Deposit Stamp Mischarge charges 63.35 Election Sum to Date $ 63.35	April 2000	21.00 25.50 5.00 11.85
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Ethel Fields Cooksey Delco, NC	Fund raiser cooksey Election Sum to Date $ 800.00	April 2000	800.00
TOTAL OF DISBURSEMENTS THIS PAGE			$ 4,266.41

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Use separate forms for each category of the summary

OCT - 1

ITEMIZED DISBURSEMENTS

Name of Committee (in full) Thomas Wright Campaign Committee

Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
James Lofton Wilmington, NC	Fish Fry Election Sum to Date $ 500.00	April 28, 2000	500.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Dilsey's Restaurant Rocky Point. NC	fund raisere Reception Election Sum to Date $ 350.00	April 2000	350.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Carolyn Lee Catering Wilmington NC	Catering Election Sum to Date $ 220.00	~~April~~ May 2000.00	220.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Lawrence Bewley Raleigh NC	Fundraisere Election Sum to Date $ 1,233.33	April 2000	1,233.33
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
MR Joes Logos College Rd. Wilmington. NC	Tee Shirts Election Sum to Date $ 530.00	April 2000	530.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Charles Rowe Wilmington NC	Tent for Fish Fry Election Sum to Date $ 40.00	April 2000	40.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Al Richardson AAV Video Productions N 13 Kerr St Wilmington NC 28401	photography Election Sum to Date $ 649.00	May -2000	649.00
TOTAL OF DISBURSEMENTS THIS PAGE			$ 3,522.33

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OCT - 1

ITEMIZED DISBURSEMENTS

Name of Committee (in full)	Thomas Wright Campaign Committee		
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
John Barts Raleigh NC	Art work & patents	may 2000	735-00
	Election Sum to Date $ 735-00		
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Eleanor Simmons Wilmington NC 28401	Utilities on Bldg	April 2000	38 82
	Election Sum to Date $ 3822		
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Thomas Wright Wilmington	Reimbursement Deposit on Bldg	April 2000	500 00
	Election Sum to Date $ 500 00		
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Poll workers * 38 complete in 00.	Poll workers @100 Each	May 2, 2000	3,775-00 **
	Election Sum to Date $ 3775 00		
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Diane Emerson Raleigh, NC	Reimbursement postage & printing cost.	May, 2000	1,124 72
	Election Sum to Date $ 1,124 72		
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
	Election Sum to Date $		
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
	Election Sum to Date $		
TOTAL OF DISBURSEMENTS THIS PAGE			$ 6172 89

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OCT

For Line Number ____
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ITEMIZED DISBURSEMENTS

Name of Committee (in full) Thomas Wright Campaign Committee			
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Copy Cat Printshop Wilmington, NC	campaign literature	May 2000	664.40
	Election Sum to Date $ 664.40		
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
	Election Sum to Date $		
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
	Election Sum to Date $		
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
	Election Sum to Date $		
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
	Election Sum to Date $		
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
	Election Sum to Date $		
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
	Election Sum to Date $		
TOTAL OF DISBURSEMENTS THIS PAGE			$ 664.40

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POLITICAL COMMITTEE DISCLOSURE REPORT

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CAMPAIGN REPORTS

Name of Committee	SBOE ID Number
Thomas Wright Campaign Committee	220980O
Address of Committee	Type of Report
P. O. Box 1654	3rd Quarter
City / State / ZIP	Period Covered 7-1-00
Wilmington NC 28402	From June 30, 200
Type of Committee (check one)	To October 21, 2000

☑ Candidate Campaign ☐ PAC ☐ Party ☐ Referendum ☐ Individual

Treasurer Name candidate Phone Number (optional) _____

Street Address 322 S 17th St.

City/State/Zip Wil. NC 28401

Assistant Treasurer Name _____ Phone Number (optional) _____
Street Address _____
City/State/Zip _____

Custodian of Books Name _____ Phone Number (optional) _____
Street Address _____
City/State/Zip _____

Depository Bank of America
Address Wilmington NC 28401
Account Number(s) [redacted]

VERIFICATION BY OATH OR AFFIRMATION

State NC

County Wake

Being duly sworn, I depose (affirm) and say that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Signature of Appointed Treasurer

Subscribed and sworn (affirmed) to before me, this 31 day of October, 2000

KATHRYN G. QUEEN NOTARY PUBLIC WAKE COUNTY, N.C.

Kathryn G. Queen
Notary Public
My commission expires 7/31/2005

Is this an amendment? ____ yes ____ no

NC SBOE/CR/D (may be copied)

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DETAILED SUMMARY PAGE OF RECEIPTS AND DISBURSEMENTS

NAME OF COMMITTEE	SBOE ID Number
Thomas Wright Campaign Committee	220800

	Total this Period	This Election
Cash on Hand January 1, 19 ____	XXXXXXXXXXXX	~~8595.00~~ ~~27,842.44~~
Cash on Hand at Beginning of Reporting Period	~~15,827.98~~ ~~16,492.44~~	XXXXXXXXXXXX
Receipts		
1. Contributions From:		
(a) Individuals other than Political Committees		23,100
(i) Itemized	2,300.00	~~23,300.00~~
(ii) Unitemized	-0-	~~8,225.53~~
(iii) Total	2,300.00	~~31,525.53~~
(b) Political Party Committees	-0-	-0-
(c) Other Political Committees (such as PACs)	9,100.00	32,850 ~~23,800.00~~
(d) Total Contributions	11,400.00	~~55,775.53~~ 64,175.53
2. Loan Proceeds	-0-	~~-0-~~
3. Interest Earned on Bank Accounts	-0-	-0-
4. Refunds	-0-	-0-
5. Total Receipts	11,400.00	~~55,775.53~~ 64,175.53
Disbursements		
6. Operating Expenditures	9,259.04	~~48,765.19~~ 53,676.65
7. Contributions to Candidates/Political Committees	-0-	~~250.00~~ 1125
8. Coordinated Party Expenditures	-0-	-0-
9. Loan Repayments	-0-	~~4,801.65~~
10. Total Disbursements	9,259.04	~~48,765.19~~
Cash on Hand at End of Reporting Period	~~18,633.40~~ 17,968.94	~~18,633.40~~ 17,968.94
Debts and Obligations owed TO the Committee		
Debts and Obligations owed BY the Committee		

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Page 1 of 4
For Line Number ____
Use separate form for each category of the summary

ITEMIZED RECEIPTS

Name of Committee (in full): Thomas Wright Campaign Committee

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Citi Group Inc. PAC 153 East 53rd St. New York, NY 10043 9400004	PAC Election Sum to Date $ 250	Sept. 2000	250.00
NC Fire PAC 2426 Milleo Rd. Franklinville, NC 27248 1800510	PAC Election Sum to Date $ 200.00	Sept. 2000	200.00
First Citizens Bank Combined PAC PO Box 27131 9180018 Raleigh, NC 27611	PAC Election Sum to Date $ 200.00	Sept 12 2000	200.00
Tom Hughes Wilmington NC.	Business Mgmt Real Estate Election Sum to Date $ 200.00	August 2000	200.00
[redacted] Mary Sneeden PO Box 101 Wilmington NC 28402	Real Estate developer Election Sum to Date $ 200.00	August 24, 2000	200.00
W.C. Worsley Jr. PO Box 2227 Wrightsville Beach 28480	corp executive Petroleum Business Election Sum to Date $ 450.00	Oct 2, 2000	250.00 200.00
Walter Worsley III Po Box 3227 Wilmington NC 28406	corp exec. petroleum Election Sum to Date $ 450.00	Oct 2 2000	200.00 250.00
TOTAL OF RECEIPTS THIS PAGE			$ 1,950.00

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ITEMIZED RECEIPTS

Name of Committee (in full)

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
NC Trucking Association PAC PO Box 2977 Raleigh NC 27602 1800043	PAC Election Sum to Date $ 350.00	Oct 3 2000	150.00
Philip Morris Co. Inc. PAC 1600030 120 Park Ave, New York, NY 10017	PAC Election Sum to Date $ 100.00	Sept 22, 2000	100.00
Robert K. Huckabee III 5606 Keswick Ct. Wilmington NC. 28409	Businessman Entertainment Election Sum to Date $ 1000.00	Oct. 3 2000.	1000.00
NC Medical Society PAC PO Box 25834 1300010 Raleigh, NC 27611	PAC Election Sum to Date $ 3000.00	Sept. 2000	1000.00
NC Realtors PAC 333 Fayetteville, Ste 303 Raleigh, NC. 27601 1200004	PAC Election Sum to Date $ 1000.00	August 2000	1000.00
Hunton & Williams NC. PAC 1500001 PO Box 109 Raleigh, NC 27602	PAC Election Sum to Date $ 500.00	July 2000	500.00
NC Dental PAC 2310 Myron Dr 1300007 Raleigh, NC. 27607	PAC Election Sum to Date $ 1500.00	July 2000	500.00
TOTAL OF RECEIPTS THIS PAGE			$ 4,250.00

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ITEMIZED RECEIPTS

Name of Committee (in full)

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Nation wide PAC one nationwide Plz columbus ohio 43216 7400007	PAC Election Sum to Date $ 1250.00	Sept 2000	500.00
Full Name, Mailing Address & Zip Code NC Association of Convenience Stores PAC PO Box 226 1800015 Raleigh, NC 27602	Job Title or Profession PAC Employer's Name or Specific Field Election Sum to Date $ 500.00	Date (month, day, year) Sept 2000	Amount of each receipt this period 500.00
Full Name, Mailing Address & Zip Code Merck PAC 9600035 601 Pennsylvania Ave. NW Washington, DC 20004	Job Title or Profession PAC Employer's Name or Specific Field 1000 Election Sum to Date $ 500	Date (month, day, year) Sept 2000	Amount of each receipt this period 500.00
Full Name, Mailing Address & Zip Code Concerned Associates Employees PAC 9900018 250 Commerce Freeway Irving Texas 75062	Job Title or Profession PAC Employer's Name or Specific Field Election Sum to Date $ 500	Date (month, day, year) Sept 2000	Amount of each receipt this period 500.00
Full Name, Mailing Address & Zip Code Employees State PAC CPAC 1700003 PO Box 1510 Raleigh NC 27602	Job Title or Profession PAC Employer's Name or Specific Field Election Sum to Date $ 1000.00	Date (month, day, year) Sept 2000	Amount of each receipt this period 500.00
Full Name, Mailing Address & Zip Code Pfizer PAC - State 235 E 42nd St New York NY 10017 9600006	Job Title or Profession PAC Employer's Name or Specific Field 150 Election Sum to Date $ 700.00	Date (month, day, year) Sept 20, 2000	Amount of each receipt this period 400.00
Full Name, Mailing Address & Zip Code [redacted] Household PAC 9100005 2700 Sanders Rd. Prospect Heights IL 60070	Job Title or Profession PAC Employer's Name or Specific Field 250 Election Sum to Date $ 250	Date (month, day, year) Sept 8, 2000	Amount of each receipt this period 250
TOTAL OF RECEIPTS THIS PAGE			$ 3,150.00

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ITEMIZED RECEIPTS

Use separate form for each category of the summary

Name of Committee (in full)

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Engineers for Better Gov't. 111 N Boylan Ave Raleigh NC 27603 1900005	PAC / 400.00	Sept 6 2000	200.00
First Union Employees PAC Charlotte, NC 1900004 28288	PAC / 750.00	Sept 2000	250.00
Build PAC PO Box 99090 1900008 Raleigh, NC 27624	PAC / 1000.00	Sept 2000	1000.00
Duke Energy Corp. 422 South Church St. Charlotte NC 28202 1900004	PAC / 500.00	oct 6, 2000	500.00
Norfolk Southern Corp PAC Three Commercial Pl. Norfolk, VA 23510 1900005	PAC / 200 / 600.00		100.00

TOTAL OF RECEIPTS THIS PAGE $ 2050.00

Page _____ of _____
For Line Number _____

LOAN PROCEEDS

Name of Committee (in full)				
Source of Loan Full Name, Address and Zip Code Total Amount of Loan $	Job Title or Profession Employer's Name or Specific Field	Date loan begins/ends	Amount of Endorsement	Rate of Interest Security Pledged
Source of Loan Full Name, Address and Zip Code Total Amount of Loan $	Job Title or Profession Employer's Name or Specific Field	Date loan begins/ends	Amount of Endorsement	Rate of Interest Security Pledged
TOTAL OF LOAN PROCEEDS THIS PAGE		**$**		

Page _____ of ____
For Line Number _____

LOAN REPAYMENTS

Name of Committee (in full)				
Full Name, Address and Zip Code	Date of Repayment	Original Loan Date	Amount of Repayment	Balance of Loan
Full Name, Address and Zip Code	Date of Repayment	Original Loan Date	Amount of Repayment	Balance of Loan
TOTAL OF LOAN REPAYMENTS THIS PAGE			**$**	

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ITEMIZED DISBURSEMENTS

Name of Committee (in full): Thomas Wright Campaign Committee

Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Bellsouth Charlotte NC	Telephone Election Sum to Date $ 310.75 / 870.42	July - Oct 2000 oc	870.42
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Shannon Simmons Chestnut St. Wilmington, NC 28401	Rent for facility 815 N. 4th Street Wilmington NC 28401 Election Sum to Date $ 3738.87 / 3,700.00	May - Dec F	3,700.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
CP&L Raleigh	Utility for Hdqts 815 N. 4th St. Election Sum to Date $ 584.00	July - Oct.	584.00
Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
City of Wilmington	Utility Service Election Sum to Date $ 360.00	July - Oct	360.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Cumulus Broadcasting Wilmington, NC	Radio Ad. Election Sum to Date $ 3717	July 2000	800.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Capitol Travelers Raleigh NC 27601	Air Fare Tickets to NAHI mtg Election Sum to Date $	July 2000	382.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Thomas Wright 322 SE 17th Street Wilmington, NC	Reimbursement Hotel Cost to Reno Convention NA. Election Sum to Date $ 1681.62	August 2000	1,181.62

TOTAL OF DISBURSEMENTS THIS PAGE $ 7,878.04

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ITEMIZED DISBURSEMENTS

Name of Committee (in full) Thomas Wright Campaign Committee

Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
TRAVEL Specialists 5240 Lander Dr. Wilmington NC 28412	Airfare to LA. for Democratic Convention Election Sum to Date $ 1,381.00	August 2000	1,381.00
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
TOTAL OF DISBURSEMENTS THIS PAGE			$ 1381.00

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Page _____ of _____
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ITEMIZED DISBURSEMENTS

Name of Committee (in full)			
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
TOTAL OF DISBURSEMENTS THIS PAGE			$

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DEBTS AND OBLIGATIONS

Name of Committee (in full)				
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
TOTAL OF DEBTS AND OBLIGATIONS THIS PAGE			$	

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POLITICAL COMMITTEE DISCLOSURE REPORT

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FEB 13 2001
CAMPAIGN REPORTING

Name of Committee: Thomas Wright Campaign Committee	SBOE ID Number: 2209800
Address of Committee: PO Box 1654	Type of Report: 4th Quarter
City: Wilmington State: NC ZIP: 28401	Period Covered From: Oct 21, 2001 To: Dec 31, 2001

Type of Committee (check one)

☑ Candidate Campaign ☐ PAC ☐ Party ☐ Referendum ☐ Individual

Treasurer Name Thomas Wright Phone Number (optional) _____

Street Address PO Box 1654

City/State/Zip Wilmington NC 28402-1654

Assistant Treasurer Name _____ Phone Number (optional) _____

Street Address _____

City/State/Zip _____

Custodian of Books Name _____ Phone Number (optional) _____

Street Address _____

City/State/Zip _____

Depository Bank of America

Address Wilmington NC

Account Number(s) [redacted]

VERIFICATION BY OATH OR AFFIRMATION

State NC

County Wake

Being duly sworn, I depose (affirm) and say that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Signature of Appointed Treasurer

Subscribed and sworn (affirmed) to before me, this 13th day of February, 2001.

Seal

Notary Public

My commission expires 11-14-03

Is this an amendment? ____ yes ____ no

NCSBOE/CR/D (may be copied)

DETAILED SUMMARY PAGE OF RECEIPTS AND DISBURSEMENTS

NAME OF COMMITTEE	SBOE ID Number
Thomas Wright Committee	220 9800

	Total this Period	This Election
Cash on Hand January 1, 19 ____	XXXXXXXXXXX	8595.06
Cash on Hand at Beginning of Reporting Period	~~18,633.40~~ 17,968.99	XXXXXXXXXXX
Receipts		
1. Contributions From:		
(a) Individuals other than Political Committees		
(i) Itemized	~~5,500.00~~ 3250.00	~~28,800.00~~ 26,350.00
(ii) Unitemized	-0-	8,225.53
(iii) Total	~~5,500.00~~ 3250.00	~~37,025.53~~ 34,575.53
(b) Political Party Committees	-0-	-0-
(c) Other Political Committees (such as PACs)	2250 250.00	~~24,150.00~~ 25,100.00
(d) Total Contributions	5,500.00	~~60,975.53~~ 69,675.53
2. Loan Proceeds	-0-	-0-
3. Interest Earned on Bank Accounts	-0-	-0-
4. Refunds	-0-	-0-
5. Total Receipts	5,500.00	~~60,925.53~~ 69,675.53
Disbursements		
6. Operating Expenditures	4,337.00	~~43,092.65~~ 58,013.65
7. Contributions to Candidates/Political Committees	-0-	-0- 1125
8. Coordinated Party Expenditures	-0-	-0-
9. Loan Repayments	-0-	-0-
10. Total Disbursements	4,337.00	~~45,092.65~~ 59,138.65
Cash on Hand at End of Reporting Period	~~19,883.40~~ 19,131.94	~~19,883.40~~ 19,131.94
Debts and Obligations owed TO the Committee		
Debts and Obligations owed BY the Committee		

NCSBOE/CR/S (may be copied)

ITEMIZED RECEIPTS

Name of Committee (in full): Thomas Wright Campaign Committee

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Allan P Jones Cleveland Tennessee	optometrist self 250.00	oct. 9, 2000	250.00
Allstate Insurance Co PAC Northbrook, IL 60062	PAC 9400007 	november 2000	250.00
Thomas M. Stoeckinger 3640 Barrow Wood Lane Lexington Ky 40502	optometrist self. 250.00	oct. 2000	250.00
Mack B. Marshall Box 7565 Rocky Mount NC 27804	Retired — 250.00	Nov. 2000	250.00
Thomas Marshall Jr. Rocky Mount NC 27804	Business Executive self. 250.00	NOV. 2000	250.00
Lt Bonnie Saunders George Saunders 22 Pinegrove Dr. Charlotte NC 28270	Physician self 250.00	NOV. 2000	250.00
Joe Stewart Raleigh, NC 27601	Campaign Manager Richard Moore for NC campaign 2000.00	Dec. 2000	2000.00
TOTAL OF RECEIPTS THIS PAGE			$ 3,500.00

For Line Number _____
Use separate form for each category of the summary

ITEMIZED RECEIPTS

Name of Committee (in full)
Thomas Wright Campaign Committee

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Richard Moore Committee Raleigh NC	campaign committee / 1400002 / 2000.00	Dec. 2000	2000.00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
TOTAL OF RECEIPTS THIS PAGE			$ 2,000.00

NCSBOE/CR/C (may be copied)

Page _____ of _____
For Line Number _____

LOAN PROCEEDS

Name of Committee (in full)				
Source of Loan Full Name, Address and Zip Code Total Amount of Loan $	Job Title or Profession Employer's Name or Specific Field	Date loan begins/ends	Amount of Endorsement	Rate of Interest Security Pledged
Source of Loan Full Name, Address and Zip Code Total Amount of Loan $	Job Title or Profession Employer's Name or Specific Field	Date loan begins/ends	Amount of Endorsement	Rate of Interest Security Pledged
TOTAL OF LOAN PROCEEDS THIS PAGE			$ -0-	

Page _____ of _____
For Line Number _____

LOAN REPAYMENTS

Name of Committee (in full)				
Full Name, Address and Zip Code	Date of Repayment	Original Loan Date	Amount of Repayment	Balance of Loan
Full Name, Address and Zip Code	Date of Repayment	Original Loan Date	Amount of Repayment	Balance of Loan
TOTAL OF LOAN REPAYMENTS THIS PAGE			$ -0-	

Page 1 of 8
For Line Number
Use separate forms for each category of the summary

ITEMIZED DISBURSEMENTS

Name of Committee (in full): Thomas Wright Campaign Comittee

Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Comunity Broadcasting, Burnt mill Rd. Wilmington NC 28409	Radio Ads Election Sum to Date $	October 2000 November 2000	963.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
News Reporter, Whiteville NC 28472	News Paper Ad Election Sum to Date $ 592.26	October 2000 November 2000	403.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
WVOE Radio, Chadbourn, NC	Radio Ads Election Sum to Date $	October 2000 November 2000	240.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Bell South, Charlotte NC	Telephone Service Election Sum to Date $ 556.75	Nov. December 2000	246.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
CP&L, Raleigh NC	utility Service Election Sum to Date $ 669.00	Nov-Dec 2000 JAN-2001	85.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
None	Election Sum to Date $		
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
	Election Sum to Date $		
TOTAL OF DISBURSEMENTS THIS PAGE			$ 1,937.00

NCSBOE/CR/E (may be copied)

ITEMIZED DISBURSEMENTS

Name of Committee (in full) Thomas Wright Campaign Committee

Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Bernice James 3502 Dutton Dr. Castle Hayne NC	Pollworking Election Sum to Date $ 100.00	Nov 4 2000	100.00
Robert Lee James 3507 Dutton Dr Castle Hayne NC	Poll work Election Sum to Date $ 100.00	Nov 4, 2000	100.00
Lucy Canty 1605 Fowler Ct Wilmington NC 28401	~~1605 Fowler Ct~~ Poll work Election Sum to Date $ 100.00	Nov 4, 2000	100.00
Mary Nixon 8524 Market St Wilmington NC	Poll work Election Sum to Date $ 100.00	Nov 4, 2000	100.00
Dorthy Grange 620 S 6th St. Wilmington NC	Poll work Election Sum to Date $ 100.00	Nov 4, 2000	100.00
Minnie Atkinson 418 S 6th St Wilmington, NC.	Poll work Election Sum to Date $ 200.00	Nov, 4, 2000	100.00
Eleanor Spicer 209 Creekwood Dr Wilmington NC 28403	Pollwork Election Sum to Date $ 100	Nov 2000	100.00

TOTAL OF DISBURSEMENTS THIS PAGE $ 700.00

ITEMIZED DISBURSEMENTS

Name of Committee (in full) Thomas Wright Campaign Committee

Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Johnnie Thomas 520 Bellamy Alley Wilmington NC 28402	Pollwork Election Sum to Date $ 100.00	Nov. 4. 2000	100.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Yolanda Thomas 614-A Harnett St Wilmington, NC.	Pollwork Election Sum to Date $ 100.00	Nov 4. 2000	100.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Serita McMillian 816 N 4th St. Wilmington NC	Pollwork Election Sum to Date $ 100	Nov 4 2000	100.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Liz Yates 4707 #C Greentree Rd Wilmington, NC	Pollwork Election Sum to Date $ 100.00	Nov 4, 2000	100.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Joe Hill 216 S. 12th St Wilmington NC	Pollwork Election Sum to Date $ 100.00	Nov 4 2000	100.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Gwen Charles 1114 Stewart Circle Wilmington, NC	Pollwork Election Sum to Date $ 100.00	Nov. 4, 2000	100.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
John Fred Law PoBox 715 Wilmington 28402	Poll work Transportation Election Sum to Date $ 200	Nov 4. 2000	100.00
TOTAL OF DISBURSEMENTS THIS PAGE			$ 700.00

NCSBOE/CR/E (may be copied)

ITEMIZED DISBURSEMENTS

Name of Committee (in full) Thomas Wright Congress Committee

Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Brenda Smith 913 Campbell St Wilmington NC 28403	Poll work Election Sum to Date $ 100.00	Nov 4 2000	100.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Delores Moore 615 Church St. Wilmington NC	Poll work Election Sum to Date $ 100.00	Nov 4 2000	100.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Jessie Canty 520 Wright St Wilmington NC	Poll work Election Sum to Date $ 100	Nov 4 2000	100.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Anna Brass Moore	Poll work Election Sum to Date $ 100	Nov 4 2000	100.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Betty Scavella 612 Queen St Wilmington NC	Poll work Election Sum to Date $ 200.00	Nov 4 2000	100.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Barbara Thrift PO Box 117 Rocky Point NC 28457	Poll work Election Sum to Date $ 100.00	Nov 4 2000	100.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Cornelia Campbell 305 S 7th St Wilmington NC	Poll work Election Sum to Date $ 200.00	Nov 4 2000	100.00
TOTAL OF DISBURSEMENTS THIS PAGE			$ 700.00

ITEMIZED DISBURSEMENTS

Name of Committee (in full) Thom Wright Campaign Committee

Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Anna Ortmann 106 Tanbridge Rd Wilmington NC 28405	Pollwork Election Sum to Date $ 100.00	Nov 4 2000	100.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
Charlotte Leonard	Pollwork Election Sum to Date $ 100.00	Nov 4 2000	100.00
Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
James Carmichael 801 Bladen St Wilmington NC 28401	Pollwork Election Sum to Date $ 100.00	Nov 4 2000	100.00
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period

TOTAL OF DISBURSEMENTS THIS PAGE $ 300.00

POLITICAL COMMITTEE DISCLOSURE REPORT

Name of Committee	SBOE ID Number
Thomas Wright Committee	220980
Address of Committee	Type of Report
PO Box 1654	Mid year
City State ZIP	Period Covered
Wilmington NC 28402	From 01-01-01
	To 06-30-01

NOV 21 2002

Type of Committee (check one)

☑ Candidate Campaign ☐ PAC ☐ Party ☐ Referendum ☐ Individual

Treasurer Name _____ Phone Number (optional) _____

Street Address _____

City/State/Zip _____

Assistant Treasurer Name _____ Phone Number (optional) _____

Street Address _____

City/State/Zip _____

Custodian of Books Name _____ Phone Number (optional) _____

Street Address _____

City/State/Zip _____

Depository Bank of America

Address Glendon Dr. Wilmington NC 28405

Account Number(s) _____

VERIFICATION BY OATH OR AFFIRMATION

State _____

County _____

Being duly sworn, I depose (affirm) and say that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Signature of Appointed Treasurer

Subscribed and sworn (affirmed) to before me, this _____ day of _____, 19 _____.

Seal

Notary Public

My commission expires _____

Is this an amendment? _____ yes _____ no

NCSBOE/CB/D (may be copied)

EXHIBIT 16B

DETAILED SUMMARY PAGE OF RECEIPTS AND DISBURSEMENTS

NAME OF COMMITTEE	SBOE ID Number

	Total this Period	This Election	
Cash on Hand January 1, 19 ____	XXXXXXXXXXX	19,131 54	
Cash on Hand at Beginning of Reporting Period	19,131 54	~~0~~ XXXXXXXXXXX	
Receipts			
1. Contributions From:			
(a) Individuals other than Political Committees			
(i) Itemized	~~0~~	31,500 00 ~~19,131 54~~	0
(ii) Unitemized	~~0~~	8,225 53	0
(iii) Total	~~0~~	39,725 53	0
(b) Political Party Committees	~~0~~	~~0~~	0
(c) Other Political Committees (such as PACs)	~~0~~	24,850 00	0
(d) Total Contributions	~~0~~	64,575 53	0
2. Loan Proceeds	~~0~~	~~0~~	0
3. Interest Earned on Bank Accounts	~~0~~	~~0~~	1
4. Refunds	~~0~~	~~0~~	0
5. Total Receipts	~~0~~	64,575 53	0
Disbursements			
6. Operating Expenditures	4,274 33	57,950 98	4274.33
7. Contributions to Candidates/Political Committees		~~0~~	
8. Coordinated Party Expenditures	~~0~~	~~0~~	
9. Loan Repayments	~~0~~	~~0~~	
10. Total Disbursements	4,274 33	57,950 98	4274.33
Cash on Hand at End of Reporting Period	14,857 61	14,857 61	
Debts and Obligations owed TO the Committee			
Debts and Obligations owed BY the Committee			

NCSBOE/CR/S (may be copied)

For Line Number _____
Use separate forms for each category of the summary

ITEMIZED DISBURSEMENTS

Name of Committee (in full) Thomas Wright Campaign Committee

Full Name, Address and Zip Code	Purpose of Disbursement	Date (month, day, year)	Amount of each Disbursement this period
U.S. Postal Service Main Office Wilmington NC 28401	Postage Election Sum to Date $	01/15/01	3,100.00
Bell South Charlotte NC	Phone Services & FAX Line Election Sum to Date $	2/6/01	362.50
Metrocall Paging Service Tampa FLA	Paging service Election Sum to Date $	03/12/01	120.00
Bell South mobility College Rd Wilmington NC	~~Telephone~~ service rebate Election Sum to Date $	03/05/01	525.63
City of Wilmington 320 N. 3rd Street Wilmington NC	utility service campaign office Election Sum to Date $	~~02/10/01~~ 02/10/01	280.00
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
TOTAL OF DISBURSEMENTS THIS PAGE			$4,274.33

NCSBOE/CR/E (may be copied)

Page _____ of _____
For Line Number _____
Use separate form for each category of the summary

ITEMIZED RECEIPTS

Name of Committee (in full)			
Full Name, Mailing Address & Zip Code	Job Title or Profession Employer's Name or Specific Field Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession Employer's Name or Specific Field Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession Employer's Name or Specific Field Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession Employer's Name or Specific Field Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession Employer's Name or Specific Field Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession Employer's Name or Specific Field Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession Employer's Name or Specific Field Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
TOTAL OF RECEIPTS THIS PAGE			$

NCSBOE/CR/C (may be copied)

LOAN PROCEEDS

Name of Committee (in full)				
Source of Loan Full Name, Address and Zip Code Total Amount of Loan $	Job Title or Profession Employer's Name or Specific Field	Date loan begins/ends	Amount of Endorsement	Rate of Interest Security Pledged
Source of Loan Full Name, Address and Zip Code Total Amount of Loan $	Job Title or Profession Employer's Name or Specific Field	Date loan begins/ends	Amount of Endorsement	Rate of Interest Security Pledged
TOTAL OF LOAN PROCEEDS THIS PAGE			$	

LOAN REPAYMENTS

Name of Committee (in full)				
Full Name, Address and Zip Code	Date of Repayment	Original Loan Date	Amount of Repayment	Balance of Loan
Full Name, Address and Zip Code	Date of Repayment	Original Loan Date	Amount of Repayment	Balance of Loan
TOTAL OF LOAN REPAYMENTS THIS PAGE			$	

DEBTS AND OBLIGATIONS

Name of Committee (in full)				
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
TOTAL OF DEBTS AND OBLIGATIONS THIS PAGE			**$**	

FSBOE/CR/DO (may be copied)

POLITICAL COMMITTEE DISCLOSURE REPORT

Name of Committee	SBOE ID Number
Thomas Wright Campaign Committee	220980
Address of Committee	**Type of Report**
PO Box 1654	Year End Semi-Annual
City / **State** / **ZIP**	**Period Covered**
Wilmington NC 28401	From July 1, 2001
	To December 31, 2001

NOV 21

RECEIVED

JAN 30 2002

Type of Committee (check one)

☑ Candidate Campaign ☐ PAC ☐ Party ☐ Referendum ☐ Individual

Treasurer Name Thomas Wright Phone Number (optional) _____

Street Address PO Box 1654

City/State/Zip Wilmington NC 28402

Assistant Treasurer Name _____ Phone Number (optional) _____

Street Address _____

City/State/Zip _____

Custodian of Books Name _____ Phone Number (optional) _____

Street Address _____

City/State/Zip _____

Depository Bank of America

Address Wilmington NC

Account Number(s) [redacted]

VERIFICATION BY OATH OR AFFIRMATION

State _____

County _____

Being duly sworn, I depose (affirm) and say that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

_____
Signature of Appointed Treasurer

Subscribed and sworn (affirmed) to before me, this _____ day of _____, 19 _____.

Seal

_____
Notary Public
My commission expires _____

Is this an amendment? ____ yes ____ no

NCSBOE/CR/D (may be copied)

DETAILED SUMMARY PAGE OF RECEIPTS AND DISBURSEMENTS Amendment #1

NAME OF COMMITTEE	SBOE ID Number
Yeakel Semi Annual	

	Total this Period	This Election	
Cash on Hand January 1, 19 ___	XXXXXXXXXXX	19131 54	
Cash on Hand at Beginning of Reporting Period	14,857 61	XXXXXXXXXXX	
Receipts			
1. Contributions From:			
(a) Individuals other than Political Committees			
(i) Itemized	2000 00	31,500 00	2000.1
(ii) Unitemized	0	8,225 53	0
(iii) Total	2000 00	29,725 53	2000.1
(b) Political Party Committees	0	[illegible]	0
(c) Other Political Committees (such as PACs)	700 00	34,850 00 [illegible]	700.1
(d) Total Contributions	2,700 00	64,575 53	2700.1
2. Loan Proceeds	0	0	
3. Interest Earned on Bank Accounts	0	0	
4. Refunds	0	[illegible]	
5. Total Receipts	2,700 00	64,485 19	2700.1
Disbursements			
6. Operating Expenditures	0	57,950 88	4274.31
7. Contributions to Candidates/Political Committees	0	0	
8. Coordinated Party Expenditures	0	0	
9. Loan Repayments	0	0	
10. Total Disbursements	0	62,225 31	4274.31
Cash on Hand at End of Reporting Period	17,557 61	17,557 61	
Debts and Obligations owed TO the Committee			
Debts and Obligations owed BY the Committee			

NCSBOE/CR/S (may be copied)

Page _____ of _____
For Line Number _____
Use separate form for each category of the summary

ITEMIZED RECEIPTS

Name of Committee (in full)

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
William M. Hinchey 433 Dogwood Terrace Easton, PA. 18042	Corp. Exec Health care Testing 2000.00	Dec. 24 2001	2000.00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
AT&P PAC 32 Ave. of the Americas New York, New York 10013	PAC Communications 500.00	Dec 15, 2001	500.00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Philip Morris Companies Inc. Political Action Committee 120 Park Ave. 19th Floor New York, NY, 10017-5592	PAC 2002	Dec 20, 2001	200.00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
TOTAL OF RECEIPTS THIS PAGE			$ 2700.00

NCSBOE/CR/C (may be copied)

Page _____ of _____
For Line Number _____

LOAN PROCEEDS

Name of Committee (in full)				
Source of Loan Full Name. Address and Zip Code Total Amount of Loan $	Job Title or Profession Employer's Name or Specific Field	Date loan begins/ends	Amount of Endorsement	Rate of Interest Security Pledged
Source of Loan Full Name, Address and Zip Code Total Amount of Loan $	Job Title or Profession Employer's Name or Specific Field	Date loan begins/ends	Amount of Endorsement	Rate of Interest Security Pledged
TOTAL OF LOAN PROCEEDS THIS PAGE			**$**	

Page _____ of _____
For Line Number _____

LOAN REPAYMENTS

Name of Committee (in full)				
Full Name, Address and Zip Code	Date of Repayment	Original Loan Date	Amount of Repayment	Balance of Loan
Full Name. Address and Zip Code	Date of Repayment	Original Loan Date	Amount of Repayment	Balance of Loan
TOTAL OF LOAN REPAYMENTS THIS PAGE			**$**	

Page _____ of _____
For Line Number _____
Use separate forms for each category of the summary

ITEMIZED DISBURSEMENTS

Name of Committee (in full)			
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
TOTAL OF DISBURSEMENTS THIS PAGE			$

NCSBOE/CR/E (may be copied)

DEBTS AND OBLIGATIONS

Name of Committee (in full)				
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
TOTAL OF DEBTS AND OBLIGATIONS THIS PAGE			$	

POLITICAL COMMITTEE DISCLOSURE REPORT

Name of Committee	SBOE ID Number
Thomas Wright Campaign	2209800
Address of Committee	Type of Report
PO Box 1654	1st Quarter
City State ZIP	Period Covered
Wilmington NC 28402	From 01/01/02
	To 04/29/02

NOV 21

Type of Committee (check one)

☑ Candidate Campaign ☐ PAC ☐ Party ☐ Referendum ☐ Individual

Treasurer Name Thomas Wright Phone Number (optional) (910) 350-5421

Street Address P O Box 1654

City/State/Zip Wilmington, NC 28402

Assistant Treasurer Name _____ Phone Number (optional) _____

Street Address _____

City/State/Zip _____

Custodian of Books Name _____ Phone Number (optional) _____

Street Address _____

City/State/Zip _____

Depository _____

Address _____

Account Number(s) _____

VERIFICATION BY OATH OR AFFIRMATION

State _____

County _____

Being duly sworn, I depose (affirm) and say that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Signature of Appointed Treasurer

Subscribed and sworn (affirmed) to before me, this _____ day of _____, 19 _____.

Seal

Notary Public

My commission expires _____

Is this an amendment? ____ yes ____ no

NCSBOE/CR/D (may be copied)

EXHIBIT 16C

DETAILED SUMMARY PAGE OF RECEIPTS AND DISBURSEMENTS

NAME OF COMMITTEE	SBOE ID Number
Thomas Weight Campaign Committee	220980

	Total this Period	This Election	
Cash on Hand January 1, 19 ___	XXXXXXXXXXX	1/13/84	
Cash on Hand at Beginning of Reporting Period	17,557 61	XXXXXXXXXXX	
Receipts			
1. Contributions From:			
(a) Individuals other than Political Committees			
(i) Itemized	—	33,500 00	2200.
(ii) Unitemized	—	8,225 53	0
(iii) Total	—	41,725 53	2000.
(b) Political Party Committees	—	ø	
(c) Other Political Committees (such as PACs)	500 00	24,850 00	1200.
(d) Total Contributions	500 00	66,575 53	3200.
2. Loan Proceeds	ø	ø	0
3. Interest Earned on Bank Accounts	ø	ø	
4. Refunds	ø	ø	0
5. Total Receipts	500 00	66,575 53	3200.
Disbursements			
6. Operating Expenditures		57,950 88	4274.
7. Contributions to Candidates/Political Committees		ø	0
8. Coordinated Party Expenditures		ø	0
9. Loan Repayments	ø	ø	0
10. Total Disbursements		62,225 31	4274.
Cash on Hand at End of Reporting Period	18057 61	18057 61	
Debts and Obligations owed TO the Committee			
Debts and Obligations owed BY the Committee			

NCSBOE/CR/S (may be copied)

Page _____ of _____
For Line Number ____
Use separate form for each category of the summary

ITEMIZED RECEIPTS

Name of Committee (in full)

Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
RJR Political Action Committee PO Box 718 Winston Salem NC 27102	PAC	3/28/02	500.00
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
Full Name, Mailing Address & Zip Code	Job Title or Profession / Employer's Name or Specific Field / Election Sum to Date $	Date (month, day, year)	Amount of each receipt this period
TOTAL OF RECEIPTS THIS PAGE			$ 500.00

NCSBOE/CR/C (may be copied)

Page _____ of _____
For Line Number _____

LOAN PROCEEDS

Name of Committee (in full)				
Source of Loan Full Name, Address and Zip Code Total Amount of Loan $	Job Title or Profession Employer's Name or Specific Field	Date loan begins/ends	Amount of Endorsement	Rate of Interest Security Pledged
Source of Loan Full Name, Address and Zip Code Total Amount of Loan $	Job Title or Profession Employer's Name or Specific Field	Date loan begins/ends	Amount of Endorsement	Rate of Interest Security Pledged
TOTAL OF LOAN PROCEEDS THIS PAGE			$	

Page _____ of _____
For Line Number _____

LOAN REPAYMENTS

Name of Committee (in full)				
Full Name, Address and Zip Code	Date of Repayment	Original Loan Date	Amount of Repayment	Balance of Loan
Full Name, Address and Zip Code	Date of Repayment	Original Loan Date	Amount of Repayment	Balance of Loan
TOTAL OF LOAN REPAYMENTS THIS PAGE			$	

Page ____ of ____

For Line Number ____
Use separate forms for each category of the summary

ITEMIZED DISBURSEMENTS

Name of Committee (in full)

Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period
Full Name, Address and Zip Code	Purpose of Disbursement Election Sum to Date $	Date (month, day, year)	Amount of each Disbursement this period

TOTAL OF DISBURSEMENTS THIS PAGE $ 0

NCSBOE/CR/E (may be copied)

DEBTS AND OBLIGATIONS

Name of Committee (in full)				
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
Full Name, Mailing Address and Zip Code Nature of Debt (purpose)	Outstanding Balance Beginning this period	Amount Incurred this period	Payment this period	Outstanding Balance this period
TOTAL OF DEBTS AND OBLIGATIONS THIS PAGE			**$**	

NCSBOE/CR/DO (may be copied)

Disclosure Report Cover Sheet

NOV 21

Please note that this cover sheet cannot be used to amend committee information such as the committee address; treasurer, assistant treasurer, or custodian of books information; or depository information. You must amend the Statement of Organization (CRO-2100) to make those kinds of committee changes.

1. Name of Committee or Fund			6. Date
Thomas Wright Campaign Committee			
2. Address			7. ID Number
P O Box 1654			2209800
3. City	4. State	5. Zip	8. Phone
Wilmington	N C.	28402	(910) 350-592

9. Type of Report	10. Period Covered		11. Amendment
2nd Quarter Report	Start	04-21-02	☐ Yes
	End	06-30-02	☐ No

12. Type of Committee or Fund (Check one)

☑ Candidate Campaign ☐ Party ☐ Joint Fundraiser ☐ "Booster Fund"
☐ PAC ☐ Referendum ☐ Soft Money Account ☐ Building Fund
☐ Other Fund: _____

13. Treasurer Name

Darryle Parker

14. Assistant Treasurer Name(s)

15. Custodian of Books Name

Darryle Parker

16. Bank/Depository/Credit Account Information

a. Name	b. Purpose	c. Code	d. Period Begin Balance
Bank of America	Campaign Funds		$ 18,057.61
			$
			$
			$
			$
			$

CERTIFICATION

I certify that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Signature of Appointed Treasurer or Candidate _____ Date _____

Detailed Summary

1. Name of Committee or Fund	2. Type of Report	3. ID Number
Thomas Wright Campaign Cmte	2nd Quarter	220980

Start of Election Cycle: January 1, 20____		Total this Period	Total this Election Cycle	
4) Cash on Hand at Start of Election Cycle			$ 19,131.54	
5) Cash on Hand at Start of Present Reporting Period		$ 18,057.54		
RECEIPTS				
6) Contributions from Individuals	(CRO-1210)	$ 4,025.00	$ 41,725.53	6025.0
7) Contributions from Political Party Committees	(CRO-1220)	$ 0	$ 25,225.53	0
8) Contributions from Other Political Committees 14,100.	(CRO-1230)	$ 12,100.00	$ 0 14100.0	15,500.
9) Loan Proceeds	(CRO-1410)	$ 0	$ 0	
10) Refunds and Reimbursements TO theCommittee	(CRO-1250)	$ 0	$ 0	
11) Other Receipt Sources	(CRO-1250)			
11a) Interest on Bank Accounts	(CRO-1250)	$ —	$ —	
11b) Contributions from Not-for-Profit Organizations	(CRO-1250)	$ 0	$ —	
11c) Outside Sources of Income	(CRO-1350)	$ 0	$ —	
12) "Goods and Services" Contributions	(CRO-1260)	$ 0	$ —	
13) Contributions based on Forgiven Loans	(CRO-1440)	$ 0	$	
14) 48-Hour Notice Reports Sum		$ —	$ —	
15) TOTAL RECEIPTS *(Add lines 6, 7, 8, 9, 10, 11a, 11b, 11c, 12, 13, and 14)*		$ 18,125.00	$ 92,176.59	21,325.0
EXPENDITURES				
16) Disbursements	(CRO-1310)			
16a) Operating Expenditures	(CRO-1310)	$ 0	$ 62,225.31	42
16b) Contributions to Candidates/Political Committees	(CRO-1310)	$ 0	$ 0	
16c) Coordinated Party Expenditures	(CRO-1310)	$ 0	$ 0	
17) Loan Repayments	(CRO-1420)	$ 0	$ 0	
18) Forgiven Loans	(CRO-1440)	$ 0	$ 0	
19) Refunds and Reimbursements FROM the Committee	(CRO-1320)	$ 0	$ 0	
20) In-Kind Contributions	(CRO-1510)	$ 0	$ 0	
21) TOTAL EXPENDITURES *(Add lines 16a, 16b, 16c, 17, 18, 19, and 20)* 0		$ 36,182.54	$ 62,225.31	4274.3
22) Cash on Hand at End of Reporting Period *(For this Period, add lines 5 and 15 together, then subtract line 21)* *(For this Election Cycle, add lines 4 and 15 together, then subtract line 21)*		$ 36,182.54	$ 36,182.54	✓
Additional Information				
23) Non-Monetary Gifts Given to Committees	(CRO-1330)	$ 0		
24) Outstanding Loans (including ones from other campaigns)	(CRO-1430)	$ 0		
25) Debts and Obligations owed BY the Committee	(CRO-1610)	$ 0		
26) Debts and Obligations owed TO the Committee	(CRO-1620)	$ 0		
27) Parent Entity's Administrative Support	(CRO-1710)	$ 0		
28) Account Transfers	(CRO-1720)	$ 0		

Contributions from INDIVIDUALS

Page ___ of

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign Committee	2209800

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
George Gaddy 224 Seacrest DR Wrightsville, NC 28480	[redacted]	check	05/05/02	☐	☐	$ 500.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Retired				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Sidney Artie Causey JR. PO Box 88 Wilmington NC 28401	[redacted]	check	05/06/02	☐	☐	$ 500.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Sheriff - Law Enforcement				☐	☐	$
c. Employer's Name/Specific Field: New Hanover County Sheriff	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Paul Davis Boney III 3528 Independence Blvd Suite Two Hundred Wilmington, NC 28412	[redacted]	check	05/22/02	☐	☐	$ 300.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Architect				☐	☐	$
c. Employer's Name/Specific Field: Boney & Associates	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Bradford Sedgwick 7332 Cotes North DR Wilmington NC 28405	[redacted]	check	05/20/02	☐	☐	$ 125.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Thomas H. Wright III PO Box 9009 Wilmington NC 28402	[redacted]	check	05/14/02	☐	☐	$ 500.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Business				☐	☐	$
c. Employer's Name/Specific Field: Wright Chemical Corp	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

4. Total only this Page	$ 1925.00
5. Total of ALL CRO-1210 Pages (only show on last page) (This line must be on line 6 of Detailed Summary Page CRO-1100)	$

Contributions from INDIVIDUALS

Page ___ of ___

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign Committee	220800

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Mark Mahler 5041 Rivage Promenade Wilmington, NC 28412 (910) 452 3366	[redacted]	check	05/20/02	☐	☐	$ 500.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field: NEW	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Brian Cooney (910) PO Box 3872 367-9205 Wilmington NC 28406	[redacted]	check	05/20/02	☐	☐	$ 500.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Jerry F. Coy (910) Barbara M. Coy 392-6902 130 Devonshire Ln. Wilmington, NC 28409	[redacted]	check	05/03/02	☐	☐	$ 100.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Robert D. Hill JR 2510 Trent's End Kinston, NC 28504 527 (252) 3263	SAME	check	05/[illegible]/02	☐	☐	$ 1000.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Proprietor				☐	☐	$
c. Employer's Name/Specific Field: Restaurant Business	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
~~NC Republican Party~~ ~~600 Fayetteville St. Mall~~ ~~Raleigh NC 27601~~				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

4. Total only this Page	$ 2100.00
5. Total of ALL CRO-1210 Pages (only show on last page) *(This line must be on line 6 of Detailed Summary Page CRO-1100)*	$ 4,025

Contributions from OTHER POLITICAL COMMITTEES

Page ___ of ___

1. Name of Committee or Fund	2. ID Number
Thomas Weight Campaign Committee	2209800

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Farm Bureau Federation Political Action Committee PO Box 27766 Raleigh NC 27611	[redacted]	check	05/11/02	☐	$ 250.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Sid Causey for Sheriff 1120 Upper Reach Dr. Wilmington NC 28409	[redacted]	check	05/06/2002	☐	$ 500.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☐ State ☑ County: Campaign	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Bell South Employees PAC 1522 BellSouth Plaza Charlotte NC 28202	[redacted]	check	05/03/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Hunton & Williams North Carolina PAC PO Box 109 Raleigh NC 27602	[redacted]	check	05/06/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
CASH America International Inc PAC 1600 W. 7th St Fort Worth, Tx 76102-2599	None	check	MAY/10/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☑ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

4. Total only this Page	$ 2250.00
5. Total of ALL CRO-1230 Pages *(only show on last page)*	$

(This line must be on line 8 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

Page ___ of ___

1. Name of Committee or Fund: Thomas Wright Campaign Committee

2. ID Number: 2209800

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
J.M. Family Enterprises PAC Inc 190 N.W. 12th Ave Deerfield Beach Fl. 33442	[redacted]	check	05/30/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☑ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Pfizer PAC - State 235 East 42nd. Ste. New York, NY 10017	[redacted]	check	04/25/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☑ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Vending Assoc. PAC POB of 3154 Durham NC. 27705-6805	Same	check	05/09/02	☐	$ 350.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Coca-Cola Consolidated Employee Committee P.O Box 31487 Charlotte NC 28231	Same	check	05/07/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Pepsico Concerned Citizens Fund	Same	check	05/06/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		

4. Total only this Page	$ 2350.00
5. Total of ALL CRO-1230 Pages (only show on last page) (This line must be on line 8 of Detailed Summary Page CRO-1100)	$

Contributions from OTHER POLITICAL COMMITTEES

Page ___ of ___

1. Name of Committee or Fund | 2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Chiropractic PAC 415 Talbert Blvd Lexington NC 27292	same	check	05/7/02	☐	$ 1000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Progress Energy PAC PO Box 1570 Raleigh NC 27602	same	check	04/30/02	☐	$ 1000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Nationwide Carolina Realty Participation Fund One Nationwide Plaza Columbus OH 43216	same	check	5/22/02	☐	$ 1000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
REAP PO Box 26566 Raleigh NC 27611	same	check	5/10/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC HCFA PAC 5709 Bur Oak Cir. Raleigh NC 27612	same	check	5/15/02	☐	$ 2000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date $

4. Total only this Page	$ 4500.00
5. Total of ALL CRO-1230 Pages (only show on last page)	$

(This line must be on line A of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

Page ___ of ___

1. Name of Committee or Fund

2. ID Number

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Realtors PAC 421 Fayetteville St Mall Suite 1100 Raleigh NC 27601	None	check	05/03/02	☐	$ 3000.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Home Builders Assn Build PAC PO Box 99020 Raleigh, NC 27624	None	check	5/08/02	☐	$ 1000.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

4. Total only this Page	$ 4,000.00
5. Total of ALL CRO-1230 Pages *(only show on last page)*	$ 14,150.00

(This line must be on line 8 of Detailed Summary Page CRO-1100)

14,150.00

Disbursements

1. Name of Committee or Fund	2. ID Number
Thoms Waight Campaign Committee	2209800

3. Type of Disbursement *(Please use separate CRO-1310 forms for each type of Disbursement.)*
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

5. Total only this Page	$
6. Total of ALL CRO-1310 Related Pages *(only show on last page)*	$

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disclosure Report Cover Sheet

NOV 21

Please note that this cover sheet cannot be used to amend committee information such as the committee address; treasurer, assistant treasurer, or custodian of books information; or depository information. You must amend the Statement of Organization (CRO-2100) to make those kinds of committee changes.

1. Name of Committee or Fund			6. Date
Thomas Wright Campaign Committee			10/17/02
2. Address			7. ID Number
PO Box 1654			2209800
3. City	4. State	5. Zip	8. Phone
Wilmington	NC	28402	(910)3505921

9. Type of Report	10. Period Covered		11. Amendment
Third Quarter Plus	Start	08-25-02	☐ Yes
	End	10-19-02	☐ No

12. Type of Committee or Fund *(Check one)*

☑ Candidate Campaign ☐ Party ☐ Joint Fundraiser ☐ "Booster Fund"
☐ PAC ☐ Referendum ☐ Soft Money Account ☐ Building Fund
☐ Other Fund: _____

13. Treasurer Name

Darryle Parker
Thomas Wright

14. Assistant Treasurer Name(s)

15. Custodian of Books Name

16. Bank/Depository/Credit Account Information

a. Name	b. Purpose	c. Code	d. Period Begin Balance
Bank of America	Campaign Fund		$ 29,682.61
			$
			$
			$
			$
			$

CERTIFICATION

I certify that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Signature of Appointed Treasurer or Candidate _____ Date _____

Detailed Summary

1. Name of Committee or Fund	2. Type of Report	3. ID Number	
	3rd Quarter	2209800	
Start of Election Cycle: January 1, 20____	**Total this Period**	**Total this Election Cycle**	
4) Cash on Hand at Start of Election Cycle		$ 19,131 84	
5) Cash on Hand at Start of Present Reporting Period	$ 29,682 61		
RECEIPTS			
6) Contributions from Individuals (CRO-1210)	$ 0	$ 45,725 53	6525.00
7) Contributions from Political Party Committees (CRO-1220)	$ 0	$ 25,225 53	0
8) Contributions from Other Political Committees (CRO-1230)	$ 0	$ 14,650 00	15,800.00
9) Loan Proceeds (CRO-1410)	$ 0	$ 0	
10) Refunds and Reimbursements TO the Committee (CRO-1240)	$ 0	$ 0	
11) Other Receipt Sources (CRO-1250)			
11a) Interest on Bank Accounts (CRO-1250)	$ 0	$ 16	
11b) Contributions from Not-for-Profit Organizations (CRO-1250)	$ 0	$ 0	
11c) Outside Sources of Income (CRO-1250)	$ 0	$ 0	
12) "Goods and Services" Contributions (CRO-1260)	$ 0	$ 0	
13) Contributions based on Forgiven Loans (CRO-1440)	$ 0	$ 0	
14) 48-Hour Notice Reports Sum	$	$ 0	
15) TOTAL RECEIPTS *(Add lines 6, 7, 8, 9, 10, 11a, 11b, 11c, 12, 13, and 14)*	$ 0	$ 85,701 06	21,925.00
EXPENDITURES			
16) Disbursements (CRO-1310)			
16a) Operating Expenditures (CRO-1310)	$ 677029	$ 65,225 31	14,045.00
16b) Contributions to Candidates/Political Committees (CRO-1310)	$ 1,250 00	$ 0	1250.00
16c) Coordinated Party Expenditures (CRO-1310)	$ 0	$ 4000 00	4000.00
17) Loan Repayments (CRO-1420)	$ 0	$ 0	
18) Forgiven Loans (CRO-1440)	$ 0	$ 0	
19) Refunds and Reimbursements FROM the Committee (CRO-1320)	$ 0	$ 0	
20) In-Kind Contributions (CRO-1510)	$ 0	$ 0	
21) TOTAL EXPENDITURES *(Add lines 16a, 16b, 16c, 17, 18, 19, and 20)*	$ 80 2070	$ 69,225 31	19295.00
22) Cash on Hand at End of Reporting Period *(For this Period, add lines 5 and 15 together, then subtract line 21)* *(For this Election Cycle, add lines 4 and 15 together, then subtract line 21)*	$ 21,661 91	$ 21,661 91	✓
Additional Information			
23) Non-Monetary Gifts Given to Committees (CRO-1330)	$ 0		
24) Outstanding Loans (including ones from other campaigns) (CRO-1430)	$ 0		
25) Debts and Obligations owed BY the Committee (CRO-1610)	$ 0		
26) Debts and Obligations owed TO the Committee (CRO-1620)	$ 0		
27) Parent Entity's Administrative Support (CRO-1710)	$ 0		
28) Account Transfers (CRO-1720)	$ 0		

Disbursements

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign committee	2209800

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursement.)
☑ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
NAACP State Chapter New Hanover Greensboro NC	Annual meeting	[redacted]	check	10/ 102	$ 500.00
	Banquet season				$
	New Hanover Co Dr				$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

4. Payee a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Marvin Lucas Campaign Fayetteville NC	contribution	[redacted]	check	09/03/02	$ 250.00
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

4. Payee a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Shelly Willingham	contribution	[redacted]	check	09/03/02	$ 500.00
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

4. Payee a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
US Airways	Air Fare	[redacted]	check	09/25/02	$ 1057.50
	Fellowship				$
	Lexington Ky				$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

4. Payee a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Port City Sign Works 1 castle St. Wilmington NC	yard signs	[redacted]	check	09/25/02	$ 3,919.20
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

5. Total only this Page	$ 6220.70
6. Total of ALL CRO-1310 Related Pages (only show on last page)	$

(This line goes in line 16a of Detailed Summary Page CRO-1100 If Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 If Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 If Coordinated Party Expenditures)

Disbursements

1. Name of Committee or Fund	2. ID Number

3. Type of Disbursement (*Please use separate CRO-1310 forms for each type of Disbursements.*)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Columbus County Democratic party whiteville NC 28472	Rally	[redacted]	check	10/9/02	$ 500.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp, list Cand/Comm: | i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Thomas Wright 322 SE 17th Street wilmington NC 28401	Postage stamps for mailing mic	[redacted]	check	10/4/02	$ 1,300.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp, list Cand/Comm: | i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp, list Cand/Comm: | i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp, list Cand/Comm: | i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp, list Cand/Comm: | i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

5. Total only this Page	$ 1800.00
6. Total of ALL CRO-1310 Related Pages (*only show on last page*)	$ 80202.21

(This line goes in line 16a of Detailed Summary Page CRO-1100 If Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 If Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 If Coordinated Party Expenditures)

Disclosure Report Cover Sheet

Please note that this cover sheet cannot be used to amend committee information such as the committee address; treasurer, assistant treasurer, or custodian of books information; or depository information. You must amend the Statement of Organization (CRO-2100) to make those kinds of committee changes.

NOV 21

1. Name of Committee or Fund			6. Date
Thomas Wright Campaign Committee			
2. Address			7. ID Number
P.O. Box 1654			2209800
3. City	4. State	5. Zip	8. Phone
Wilmington	NC	28402	350 (bus) 5921

9. Type of Report	10. Period Covered		11. Amendment
Interim Report	Start	07-01-02	☐ Yes
	End	09-28-02	☐ No

12. Type of Committee or Fund *(Check one)*

☑ Candidate Campaign ☐ Party ☐ Joint Fundraiser ☐ "Booster Fund"
☐ PAC ☐ Referendum ☐ Soft Money Account ☐ Building Fund
☐ Other Fund: _____

13. Treasurer Name

Darryle Parker

14. Assistant Treasurer Name(s)

15. Custodian of Books Name

16. Bank/Depository/Credit Account Information

a. Name	b. Purpose	c. Code	d. Period Begin Balance
Bank of America	Campaign Fund		$ 36,182.61
			$
			$
			$
			$
			$

CERTIFICATION

I certify that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Signature of Appointed Treasurer or Candidate _____ Date _____

Detailed Summary

1. Name of Committee or Fund	2. Type of Report	3. ID Number
Thomas Wright Campaign Committee	Interim 7/12/[illegible]	22 09800

Start of Election Cycle: January 1, 20____		Total this Period	Total this Election Cycle	
4) Cash on Hand at Start of Election Cycle			$ 19,131 94	
5) Cash on Hand at Start of Present Reporting Period		$ 36,182 61		
RECEIPTS				
6) Contributions from Individuals	(CRO-1210)	$ 0	$ 45,725 53	6025.00
7) Contributions from Political Party Committees	(CRO-1220)	$ 0	$ 25,225 53	0
8) Contributions from Other Political Committees	(CRO-1230)	$ 500 00	$ 14,050 00	15,800.00
9) Loan Proceeds	(CRO-1310)	$ 0	$ 0	
10) Refunds and Reimbursements TO theCommittee	(CRO-1240)	$ 0	$ 0	
11) Other Receipt Sources	(CRO-1250)			
11a) Interest on Bank Accounts	(CRO-1250)	$ 0	$ 0	
11b) Contributions from Not-for-Profit Organizations	(CRO-1250)	$ 0	$ 0	
11c) Outside Sources of Income	(CRO-1250)	$ 0	$ 0	
12) "Goods and Services" Contributions	(CRO-1260)	$ 0	$ 0	
13) Contributions based on Forgiven Loans	(CRO-1440)	$ 0	$ 0	
14) 48-Hour Notice Reports Sum		$	$	
15) TOTAL RECEIPTS *(Add lines 5, 7, 8, 9, 10, 11a, 11b, 11c, 12, 13, and 14)*		$ ~~36,682 00~~	$ 85,106	21,825.00
EXPENDITURES				
16) Disbursements	(CRO-1310)			
16a) Operating Expenditures	(CRO-1310)	$ 3000 00	$ 62,225 31	9274 33
16b) Contributions to Candidates/Political Committees	(CRO-1310)	$ 0	$ 0	
16c) Coordinated Party Expenditures	(CRO-1310)	$ 4000 00	$ 0 4000.00	4000.00
17) Loan Repayments	(CRO-1420)	$ 0	$ 0	0
18) Forgiven Loans	(CRO-1440)	$ 0	$ 0	0
19) Refunds and Reimbursements FROM the Committee	(CRO-1320)	$ 0	$ 0	0
20) In-Kind Contributions	(CRO-1510)	$ 0	$ 0	0
21) TOTAL EXPENDITURES *(Add lines 16a, 16b, 16c, 17, 18, 19, and 20)*		$ 7000 00	$ 62,225 31	11,274 33
22) Cash on Hand at End of Reporting Period *(For this Period, add lines 5 and 15 together, then subtract line 21)* *(For this Election Cycle, add lines 4 and 15 together, then subtract line 21)*		$ 29,682 61	$ 29,682 61	✓
Additional Information				
23) Non-Monetary Gifts Given to Committees	(CRO-1330)	$ 0		
24) Outstanding Loans (including ones from other campaigns)	(CRO-1430)	$ 0		
25) Debts and Obligations owed BY the Committee	(CRO-1610)	$ 0		
26) Debts and Obligations owed TO the Committee	(CRO-1620)	$ 0		
27) Parent Entity's Administrative Support	(CRO-1710)	$ 0		
28) Account Transfers	(CRO-1720)	$ 0		

1. Name of Committee or Fund	2. ID Number
Thomas Weight Campaign Committee	2209800

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursements.)
[X] Operating Expenses [ ] Contributions to Candidates/Political Committees [ ] Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Lawrence Bewley & Associates Raleigh, NC	fundraising fee		check	7-8-02	$3,000.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: [ ] Add [ ] Delete	j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
NC House Democratic Caucus Raleigh NC 27601	contribution		check	7-8-02	$4,000.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: [ ] Add [ ] Delete	j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: [ ] Add [ ] Delete	j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: [ ] Add [ ] Delete	j. Election Cycle Sum To Date $

5. Total only this Page	$7000.00
6. Total of ALL CRO-1310 Related Pages (only show on last page) *(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)* *(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)* *(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)*	$7,000.00

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
New American Optimists, Non Federal, N.C. acct. PO Box 2069 Raleigh NC 27602-2069	[redacted]	check	4/24/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☑ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

4. Total only this Page	$ 500.00
5. Total of ALL CRO-1230 Pages *(only show on last page)*	$ 500.00

(This line must be on line 8 of Detailed Summary Page CRO-1100)

Disclosure Report Cover Sheet

Please note that this cover sheet cannot be used to amend committee information such as the committee address; treasurer, assistant treasurer, or custodian of books information; or depository information. You must amend the Statement of Organization (CRO-2100) to make those kinds of committee changes.

1. Name of Committee or Fund				6. Date
Thomas Wright Campaign Committee				1/7/03
2. Address				7. ID Number
P.O. Box 1654				2209800
3. City	4. State	5. Zip	8. Phone	
Wilmington	NC	28402	(910) 3505924	

9. Type of Report	10. Period Covered		11. Amendment
4th Quarter	Start	10/20/02	☐ Yes
	End	12/31/02	☐ No

12. Type of Committee or Fund *(Check one)*

☒ Candidate Campaign ☐ Party ☐ Joint Fundraiser ☐ "Booster Fund"
☐ PAC ☐ Referendum ☐ Soft Money Account ☐ Building Fund
☐ Other Fund: _____

13. Treasurer Name

Darryle Parker

14. Assistant Treasurer Name(s)

15. Custodian of Books Name

RECEIVED
JAN 14 2003
PM Jan 10
N.C. BOARD OF ELECTIONS

16. Bank/Depository/Credit Account Information

a. Name	b. Purpose	c. Code	d. Period Begin Balance
Bank of America	Campaign Fund		$ 21,661.91
			$
			$
			$
			$
			$

CERTIFICATION

I certify that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Signature of Appointed Treasurer or Candidate

1/7/2003
Date

C

Detailed Summary

1. Name of Committee or Fund		2. Type of Report	3. ID Number
Thomas Wright Campaign Committee		4th Quarter	220980
Start of Election Cycle: January 1, 20____		Total this Period	Total this Election Cycle
4) Cash on Hand at Start of Election Cycle			$19,131.94
5) Cash on Hand at Start of Present Reporting Period		$21,661.91	
RECEIPTS			
6) Contributions from Individuals	(CRO-1210)	$1,250.00	$95,725.53
7) Contributions from Political Party Committees	(CRO-1220)	$3,000.00	$25,225.53
8) Contributions from Other Political Committees	(CRO-1230)	$30,100.00	$14,650.00
9) Loan Proceeds	(CRO-1410)	$ 0	$ 0
10) Refunds and Reimbursements TO theCommittee	(CRO-1240)	$ 0	$ 0
11) Other Receipt Sources	(CRO-1250)		
11a) Interest on Bank Accounts	(CRO-1250)	$ 0	$ 0
11b) Contributions from Not-for-Profit Organizations	(CRO-1450)	$ 0	$ 0
11c) Outside Sources of Income	(CRO-1250)	$ 0	$ 0
12) "Goods and Services" Contributions	(CRO-1260)	$ 0	$ 0
13) Contributions based on Forgiven Loans	(CRO-1440)	$ 0	$ 0
14) 48-Hour Notice Reports Sum		$ 0	$ 0
15) TOTAL RECEIPTS *(add lines 6, 7, 8, 9, 10, 11a, 11b, 11c, 12, 13, and 14)*		$34,350.00	$85,701.06
EXPENDITURES			
16) Disbursements	(CRO-1310)		
16a) Operating Expenditures	(CRO-1310)	$11,601.04	$76,225.31
16b) Contributions to Candidates/Political Committees	(CRO-1310)	$500.00	$1,750.00
16c) Coordinated Party Expenditures	(CRO-1310)	$ 0	$4,000.00
17) Loan Repayments	(CRO-1420)	$ 0	$ 0
18) Forgiven Loans	(CRO-1440)	$ 0	$ 0
19) Refunds and Reimbursements FROM the Committee	(CRO-1320)	$ 0	$ 0
20) In-Kind Contributions	(CRO-1510)	$ 0	$ 0
21) TOTAL EXPENDITURES *(Add lines 16a, 16b, 16c, 17, 18, 19, and 20)*		$12,101.04	$76,975.31
22) Cash on Hand at End of Reporting Period *(For this Period, add lines 5 and 15 together, then subtract line 21)* *(For this Election Cycle, add lines 4 and 15 together, then subtract line 21)*		$43,910.87	$43,910.87
Additional Information			
23) Non-Monetary Gifts Given to Committees	(CRO-1530)	$ 0	
24) Outstanding Loans (including ones from other campaigns)	(CRO-1430)	$ 0	
25) Debts and Obligations owed BY the Committee	(CRO-1610)	$ 0	
26) Debts and Obligations owed TO the Committee	(CRO-1620)	$ 0	
27) Parent Entity's Administrative Support	(CRO-1710)	$ 0	
28) Account Transfers	(CRO-1720)	$ 0	

Disbursements

1. Name of Committee or Fund: Thomas Wright Campaign Committee

2. ID Number: 2209800

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursement.)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Cumulus Broadcasting, Inc DOX 687176 Milwaukee, Wi. 53268	Radio Ads		check	10/29/02	$1063.60
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
WVOL Radio Chadbourn, NC 28431	Radio Ads		check	10/31/02	$450.00
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
North Whiteville Vol. Fire Dept. Whiteville NC 28472	meals for reception		check	10/31/02	$250.00
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
SNAP Dragon Tee Shirts 1220 Dock Street (Rear) Wilmington, NC 28401 · 7860854	campaign Tee Shirts		check	11/05/02	$1278.00
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Alpha Graphics 317 SE College Rd Wilmington, NC 28403 (910) 392-0800	post cards		check	10/28/02	$314.71
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

5. Total only this Page	$2,206.71
6. Total of ALL CRO-1310 Related Pages (only show on last page)	$

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disbursements

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign Committee	2209800

3. Type of Disbursement *(Please use separate CRO-1310 forms for each type of Disbursements.)*
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Rev. E.E. Rabin 1109 McRae St Wilmington, NC (910) 762-0424	pollworker		check	11/05/02	$ 100.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Gloria Stokes (910) 7635628 4 Shipyard Walk Wilmington NC 28401	pollworker		check	11/05/02	$ 100.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Earl Goodwin	pollworker		check	11/05/02	$ 100.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Debra Stokes 1003 SE 14th Street Wilmington, NC (910)343-3324	pollworker		check	11/05/02	$ 100.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
St. Phillip AME Church 815 N ~~6th~~ 7th St. (910) Wilmington NC 28401 762353	meals for pollworkers		check	11/05/02	$ 130.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date $

5. Total only this Page	$ 530.00
6. Total of ALL CRO-1310 Related Pages *(only show on last page)* *(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)* *(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)* *(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)*	$

Disbursements

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign Committee	220980

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursement.)
☑ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Port City Sign Works 707 Castle Street (rear) Wilmington NC 28401	yard signs stakes		check	11/06/02	$ 239.63
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete
j. Election Cycle Sum To Date: $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Julia Salter 802 Wooster st Wilmington, NC 28401	pollworker		check	11/06/02	$ 100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete
j. Election Cycle Sum To Date: $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Thomas Wright 3225 17th street Wilmington NC 28401	reimbursement		check	11/5/02	$ 500.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete
j. Election Cycle Sum To Date: $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Jack Brannon Campaign Committee for NC House	contribution		check	10/29/02	$ 500.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete
j. Election Cycle Sum To Date: $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
US postal Service Wilmington NC 28401	postage mailing stamps		check	10/28/02	$ 236.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete
j. Election Cycle Sum To Date: $

5. Total only this Page	$ 3,525.63
6. Total of ALL CRO-1310 Related Pages (only show on last page) (This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses) (This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm) (This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)	$

Disbursements

1. Name of Committee or Fund	2. ID Number
Thomas Dewight Campaign Committee	2209800

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursements.)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
New Hanover Printing 2145 Eastwood Rd Wilmington NC 28403	Printing robo post cards		check	11/25/02	$ 739.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
office Mgr ~~manager of~~ 4915-D New Centre Dr Wilmington, NC 28405	office Exp/Int		check	11/27/02	$ 197.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Darryle Parker 5305 Arrow Ct. Wilmington NC 28412 (910) 799-0588	Theme Song		check	12/27/02	$ 1000.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Thomas Dewight 3225-17 Eastwood Wilmington NC 28401	postage Reimburse Stamps			11/05/02	$ 3000.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Cumulus Broadcasting Inc. Box 687176 Milwaukee, WI 53268	Advertising		check	10/31/02	$ 353.80
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date $

5. Total only this Page	$ 5,289.80
6. Total of ALL CRO-1310 Related Pages (only show on last page)	$ 11,601.04

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Contributions from INDIVIDUALS

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign Committee	22 09800

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Rev. Akanzo Briggs PO Box 1227 Elizabethtown, NC 28337-1227		check	Nov 2, 2002	☐	☐	$ 50.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Minister				☐	☐	$
c. Employer's Name/Specific Field: Pastor	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Charles Warren/ PO Box 3891 Wilmington, NC 28406		check	Nov 2, 2002	☐	☐	$ 100.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Educator				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Robert H Cutting 408 Summer Rest Rd. Wilmington, NC 28405		check	11/01/02	☐	☐	$ 50.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: professor				☐	☐	$
c. Employer's Name/Specific Field: UNCW	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
W. S. Morriss III POB ox 936 Augusta, GA 30903		check	10/15/02	☐	☐	$ 500.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: [illegible] CEO				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Kenneth L. Eudy 319 East Forest St. Raleigh NC 27601		check	10/20/02	☐	☐	$ 250.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: attorney				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

4. Total only this Page	$ 950.00
5. Total of ALL CRO-1210 Pages (only show on last page) (This line must be on line 6 of Detailed Summary Page CRO-1100)	$

Contributions from INDIVIDUALS

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign Committee	2209800

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Robert Cutting 408 Summer Rest Rd Wilmington, NC 28405		check	11/4/02	☐	☐	$ 5000
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: profession				☐	☐	$

c. Employer's Name/Specific Field	j. If Amendment, choose change type:	k. Election Cycle Sum to Date
	☐ Add ☐ Delete	$ 10000

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
William B. Sullivan 1901 Runnymead Rd. Winston Salem, NC 27104		check	10/18/02	☐	☐	$ 2500
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$

c. Employer's Name/Specific Field	j. If Amendment, choose change type:	k. Election Cycle Sum to Date
	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$

c. Employer's Name/Specific Field	j. If Amendment, choose change type:	k. Election Cycle Sum to Date
	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$

c. Employer's Name/Specific Field	j. If Amendment, choose change type:	k. Election Cycle Sum to Date
	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$

c. Employer's Name/Specific Field	j. If Amendment, choose change type:	k. Election Cycle Sum to Date
	☐ Add ☐ Delete	$

4. Total only this Page	$ 30000
5. Total of ALL CRO-1210 Pages *(only show on last page)*	$ 125000

(This line must be on line 6 of Detailed Summary Page CRO-1100)

Contributions from POLITICAL PARTY COMMITTEES

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign Committee	2009 800

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Democratic Senatorial Campaign Committee. 430 So Capitol St SE. Washington, DC 20003		check	10/03/02	☐	$ 3,000.00
				☐	$
				☐	$

g. If Amendment, choose change type:	h. Election Cycle Sum to Date
☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$

g. If Amendment, choose change type:	h. Election Cycle Sum to Date
☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$

g. If Amendment, choose change type:	h. Election Cycle Sum to Date
☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$

g. If Amendment, choose change type:	h. Election Cycle Sum to Date
☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$

g. If Amendment, choose change type:	h. Election Cycle Sum to Date
☐ Add ☐ Delete	$

4. Total only this Page	$ 3,000.00
5. Total of ALL CRO-1220 Pages *(only show on last page)*	$ 3,000.00

(This line must be on line 7 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number
Thomas Weight Campaign Committee	2202800

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Hospital Association PAC PO Box 4449 Cary, NC 27519-4449		check	10/30/02	☐	$ 2000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☑ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Association Long Term Care Facilities Care PAC 4010 Barrett Dr. Ste. 102 Raleigh NC 27609		check	10/30/02	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☑ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Resident Lenders of NC PAC 3328-C Bridges St Morehead City, NC 28557		check	10/28/02	☐	$ 300.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☑ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Association of Nurse Anesthetists PAC 1418 Aversboro Rd Garner, NC 27529		check	10/25/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☑ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C. Medical Society PAC PO Box 25834 Raleigh, NC 27611		check	10/28/02	☐	$ 2,000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

4. Total only this Page	$ 5,050.00
5. Total of ALL CRO-1230 Pages *(only show on last page)*	$
(This line must be on line 8 of Detailed Summary Page CRO-1100)	

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number
Thomas Weight Campaign Committee	220980C

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C. Beer Council PAC 2300 Rexwoods DR Suite 340 Raleigh NC 27607		check	10/15/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☑ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Bank of America PAC Charlotte NC 28202		check	10/20/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Kennedy, Covington, Lobdell & Hickman LLC PAC 431 Fayetteville Street Mall Raleigh, NC 27602		check	10/20/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☑ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
PVH PAC 702 N. Person ST Raleigh NC 27604		check	10/25/02	☐	$ 300.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☑ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Microsoft Corp. PAC 16011 NE 36th Way Redmond, WA 98073		check	10/11/02	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

4. Total only this Page	$ 2050.00
5. Total of ALL CRO-1230 Pages *(only show on last page)*	$

(This line must be on line 8 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign Committee	220980

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
OB-Gyn PAC of Eastern 101 Bethesda Dr. Greenville, NC 27834		check	10/20/02	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C. Orthopedic PAC PO Box 10707 Raleigh NC 27605		check	10/20/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Assoc. for Home & Hospice Care of N.C. PAC 226 W. Millbrook Rd. Raleigh, NC 27609		check	10/20/02	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
The GlaxoSmithKline PAC 5-13 Moore Dr. Research Triangle Park, NC 27709		check	10/20/02	☐	$ 1000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C. Realtors PAC 421 Fayetteville St Mall Ste Raleigh NC 27601		check	10/20/02	☐	$ 1000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

4. Total only this Page	$ 3,000.00
5. Total of ALL CRO-1230 Pages (only show on last page)	$

(This line must be on line 8 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign Committee	2209800

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Home Builders Assoc Build PAC PO Box 94090 Raleigh, NC 27624		check	10/24/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Progress Energy PAC PO Box 1510 Raleigh NC 27602		check	10/24/02	☐	$ 1,000.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Citizens for Higher Education 10209 Berry Bottle Rd Raleigh, NC 27614-9599		check	10/24/02	☐	$ 1,000.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Merchants PAC of NC 601 St. Marys St. Raleigh, NC 27605		check	10/24/02	☐	$ 100.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Spaint Corp. Mid-Atlantic PAC 434 Fayetteville St. Mall Suite 1600 Raleigh, NC 27601		check	10/15/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

4. Total only this Page	$ 3,100.00
5. Total of ALL CRO-1230 Pages (only show on last page) (This line must be on line 8 of Detailed Summary Page CRO-1108)	$

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number
	220980D

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Nationwide Carolinas PAC One Nationwide Plaza Columbus, Oh. 43216		check	10/15/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Duke Energy Corp. PAC. 422 So Church St. Charlotte, NC. 28202		check	10/10/02	☐	$ 750.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC. Assn. of Insurance & Financial Advisors PAC. 875 Washington St. Suite 1 Raleigh, NC. 27605		check	10/10/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC. Beer & Wine Wholesalers Assc. PAC. 210 Peterson St. Raleigh, NC. 27611		check	10/9/02	☐	$ 1,500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
FCB combined PAC. PO Box 27131 Raleigh, NC 27611		check	10/20/02	☐	$ 260.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

4. Total only this Page	$ 3,500.00
5. Total of ALL CRO-1230 Pages *(only show on last page)*	$

(This line must be on line 8 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number
	220980D

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
The N.C. Chiropractic PAC 4150 Tolbert Blvd Lexington, NC 27292		check	10/20/02	☐	$ 1,000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Credit Union PAC Greensboro NC		check	10/24/02	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Cash America International Inc PAC 1600 W 7th St. Fortworth, Tx 76102		check	10/22/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Engineers for Better Govt. 111 N. Boylan Ave. Raleigh, NC 27603		check	10/24/02	☐	$ 400.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Pfizer PAC 235 East 42nd St. New York, NY 10017		check	11/06/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

4. Total only this Page	$ 2,650.00
5. Total of ALL CRO-1230 Pages (only show on last page)	$
(This line must be on line A of Detailed Summary Page CRO-1100)	

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number
	220980

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Wyeth Good Government Fund Five Giralda Farms Madison NJ. 07940		check	11/06/02	☐	$500.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	MCI Telecommunications Corp PAC 155 Juniper Creek Blvd Pinehurst, NC 28374		check	10/31/02	☐	$250.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Wachovia NC. Employees good govt. fund 301 So College St Charlotte, NC 28288		check	11/06/02	☐	$750.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Norfolk Southern Corp Good Govt Fund. Three Commercial Place Norfolk VA. 23510		check	11/06/02	☐	$100.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Manufactured Housing PAC PO Box 58648 Raleigh, NC 27658		check	11/06/02	☐	$150.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

4. Total only this Page	$ 1,750.00
5. Total of ALL CRO-1230 Pages *(only show on last page)*	$

(This line must be on line 8 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund

3. ID Number: 220800

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NOVARtis Employee Good Govt Fund 701 Pennsylvania Ave. NW Suite 725 Washington, DC 20004		check	11/06/02	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Phillip Morris Companies PAC 120 Park Ave. New York, NY 10017		check	11/06/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Philip Morris Companies PAC 120 Park Ave New York, NY 10017		check	11/06/02	☐	$ 200.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Southeastern Radiology PAC 1329 Robeson St. Fayetteville, NC 28305		check	11/06/02	☐	$ 1000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
AIA-PAC 115 W. Morgan St. Raleigh, NC 27601		check	11/06/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

4. Total only this Page	$ 2,000.00
5. Total of ALL CRO-1230 Pages (only show on last page)	$

(This line must be on line 8 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number
	220980D

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C. Vending Assoc. PAC 3200 Cromsdale Dr. Suite 603 Durham, NC 27705		check	11/06/02	☐	$ 350.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Eye PAC N.C. Society of Eye Physicians & Surgeons PO Box 99629 Raleigh, NC 27624		check	11/06/02	☐	$ 300.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Eastern Band of Cherokee Indians PO Box 455 Cherokee, NC 28719		check	11/06/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC BANK PAC PO Box 19999 Raleigh, NC 27619		check	10/25/02	☐	$ 600.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Assoc. of Convenience Stores PAC P.O. Box 2226 Raleigh, NC 27602		check	11/06/02	☐	$ 300.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

4. Total only this Page	$ 2,050.00
5. Total of ALL CRO-1230 Pages *(only show on last page)*	$

(This line must be on line 8 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number
	2209800

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
ANESPAC - NC Society ~~of~~ Anesthesiologist PO Box 28629 Raleigh, NC 27624		check	11/06/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Critical Health Systems ~~PAC~~ of NC PAC. 4761 Shreptone Ln. Raleigh, NC 27615		check	11/06/02	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
WA-PAC 2513 Delaney Ave - Wilmington, NC 28403		check	11/06/02	☐	$ 1,000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
WA-PAC 2513 Delaney Ave Wilmington, NC 28403		check	11/06/02	☐	$ 2,500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Academy of Trial Lawyers PAC PO Box 10918 Raleigh, NC 27605		check	11/22/02	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

4. Total only this Page	$ 4,250.00
5. Total of ALL CRO-1230 Pages (only show on last page) *(This line must be on line 8 of Detailed Summary Page CRO-1100)*	$

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign Committee	220980D

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Allied Action Alliance PO Box 625 Matthews, NC 28106		check	11/25/02	☐	$ 200.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

4. Total only this Page	$ 200.00
5. Total of ALL CRO-1230 Pages *(only show on last page)* *(This line must be on line 8 of Detailed Summary Page CRO-1100)*	$ 30,100.00

Late

Disclosure Report Cover Sheet

Please note that this cover sheet cannot be used to amend committee information such as the committee address; treasurer, assistant treasurer, or custodian of books information; or depository information. You must amend the Statement of Organization (CRO-2100) to make those kinds of committee changes.

1. Name of Committee or Fund			6. Date
Thomas Wright Campaign Committee			7/25/03
2. Address			7. ID Number
P. O. Box 1654			
3. City	4. State	5. Zip	8. Phone
Wilmington	NC	28402	(910) 3505921

9. Type of Report	10. Period Covered		11. Amendment
mid year	Start	01/01/03	☐ Yes
	End	03/30/03	☐ No

12. Type of Committee or Fund (Check one)

☑ Candidate Campaign ☐ Party ☐ Joint Fundraiser ☐ "Booster Fund"
☐ PAC ☐ Referendum ☐ Soft Money Account ☐ Building Fund
☐ Other Fund:

13. Treasurer Name

Darryle Packer

14. Assistant Treasurer Name(s)

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N.C. BOARD OF ELECTIONS

15. Custodian of Books Name

16. Bank/Depository/Credit Account Information

a. Name	b. Purpose	c. Code	d. Period Begin Balance
Bank America	Campaign Fund		$ 21,661 91
			$
			$
			$
			$
			$

CERTIFICATION

I certify that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Signature of Appointed Treasurer or Candidate — Date: 7/25/03

EXHIBIT 16D

Detailed Summary

1. Name of Committee or Fund	2. Type of Report	3. ID Number
Thomas Wright Campaign Cmte	mid year	2209800

Start of Election Cycle: January 1, 20____		Total this Period	Total this Election Cycle
4) Cash on Hand at Start of Election Cycle			$19,131.54
5) Cash on Hand at Start of Present Reporting Period		$21,661.91	
RECEIPTS			
6) Contributions from Individuals	(CRO-1210)	$ 0	$ 46097553
7) Contributions from Political Party Committees	(CRO-1220)	$ 0	$ 28,225.53
8) Contributions from Other Political Committees	(CRO-1230)	$ 0	$ 34,750.00
9) Loan Proceeds	(CRO-1410)	$ 0	$ 0
10) Refunds and Reimbursements TO theCommittee	(CRO-1240)	$ 0	$ 0
11) Other Receipt Sources	(CRO-1250)		
11a) Interest on Bank Accounts	(CRO-1250)	$ 0	$ 0
11b) Contributions from Not-for-Profit Organizations	(CRO-1250)	$ 0	$ 0
11c) Outside Sources of Income	(CRO-1250)	$ 0	$ 0
12) "Goods and Services" Contributions	(CRO-1260)	$ 0	$ 0
13) Contributions based on Forgiven Loans	(CRO-1440)	$ 0	$ 0
14) 48-Hour Notice Reports Sum		$ 0	$
15) TOTAL RECEIPTS *(Add lines 6, 7, 8, 9, 10, 11a, 11b, 11c, 12, 13, and 14)*		$ 0	$ 108,951.06
EXPENDITURES			
16) Disbursements	(CRO-1310)		
16a) Operating Expenditures	(CRO-1310)	$ 0	$ 82,826.35
16b) Contributions to Candidates/Political Committees	(CRO-1310)	$ 0	$ 2,250.00
16c) Coordinated Party Expenditures	(CRO-1310)	$ 0	$ 4,000.00
17) Loan Repayments	(CRO-1420)	$ 0	$ 0
18) Forgiven Loans	(CRO-1440)	$ 0	$ 0
19) Refunds and Reimbursements FROM the Committee	(CRO-1320)	$ 0	$ 0
20) In-Kind Contributions	(CRO-1510)	$ 0	$ 0
21) TOTAL EXPENDITURES *(Add lines 16a, 16b, 16c, 17, 18, 19, and 20)*		$ 0	$ 89,076.35
22) Cash on Hand at End of Reporting Period *(For this Period, add lines 5 and 15 together, then subtract line 21)* *(For this Election Cycle, add lines 4 and 15 together, then subtract line 21)*		$ 21,661.91	$ 21,661.91
Additional Information			
23) Non-Monetary Gifts Given to Committees	(CRO-1330)	$ 0	
24) Outstanding Loans (including ones from other campaigns)	(CRO-1430)	$ 0	
25) Debts and Obligations owed BY the Committee	(CRO-1610)	$ 0	
26) Debts and Obligations owed TO the Committee	(CRO-1620)	$ 0	
27) Parent Entity's Administrative Support	(CRO-1710)	$ 0	
28) Account Transfers	(CRO-1720)	$ 0	

Disbursements

1. Name of Committee or Fund	2. ID Number
Thomas Wright Cannon Committee	2209800

3. Type of Disbursement *(Please use separate CRO-1310 forms for each type of Disbursements.)*

☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type:	j. Election Cycle Sum To Date
		☐ Add ☐ Delete	$

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type:	j. Election Cycle Sum To Date
		☐ Add ☐ Delete	$

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type:	j. Election Cycle Sum To Date
		☐ Add ☐ Delete	$

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type:	j. Election Cycle Sum To Date
		☐ Add ☐ Delete	$

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type:	j. Election Cycle Sum To Date
		☐ Add ☐ Delete	$

5. Total only this Page $ 0

6. Total of ALL CRO-1310 Related Pages *(only show on last page)* $

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Contributions from INDIVIDUALS

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign Committee	2209800

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page	$ 0
5. Total of ALL CRO-1210 Pages *(only show on last page)*	$ 0

(This line must be on line 6 of Detailed Summary Page CRO-1100)

Contributions from POLITICAL PARTY COMMITTEES

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign Committee	22 09800

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
					☐	$
					☐	$
					☐	$
		g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
					☐	$
					☐	$
					☐	$
		g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
					☐	$
					☐	$
					☐	$
		g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
					☐	$
					☐	$
					☐	$
		g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
					☐	$
					☐	$
					☐	$
		g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
					☐	$
					☐	$
					☐	$
		g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$

4. Total only this Page	$
5. Total of ALL CRO-1220 Pages *(only show on last page)*	$

(This line must be on line 7 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign Committee	22098800

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

4. Total only this Page	$ 0
5. Total of ALL CRO-1230 Pages *(only show on last page)* *(This line must be on line 2 of Detailed Summary Page CRO-1100)*	$ 0

Disclosure Report Cover Sheet

Please note that this cover sheet cannot be used to amend committee information such as the committee address; treasurer, assistant treasurer, or custodian of books information; or depository information. You must amend the Statement of Organization (CRO-2100) to make those kinds of committee changes.

1. Name of Committee or Fund			6. Date
Committee to Elect Thomas E. Wright			1/29/04
2. Address			7. ID Number
P.O. Box 1654			2209800
3. City	4. State	5. Zip	8. Phone
Wilmington	NC	28402	1877/364-6586

9. Type of Report	10. Period Covered		11. Amendment
YEAR END Semi-ANNUAL	Start	7/30/03	☐ Yes
	End	12/30/03	☐ No

12. Type of Committee or Fund (Check one)

☑ Candidate Campaign ☐ Party ☐ Joint Fundraiser ☐ "Booster Fund"
☐ PAC ☐ Referendum ☐ Soft Money Account ☐ Building Fund
☐ Other Fund: _____

13. Treasurer Name

DARRYLE PARKER

14. Assistant Treasurer Name(s)

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N.C. BOARD OF ELECTIONS

15. Custodian of Books Name

16. Bank/Depository/Credit Account Information

a. Name	b. Purpose	c. Code	d. Period Begin Balance
Bank America	checking		$ 33,861.91
			$
			$
			$
			$
			$

CERTIFICATION

I certify that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Thomas E. Wright
Signature of Appointed Treasurer or Candidate

1/29/04
Date

Detailed Summary

1. Name of Committee or Fund		2. Type of Report	3. ID Number
Committee to elect Thomas E. Wright		Year End Semi-Annual	2209800
Start of Election Cycle: January 1, 20____		Total this Period	Total this Election Cycle
4) Cash on Hand at Start of Election Cycle			$ 19,131.94
5) Cash on Hand at Start of Present Reporting Period		$ 21,661.91	
RECEIPTS			
6) Contributions from Individuals	(CRO-1210)	$ 4,200.00	$ 46,975.53
7) Contributions from Political Party Committees	(CRO-1220)	$ 0	$ 28,225.53
8) Contributions from Other Political Committees	(CRO-1230)	$ 8,000.00	$ 34,750.00
9) Loan Proceeds	(CRO-1310)	$ 0	$ 0
10) Refunds and Reimbursements TO theCommittee	(CRO-1240)	$ 0	$ 0
11) Other Receipt Sources	(CRO-1250)		
11a) Interest on Bank Accounts	(CRO-1250)	$ 0	$ 0
11b) Contributions from Not-for-Profit Organizations	(CRO-1250)	$ 0	$ 0
11c) Outside Sources of Income	(CRO-1250)	$ 0	$ 0
12) "Goods and Services" Contributions	(CRO-1260)	$ 0	$ 0
13) Contributions based on Forgiven Loans	(CRO-1440)	$ 0	$ 0
14) 48-Hour Notice Reports Sum		$ 0	$ 0
15) TOTAL RECEIPTS *(Add lines 6, 7, 8, 9, 10, 11a, 11b, 11c, 12, 13, and 14)*		$ 12,200.00	$ 109,951.06
EXPENDITURES			
16) Disbursements	(CRO-1210)		
16a) Operating Expenditures	(CRO-1310)	$ 0	$ 82,826.35
16b) Contributions to Candidates/Political Committees	(CRO-1310)	$ 0	$ 2,250.00
16c) Coordinated Party Expenditures	(CRO-1310)	$ 0	$ 4,000.00
17) Loan Repayments	(CRO-1420)	$ 0	$ 0
18) Forgiven Loans	(CRO-1440)	$ 0	$ 0
19) Refunds and Reimbursements FROM the Committee	(CRO-1320)	$ 0	$ 0
20) In-Kind Contributions	(CRO-1510)	$ 0	$ 0
21) TOTAL EXPENDITURES *(Add lines 16a, 16b, 16c, 17, 18, 19, and 20)*		$ 0	$ 89,076.35
22) Cash on Hand at End of Reporting Period *(For this Period, add lines 5 and 15 together, then subtract line 21)* *(For this Election Cycle, add lines 4 and 15 together, then subtract line 21)*		$ 33,861.91	$ 33,861.91
Additional Information			
23) Non-Monetary Gifts Given to Committees	(CRO-1330)	$ 0	
24) Outstanding Loans (including ones from other campaigns)	(CRO-1430)	$ 0	
25) Debts and Obligations owed BY the Committee	(CRO-1610)	$ 0	
26) Debts and Obligations owed TO the Committee	(CRO-1620)	$ 0	
27) Parent Entity's Administrative Support	(CRO-1710)	$ 0	
28) Account Transfers	(CRO-1720)	$ 0	

Contributions from INDIVIDUALS

1. Name of Committee or Fund	2. ID Number
Committee to elect Thomas K. Wright	2209800

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Linda U. Smith 220 Brascote Ln. Wilmington, NC 28412 910 793-4119		check	10/21/03	☐	☐	$ 125.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Retired / Consultant				☐	☐	$
	c. Employer's Name/Specific Field: Business	f. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Mr. James Bob McKoy 711 Valley Brook Rd. Wilmington, NC 28412 (910) 395-1420		check	10/30/03	☐	☐	$ 250.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Real Estate				☐	☐	$
	c. Employer's Name/Specific Field: Retired	f. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Bradley J. Brucstle 3276 Camden Circle Wilmington, NC 28403 (910) 343-0505		check	10/30/03	☐	☐	$ 50.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Sales				☐	☐	$
	c. Employer's Name/Specific Field: Real Estate	f. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Linda A. Pearce 602 Wright St. Wilmington, NC 28401 (910) 763-0255		check	10/20/03	☐	☐	$ 26.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Health Care				☐	☐	$
	c. Employer's Name/Specific Field: Eldercare Director	f. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Beath B. Todd 114 Mercer Ave. Wilmington, NC. 28403 (910) 763-5943		check	10/21/03	☐	☐	$ 125.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Educator				☐	☐	$
	c. Employer's Name/Specific Field: Retired	f. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

4. Total only this Page	$ 575.00
5. Total of ALL CRO-1210 Pages (only show on last page)	$
(This line must be on line 6 of Detailed Summary Page CRO-1100)	

Contributions from INDIVIDUALS

1. Name of Committee or Fund: Committee to Elect Thomas E. Wright

2. ID Number: 2209800

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Ernest B. Fullwood P.O. Box 1557 Wilmington, NC 28402 (910) 256-3891		check	10/14/03	☐	☐	$ 250.00
	b. Job Title/Profession: Judge				☐	☐	$
	c. Employer's Name/Specific Field: Superior Court	f. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		
	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Alfred Thomas 4501 Prior Dr. #137 Wilmington, NC. 28412 (910) 254-4690		check	10/20/03	☐	☐	$ 125.00
	b. Job Title/Profession: CFO				☐	☐	$
	c. Employer's Name/Specific Field: New Hanover Community Health	f. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		
	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Abdul & Beverly Shareef 308 S. 13th Street Wilmington, NC 28401 (910) 763-0627		check	10/25/03	☐	☐	$ 100.00
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	f. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		
	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Carolyn F. Nowak 4229 Thursley Rd. Wilmington, NC 28412 (910) 395-4955		check	10/30/03	☐	☐	$ 250.00
	b. Job Title/Profession: Sales				☐	☐	$
	c. Employer's Name/Specific Field: Real Estate	f. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		
	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Allan R. Dameron 270-B Brunswick Ave. W. Holden Beach, NC 28462		check	10/29/03	☐	☐	$ 250.00
	b. Job Title/Profession: Realtor				☐	☐	$
	c. Employer's Name/Specific Field	f. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

4. Total only this Page	$ 975.00
5. Total of ALL CRO-1210 Pages (only show on last page)	$

(This line must be on line 6 of Detailed Summary Page CRO-1180)

Contributions from INDIVIDUALS

1. Name of Committee or Fund	2. ID Number
committee to elect Thomas F. Wright	209800

3. Contributor	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
a. Full Name, Mailing Address & Phone (include city, state, & zip) S. R. Rudd JR. 210 Country Club Dr. Oak Island, NC 28465 910/278-6523		check	10/30/03	☐	☐	$ 1500.00
		check	10/30/03	☐	☐	$ 150.00
				☐	☐	$
b. Job Title/Profession Real Estate				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $ 3000.00		
a. Full Name, Mailing Address & Phone (include city, state, & zip) Winfred S. McCoy 117 Marshfield Dr. Wilmington, NC 28411		check	10/29/03	☐	☐	$ 250.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession 910 681-0507				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		
a. Full Name, Mailing Address & Phone (include city, state, & zip) Linda J. Coite 4909 Shaftesbury PL Wilmington, NC. 28409 (910) 392-5364		check	10/30/03	☐	☐	$ 750.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession Sales Real Estate				☐	☐	$
c. Employer's Name/Specific Field NEWKIRK Real Estate	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		
a. Full Name, Mailing Address & Phone (include city, state, & zip) Kenneth & Shirley Weeden 4610 Bentley Dr. Wilmington, NC 28409 (910) 392-3592		check	10/30/03	☐	☐	$ 250.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession Planning & Design Engineer				☐	☐	$
c. Employer's Name/Specific Field Weeden & Associates	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		
a. Full Name, Mailing Address & Phone (include city, state, & zip) Dr. Roger L Grouse DDS 417 N 7th Street Wilmington, NC 28401 (910) 762-5961		check	10/30/03	☐	☐	$ 500.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession Dentist				☐	☐	$
c. Employer's Name/Specific Field Roger L. Grouse DDS	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page	$ 2050.00
5. Total of ALL CRO-1210 Pages (only show on last page)	$

This line must be on line 6 of Detailed Summary Page CRO-1100

Contributions from INDIVIDUALS

1. Name of Committee or Fund	2. ID Number
committee to Elect Thomas K. Wright	2209800

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Wilma a Windell Daniels 501 Edgewater Club Rd. Wilmington, NC 28405 (910) 686-9437		check	10/20/03	☐	☐	$ 250.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: CEO & Director				☐	☐	$
c. Employer's Name/Specific Field: Daniels Development	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Shirley M. Strongstaben 475 Hoover Rd. Hampstead, NC. 28443 (910) 270-4697		check	11/5/03	☐	☐	$ 100.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: SALES EXEC.				☐	☐	$
c. Employer's Name/Specific Field: Real Estate	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Paul D. Bowey 2528 Independence Blvd Suite. Two Hundred Wilmington, NC. 28412 (910) 790-8701		check	11/12/03	☐	☐	$ 250.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Pres & CEO				☐	☐	$
c. Employer's Name/Specific Field: Bowey Architects	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

4. Total only this Page	$ 600.00
5. Total of ALL CRO-1210 Pages (only show on last page) (This line must be on line 6 of Detailed Summary Page CRO-1100)	$ 4200.00

Contributions from POLITICAL PARTY COMMITTEES

1. Name of Committee or Fund	2. ID Number
committee to elect Thomas E. Wright	220980

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete		h. Election Cycle Sum to Date		$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete		h. Election Cycle Sum to Date		$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete		h. Election Cycle Sum to Date		$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete		h. Election Cycle Sum to Date		$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete		h. Election Cycle Sum to Date		$

4. Total only this Page	$
5. Total of ALL CRO-1220 Pages *(only show on last page)*	$

(This line must be on line 7 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number
Committee to Elect Thomas F. Deigh	22098 00

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
The GlaxoSmithKline PAC Five Moore Drive Research Triangle Park, NC 27709		check	8/30/03	☐	$ 1000 00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☑ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C. Nurses Association PAC		check	9/ /03	☐	$ 1000 00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☑ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Wilmington Anesthesiologist PA 1602 Physicians Dr. Ste. 104 Wilmington, NC 28401		check	10/20/03	☐	$ 4000 00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C. RPAC #1 Hanover Place, Site 109 Raleigh, NC 27601		check	10/13/03	☐	$ 500 00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☑ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Merck PAC 601 Pennsylvania Ave. NW North Building, Suite 1200 Washington, DC 20004		check	10/30/03	☐	$ 250 00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

4. Total only this Page	$ 6750 00
5. Total of ALL CRO-1230 Pages (only show on last page) (This line must be on line 4 of Detailed Summary Page CRO-1100)	$

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund: Committee to Elect Thomas K. Wright

2. ID Number: 2209800

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
AZ PAC 1800 Concord Pike PO Box 16438 Wilmington, DE 19850-5438		check	11/20/03	☐	$ 250.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☑ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NCNA PAC 968 Trinity Rd. Raleigh, NC 27607 (910) 816-9119		check	12/22/03	☐	$ 500.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
J.M. Family Enterprises Inc. Political Action Committee 190 NW 12th Ave. Deerfield Beach Fl. 33442		check	12/22/03	☐	$ 500.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☑ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

4. Total only this Page	$ 1250.00
5. Total of ALL CRO-1230 Pages (only show on last page) (This line must be on line 8 of Detailed Summary Page CRO-1100)	$ 8000.00

Disbursements

1. Name of Committee or Fund	2. ID Number
Committee to Elect Thomas E Wright	22098D0

3. Type of Disbursement *(Please use separate CRO-1310 forms for each type of Disbursement)*

☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

5. Total only this Page	$
6. Total of ALL CRO-1310 Related Pages *(only show on last page)*	$

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disclosure Report Cover Sheet

Please note that this cover sheet cannot be used to amend committee information such as the committee address; treasurer, assistant treasurer, or custodian of books information; or depository information. You must amend the Statement of Organization (CRO-2100) to make those kinds of committee changes.

1. Name of Committee or Treas			4. Date
Thomas E. Wright, committe to Elect			4/26/04
2. Address			7. ID Number
P. O Box 1654			2209800
3. City	4. State	5. Zip	8. Phone
Wilmington	NC	28402	910 3546585

6. Type of Report	10. Period Covered	11. Amendment
1st Quarter	Start / End	Yes / No

12. Type of Committee or Fund (Check one)

- [x] Candidate Campaign
- [ ] Party
- [ ] Joint Fundraiser
- [ ] "Booster Fund"
- [ ] PAC
- [ ] Referendum
- [ ] Soft Money Account
- [ ] Building Fund
- [ ] Other Fund

13. Treasurer Name

14. Assistant Treasurer Name(s)

15. Custodian of Books Name

16. Bank/Depository/Credit Account Information

a. Name	b. Purpose	c. Code	d. Period Begin Balance
Bank America	checking		$42,461.92
			$
			$
			$
			$

CERTIFICATION

I certify that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal law participant PAC. I further say that this report is complete, true and correct.

Thomas E. Wright — 4/26/04

Signature of Appointed Officer or Candidate — Date

CRO-1000 — NC State Board of Elections — February 2002

RECEIVED
APR 26 2004

EXHIBIT
16E

Detailed Summary

1. Name of Committee or Fund	2. Type of Report		3. ID Number
Committee to elect Thomas E. Wright	First Quarter		2209800
Start of Election Cycle: January 1, 20____		Total this Period	Total this Election Cycle
4) Cash on Hand at Start of Election Cycle			$ 21,661 92
5) Cash on Hand at Start of Present Reporting Period		$ 33,861 92	
RECEIPTS			
6) Contributions from Individuals	(CRO-1126)	$ 1,100 00	$ 4200 00
7) Contributions from Political Party Committees	(CRO-1130)	$ 0	$ 0
8) Contributions from Other Political Committees	(CRO-1130)	$ 7,500 00	$ 8000 00
9) Loan Proceeds	(CRO-1140)	$ 0	$ 0
10) Refunds and Reimbursements TO the Committee	(CRO-1220)	$ 0	$ 0
11) Other Receipt Sources	(CRO-1130)		
11a) Interest on Bank Accounts	(CRO-1130)	$ 0	$ 0
11b) Contributions from Not-for-Profit Organizations	(CRO-1130)	$ 0	$ 0
11c) Outside Sources of Income	(CRO-1130)	$ 0	$ 0
12) "Goods and Services" Contributions	(CRO-1160)	$ 0	$ 0
13) Contributions based on Forgiven Loans	(CRO-1440)	$ 0	$ 0
14) 48-Hour Notice Reports Sum		$ 0	$ 0
15) TOTAL RECEIPTS *(add lines 6, 7, 8, 9, 10, 11a, 11b, 11c, 12, 13, and 14)*		$ 42,461 92	$ 33,861 92
EXPENDITURES			
16) Disbursements	(CRO-1210)		
16a) Operating Expenditures	(CRO-1310)	$ 0	$ 0
16b) Contributions to Candidates/Political Committees	(CRO-1310)	$ 0	$ 0
16c) Coordinated Party Expenditures	(CRO-1330)	$ 0	$ 0
17) Loan Repayments	(CRO-1440)	$ 0	$ 0
18) Forgiven Loans	(CRO-1440)	$ 0	$ 0
19) Refunds and Reimbursements FROM the Committee	(CRO-1220)	$ 0	$ 0
20) In-Kind Contributions	(CRO-1310)	$ 0	$ 0
21) TOTAL EXPENDITURES *(add lines 16a, 16b, 16c, 17, 18, 19, and 20)*		$ 0	$ 0
22) Cash on Hand at End of Reporting Period *(For this Period, add lines 5 and 15 together, then subtract line 21)* *(For an Election Cycle, add lines 4 and 15 together, then subtract line 21)*		$ 42,461 92	$ 33,861 92
Additional Information			
23) Non-Monetary Gifts Given to Committees	(CRO-1150)	$ 0	
24) Outstanding Loans (including loans from other campaigns)	(CRO-1430)	$ 0	
25) Debts and Obligations owed BY the Committee	(CRO-1410)	$ 0	
26) Debts and Obligations owed TO the Committee	(CRO-1410)	$ 0	
27) Parent Entity's Administrative Support	(CRO-1130)	$ 0	
28) Account Transfers	(CRO-1120)	$ 0	

Contributions from INDIVIDUALS

1. Name of Committee or Fund

2. ID Number

	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Amount Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
3. Contributor	Rufus L. Edmisten 132 S. Salisbury Street Raleigh, NC, 27601 919		check	3/5/04	☐	☐	$ 200.00
	b. Job Title/Profession: Attorney				☐	☐	$
	c. Employer's Name/Specific Field	f. If Amendment, Enter change type: ☐ Add ☐ Delete			☐	☐	$
							k. Election Cycle Sum to Date $
4. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Amount Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Rose & Charles Morrison 1833 Kings Landing Rd. Hampstead, NC 28443 910 270-3453			3/19/04	☐	☐	$ 250.00
	b. Job Title/Profession: Consultant & Attorney				☐	☐	$
	c. Employer's Name/Specific Field	f. If Amendment, Enter change type: ☐ Add ☐ Delete			☐	☐	$
							k. Election Cycle Sum to Date $
5. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Roger W. Bone PO Box 28586 Raleigh, NC 27611 919 432-0207			2/25/04	☐	☐	$ 250.00
	b. Job Title/Profession: Retired				☐	☐	$
	c. Employer's Name/Specific Field: Bone & Associates	f. If Amendment, enter change type: ☐ Add ☐ Delete			☐	☐	$
							k. Election Cycle Sum to Date $
6. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Ernestine Durham 1728 Wysong Ct. Raleigh, NC 27612 (919) 781-2749			2/25/04	☐	☐	$ 100.00
	b. Job Title/Profession: Manager				☐	☐	$
	c. Employer's Name/Specific Field: Social Security Administration	f. If Amendment, enter change type: ☐ Add ☐ Delete			☐	☐	$
							k. Election Cycle Sum to Date $
7. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	John B. McMillan 2830 Woodrow Dr. Raleigh, NC 27609 (919) 787-5899			2/25/04	☐	☐	$ 100.00
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	f. If Amendment, enter change type: ☐ Add ☐ Delete			☐	☐	$
							k. Election Cycle Sum to Date $

4. Total only this Page $ 700.00

5. Total of ALL CRO-1210 Pages (only show on last page) $

(Also enter total on line 6 of Detailed Summary Page CRO-1100)

Contributions from INDIVIDUALS

Page 2 of 3

1. Name of Committee or Fund

2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)

Timothy McDowell
908 Longford Rd
Raleigh, NC 27609

b. Job Title / Profession

c. Employer's Name/Specific Field

d. Amount (Contribution Code)	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	check	2/25/07	☐	☐	$ 100.00
			☐	☐	$
			☐	☐	$
			☐	☐	$

j. If Amendment, choose change type: ☐ Add ☐ Delete

k. Election Cycle Date to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)

A. Hope Whitmire
718 Ringwood Rd.
Raleigh, NC 27607
(919) 781-5467

b. Job Title / Profession

Gov't Relations Director

c. Employer's Name/Specific Field

d. Amount (Contribution Code)	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	check	2/25/07	☐	☐	$ 100.00
			☐	☐	$
			☐	☐	$
			☐	☐	$

j. If Amendment, choose change type: ☐ Add ☐ Delete

k. Election Cycle Date to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)

b. Job Title / Profession

c. Employer's Name/Specific Field

d. Amount (Contribution Code)	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
			☐	☐	$
			☐	☐	$
			☐	☐	$
			☐	☐	$

j. If Amendment, choose change type: ☐ Add ☐ Delete

k. Election Cycle Date to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)

b. Job Title / Profession

c. Employer's Name/Specific Field

d. Amount (Contribution Code)	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
			☐	☐	$
			☐	☐	$
			☐	☐	$
			☐	☐	$

j. If Amendment, choose change type: ☐ Add ☐ Delete

k. Election Cycle Date to Date: $

4. Total only this Page: $ 200.00

5. Total of ALL CRO-1219 Pages (including this page): $ 400.00

This total MUST be entered on Line 6 of Detailed Summary Page CRO-1189

Contributions from OTHER POLITICAL COMMITTEES — Page 1 of 3

1. Name of Committee or Fund | 2. ID Number

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
1	N.C. R PAC #1 Hanover Place Suite 1109 Raleigh, NC 27601		check	3/5/04	☐	$ 500.00
					☐	$
					☐	$
					☐	$

g. Type of Committee: Federal ☐ State ☐ County ☐ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Date to Date: $

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
2	PSNC Energy PAC 1312 Annapolis Dr. Suite 200 Raleigh NC 27608		check	2/25/04	☐	$ 500.00
					☐	$
					☐	$
					☐	$

g. Type of Committee: Federal ☐ State ☐ County ☐ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Date to Date: $

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
3	Assoc. for Home & Hospice Care PAC 226 W. Millbrook Rd. Raleigh, NC 27609 (919) 848-3450		check	2/25/04	☐	$ 250.00
					☐	$
					☐	$
					☐	$

g. Type of Committee: Federal ☐ State ☐ County ☐ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Date to Date: $

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
4	The NC Financial Assoc PAC PO Box 1949 Raleigh, NC 27602		check	2/25/04	☐	$ 250.00
					☐	$
					☐	$
					☐	$

g. Type of Committee: Federal ☐ State ☐ County ☐ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Date to Date: $

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
5	United Transportation Union PAC 204 Forest Manor Dr Garner, NC 27529		check	2/25/04	☐	$ 500.00
					☐	$
					☐	$
					☐	$

g. Type of Committee: Federal ☐ State ☐ County ☐ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Date to Date: $

4. Total only this Page: $ 2000.00

5. Total of ALL CRO-1230 Pages (only shown on last page): $

* This line must be = to line E of Detailed Summary Page CRO-1100

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund

2. ID Number

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
3. Contributor	N.C. Assoc. of Educators PAC 700 S. Salisbury St. Suite 228 NCAE Center Raleigh, NC 27611		check	2/25/04	☐	$ 2,000.00
					☐	$
					☐	$
					☐	$

g. Type of Committee: ☐ Federal ☒ State ☐ County

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle from to Date: $

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
3. Contributor	N.C. Beer & Wine Wholesalers Assoc. PAC P.O. Box 25458 Raleigh, NC 27611 (919) 828-1161		check	2/25/04	☐	$ 4,000.00
					☐	$
					☐	$
					☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle from to Date: $

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
3. Contributor	Bellsouth Employees NC PAC 1922 Bellsouth Plaza 300 South Second St. Charlotte, NC 28202		check	2/25/04	☐	$ 1,000.00
					☐	$
					☐	$
					☐	$

g. Type of Committee: ☐ Federal ☒ State ☐ County

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle from to Date: $

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
3. Contributor	R.J.R. Political Action Committee 401 N. Main St. Winston-Salem, NC 27102		check	2/25/04	☐	$ 500.00
					☐	$
					☐	$
					☐	$

g. Type of Committee: ☐ Federal ☒ State ☐ County

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle from to Date: $

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
3. Contributor	NC Assoc. of Nurse Anesthetists PAC Greensboro NC.		check	2/25/04	☐	$ 250.00
					☐	$
					☐	$
					☐	$

g. Type of Committee: ☐ Federal ☒ State ☐ County

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle from to Date: $

4. Total only this Page	$ 7,750.00
5. Total of ALL CRO-1230 Pages (only shown on last page)	$

If this form page is one of a Paper Multi-Form, see Page CRO-1106

Contributions from OTHER POLITICAL COMMITTEES

Page 3 of 3

1. Name of Committee or Fund

2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)

Abbott Laboratories PAC
100 Abbott Park Rd.
Abbott Park, IL 60064

b. Account Number/Code

c. Form of Payment: check

d. Date (mm/dd/yyyy): 2/25/04

e. In-Kind

f. Amount: $ 250.00

g. Type of Committee: Federal ☐ State ☐ County

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle from to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)

Office Pac - State
235 East 42nd street
New York, NY 10017

b. Account Number/Code

c. Form of Payment: check

d. Date (mm/dd/yyyy): 2/25/04

e. In-Kind

f. Amount: $ 500.00

g. Type of Committee: ☐ Federal ☐ State ☐ County

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle from to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)

b. Account Number/Code

c. Form of Payment

d. Date (mm/dd/yyyy)

e. In-Kind

f. Amount

g. Type of Committee: ☐ Federal ☐ State ☐ County

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle from to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)

b. Account Number/Code

c. Form of Payment

d. Date (mm/dd/yyyy)

e. In-Kind

f. Amount

g. Type of Committee: ☐ Federal ☐ State ☐ County

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle from to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)

b. Account Number/Code

c. Form of Payment

d. Date (mm/dd/yyyy)

e. In-Kind

f. Amount

g. Type of Committee: ☐ Federal ☐ State ☐ County

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle from to Date: $

4. Total only this Page: $ 750.00

5. Total of ALL CRO-1230 Pages (only print on last page): $ 7500.00

(This line from Sch. A of Detailed Summary Page CRO-1130)

Contributions from POLITICAL PARTY COMMITTEES

1. Name of Committee or Fund

2. ID Number

	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
1. Contributor					☐	$
					☐	$
					☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date: $		
2. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
					☐	$
					☐	$
					☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date: $		
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
					☐	$
					☐	$
					☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date: $		
4. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
					☐	$
					☐	$
					☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date: $		
5. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
					☐	$
					☐	$
					☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date: $		

4. Total only this Page $ 0

5. Total of ALL CBO-1320 Pages (only enter on last page) $ 0

(This total needs to go on line 7 of Detailed Summary Page CBO-1319)

Disclosure Report Cover Sheet

Please note that this cover sheet cannot be used to amend committee information such as the committee address; treasurer, assistant treasurer, or custodian of books information; or depository information. You must amend the Statement of Organization (CRO-2100) to make those kinds of committee changes.

1. Name of Committee or Fund			4. Date
Thomas E. Wright Committee to Elect			July 12, 2004
2. Address			7. ID Number
P. O. Box 1654			2209800
3. City	4. State	5. Zip	6. Phone
Wilmington	NC	28402	1877 364 6585

9. Type of Report	10. Period Covered	11. Amendment
2nd Quarter	Start End	☐ Yes ☐ No

12. Type of Committee or Fund (Check one)

☐ Candidate Campaign ☐ Party ☐ Joint Fundraiser ☐ "Booster Fund"
☐ PAC ☐ Referendum ☐ Soft Money Account ☐ Building Fund
☐ Other Fund:

13. Treasurer Name

14. Assistant Treasurer Name(s)

15. Custodian of Books Name

16. Bank/Depository/Credit Account Information

a. Name	b. Purpose	c. Code	d. Period Begin Balance
			$
			$
			$
			$
			$
			$

CERTIFICATION

I certify that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Signature of Appointed Treasurer or Candidate _____ Date _____

RECEIVED
JUL 12 2004

Detailed Summary

1. Name of Committee or Fund	2. Type of Report	3. ID Number
Thomas E. Wright Campaign	2 Quarter	2209500

Start of Election Cycle: January 1, 20____		Total this Period	Total this Election Cycle
4) Cash on Hand at Start of Election Cycle:			$ 1,216.92
5) Cash on Hand at Start of Present Reporting Period		$ 42,461.92	
RECEIPTS			
6) Contributions from Individuals	(CRO-1220)	$	$ 5,300.00
7) Contributions from Political Party Committees	(CRO-1230)	$ 0	$ 0
8) Contributions from Other Political Committees	(CRO-1238)	$ 0	$ 15,500.00
9) Loan Proceeds	(CRO-1410)	$ 0	$ 0
10) Refunds and Reimbursements TO the Committee	(CRO-1240)	$ 0	$ 0
11) Other Receipt Sources	(CRO-1258)		
11a) Interest on Bank Accounts	(CRO-1250)	$ 0	$ 0
11b) Contributions from Not-for-Profit Organizations	(CRO-1258)	$ 0	$ 0
11c) Outside Sources of Income	(CRO-1258)	$ 0	$ 0
12) "Goods and Services" Contributions	(CRO-1268)	$ 0	$ 0
13) Contributions based on Forgiven Loans	(CRO-1440)	$ 0	$ 0
14) 48-Hour Notice Reports Sum		$ 0	$ 0
15) TOTAL RECEIPTS *(add lines 6, 7, 8, 9, 10, 11a, 11b, 11c, 12, 13, and 14)*		$ 42,461.92	$ 42,461.92
EXPENDITURES			
16) Disbursements	(CRO-1210)		
16a) Operating Expenditures	(CRO-1310)	$ 0	$ 0
16b) Contributions to Candidates/Political Committees	(CRO-1310)	$ 0	$ 0
16c) Coordinated Party Expenditures	(CRO-1310)	$ 0	$ 0
17) Loan Repayments	(CRO-1420)	$ 0	$ 0
18) Forgiven Loans	(CRO-1440)	$ 0	$ 0
19) Refunds and Reimbursements FROM the Committee	(CRO-1320)	$ 0	$ 0
20) In-Kind Contributions	(CRO-1310)	$ 0	$ 0
21) TOTAL EXPENDITURES *(add lines 16a, 16b, 16c, 17, 18, 19, and 20)*		$ 0	$ 0
22) Cash on Hand at End of Reporting Period *(For this Period, add lines 5 and 15 together, then subtract line 21)* *(For this Election Cycle, add lines 4 and 15 together, then subtract line 21)*		$ 42,461.92	$ 42,461.92
Additional Information			
23) Non-Monetary Gifts Given to Committees	(CRO-1550)	$ 0	
24) Outstanding Loans (Including ones from other campaigns)	(CRO-1430)	$ 0	
25) Debts and Obligations owed BY the Committee	(CRO-1610)	$ 0	
26) Debts and Obligations owed TO the Committee	(CRO-1620)	$ 0	
27) Parent Entity's Administrative Support	(CRO-1710)	$ 0	
29) Account Transfers	(CRO-1720)	$ 0	

Disbursements

1. Name of Committee or Fund	2. ID Number
Thomas E. Wright Campaign	220980

3. Type of Disbursement (Please use separate CRO-1310 Forms for each type of disbursement.)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
						$
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. for Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date $	
4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
						$
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. for Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date $	
4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
						$
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. for Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date $	
4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
						$
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. for Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date $	
4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
						$
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. for Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date $	

5. Total only this Page $

6. Total of ALL CRO-1310 Related Pages (only show on last page) $

(This line goes in line 16a of Detailed Summary Page CRO-1190 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1190 if Contrib to Candidates/Political Comm.)
(This line goes in line 16c of Detailed Summary Page CRO-1190 if Coordinated Party Expenditures)

Contributions from INDIVIDUALS

1. Name of Committee or Fund	2. ID Number
Thomas E. Wright Campaign	22099800

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page	$
5. Total of ALL CRO-1210 Pages (ONLY enter on last page.) *This line must be on line 4 of Detailed Summary Page CRO-1100*	$

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund: Thomas E. Wright Campaign

2. ID Number: 2209800

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County:

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County:

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County:

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County:

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County:

h. If Amendment, choose change type: ☐ Add ☐ Delete

i. Election Cycle Sum to Date: $

4. Total only this Page: $

5. Total of ALL CRO-1230 Pages (only show on last page): $

(This line must be an End of Detailed Summary Page CRO-1200)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	3. ID Number
Thomas E. Wright Campaign	82009800

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

4. Total only this Page	$
5. Total of ALL CRO-1130 Pages (only show on last page.) (This line must be on line 4 of Detailed Summary Page CRO-1100)	$

Contributions from POLITICAL PARTY COMMITTEES

1. Name of Committee or Fund: Thomas F. Wright Campaign

2. ID Number: 2209800

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)

b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
			☐	$
			☐	$
			☐	$

g. If Amendment, choose change type: ☐ Add ☐ Delete

h. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)

b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
			☐	$
			☐	$
			☐	$

g. If Amendment, choose change type: ☐ Add ☐ Delete

h. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)

b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
			☐	$
			☐	$
			☐	$

g. If Amendment, choose change type: ☐ Add ☐ Delete

h. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)

b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
			☐	$
			☐	$
			☐	$

g. If Amendment, choose change type: ☐ Add ☐ Delete

h. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)

b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
			☐	$
			☐	$
			☐	$

g. If Amendment, choose change type: ☐ Add ☐ Delete

h. Election Cycle Sum to Date: $

4. Total only this Page: $

5. Total of ALL CRO-1220 Pages (only show on last page): $ 0

This line must be on the 1 of Detailed Summary Page (CRO-1180)

Disclosure Report Cover Sheet

Please note that this cover sheet cannot be used to amend committee information such as the committee address; treasurer, assistant treasurer, or custodian of books information; or depository information. You must amend the Statement of Organization (CRO-2100) to make those kinds of committee changes.

1. Name of Committee or Fund			4. Date
Thomas Eldridge Campaign			10/25/04
2. Address			7. ID Number
P. O. Box 1654			220800
3. City	4. State	5. Zip	8. Phone
Wilmington	NC	28402	8772364525

9. Type of Report	10. Period Covered	11. Amendment
3rd Quarter Report	Start / End	☐ Yes ☐ No

12. Type of Committee or Fund (Check one)

☒ Candidate Campaign ☐ Party ☐ Joint Fundraiser ☐ "Booster Fund"
☐ PAC ☐ Referendum ☐ Soft Money Account ☐ Building Fund
☐ Other Fund:

13. Treasurer Name

14. Assistant Treasurer Name(s)

15. Custodian of Books Name

RECEIVED
OCT 25 2004
By
CAMPAIGN REPORTING

16. Bank/Depository/Credit Account Information

a. Name	b. Purpose	c. Code	d. Period Begin Balance
			$
			$
			$
			$
			$
			$

CERTIFICATION

I certify that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Signature of Appointed Treasurer or Candidate — Date: 10/25/04

Detailed Summary

1. Name of Committee or Fund		2. Type of Report	3. ID Number
[illegible]		3 Quarterly	22097
Start of Election Cycle: January 1, 20____		Total this Period	Total this Election Cycle
4) Cash on Hand at Start of Election Cycle			$ 21,607.91
5) Cash on Hand at Start of Present Reporting Period		$ 42,918.14	
RECEIPTS			
6) Contributions from Individuals	(CRO-1210)	$ 0	$ 5,300.00
7) Contributions from Political Party Committees	(CRO-1220)	$ 0	$ 0
8) Contributions from Other Political Committees	(CRO-1230)	$ 10,450.00	$ 26,450.00
9) Loan Proceeds	(CRO-1410)	$ 0	$ 0
10) Refunds and Reimbursements TO the Committee	(CRO-1240)	$ 0	$ 0
11) Other Receipt Sources	(CRO-1250)		
11a) Interest on Bank Accounts	(CRO-1250)	$ 0	$ 0
11b) Contributions from Not-for-Profit Organizations	(CRO-1250)	$ 0	$ 0
11c) Outside Sources of Income	(CRO-1250)	$ 0	$ 0
12) "Goods and Services" Contributions	(CRO-1260)	$ 0	$ 0
13) Contributions Based on Forgiven Loans	(CRO-1640)	$ 0	$ 0
14) 48-Hour Notice Reports Sum		$ 0	$ 0
15) TOTAL RECEIPTS *(Add lines 6, 7, 8, 9, 10, 11a, 11b, 11c, 12, 13, and 14)*		$ 53,111.92	$ 53,111.92
EXPENDITURES			
16) Disbursements	(CRO-1310)		
16a) Operating Expenditures	(CRO-1310)	$ [illegible]	$ 0
16b) Contributions to Candidates/Political Committees	(CRO-1311)	$ 0	$ 0
16c) Coordinated Party Expenditures	(CRO-1311)	$ 1,500.00	$ 0
17) Loan Repayments	(CRO-1420)	$ 0	$ 0
18) Forgiven Loans	(CRO-1640)	$ 0	$ 0
19) Refunds and Reimbursements FROM the Committee	(CRO-1220)	$ 0	$ 0
20) In-Kind Contributions	(CRO-1510)	$ 0	$ 0
21) TOTAL EXPENDITURES *(Add lines 16a, 16b, 16c, 17, 18, 19, and 20)*		$ 15,393.07	$ 15,393.07
22) Cash on Hand at End of Reporting Period *(For this Period, add lines 5 and 15 together, then subtract line 21)* *(For this Election Cycle, add lines 4 and 15 together, then subtract line 21)*		$ 37,818.84	$ 37,818.84
Additional Information			
23) Non-Monetary Gifts Given to Committee	(CRO-1350)	$ 0	
24) Outstanding Loans (including ones from other campaigns)	(CRO-1430)	$ 0	
25) Debts and Obligations owed BY the Committee	(CRO-1610)	$ 0	
26) Debts and Obligations owed TO the Committee	(CRO-1620)	$ 0	
27) Person Entity's Administrative Support	(CRO-1770)	$ 0	
28) Account Transfers	(CRO-1900)	$ 0	

Contributions from OTHER POLITICAL COMMITTEES

Page 2 of 5

1. Name of Committee or Fund: Thomas Wyatt Campaign

2. ID Number: 2209800

	a. Full Name, Mailing Address & Phone (Include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
1. Contributor	Manufactured Housing PAC PO Box 58648 Raleigh NC 27658		check	7/2/04	☐	$500.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	
2. Contributor	NC Trucking Assoc Inc PO Box 2977 Raleigh, NC 27602		check	7/31/04	☐	$250.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	
3. Contributor	Food Drug PAC 2522 Tarheel Blvd. Durham, NC 27713		check	8/15/04	☐	$250.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☒ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	
4. Contributor	Credit Union PAC Greensboro NC.		check	8/20/04	☐	$250.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	
5. Contributor	Smithfield's Inc PAC 49 Park Ave. 5th Floor New York, NY 10022		check	8/20/04	☐	$500.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

4. Total only this Page	$ 1750
5. Total of ALL CRO-1230 Pages (only show on last page)	$

(This line must be the total of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

Page 3 of 5

1. Name of Committee or Fund: Thom Watt Congress — 2. ID Number: 220780

3. Contributor: Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
A2 PAC 1800 Concord Pike Wilmington DE 19850		check	9/29/04	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County — h. If Amendment, choose change type: ☐ Add ☐ Delete — i. Election Cycle $ to Date: $

3. Contributor: Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
[illegible] Moore Store NC Longview Lake Rd 4010 Everett Dr Raleigh NC 27609		check	8/28/04	☐	$ 200.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County — h. If Amendment, choose change type: ☐ Add ☐ Delete — i. Election Cycle $ to Date: $

3. Contributor: Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
MCI Employees PAC 6 Concourse Pkwy NE Atlanta GA.		check	8/25/04	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County — h. If Amendment, choose change type: ☐ Add ☐ Delete — i. Election Cycle $ to Date: $

3. Contributor: Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County — h. If Amendment, choose change type: ☐ Add ☐ Delete — i. Election Cycle $ to Date: $

3. Contributor: Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County — h. If Amendment, choose change type: ☐ Add ☐ Delete — i. Election Cycle $ to Date: $

4. Total only this Page	$ 950.00
5. Total of ALL CRO-1130 Pages (only show on last page)	$

(This line must be the same as Line 5 of Detailed Summary Page CRO-1130)

Contributions from OTHER POLITICAL COMMITTEES

Page 2 of 5

1. Name of Committee or Fund: Thomas Wright Gregorio

2. ID Number: 220980

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Pepsico PAC White Plains, NY 10604		check	9/25/04	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County

h. If Amendment, enter change type: ☐ Add ☐ Delete

i. Election Cycle Date to Date

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
FCB combined PAC PO Box 27131. Raleigh, NC 27611		check	9/31/04	☐	$ 200.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County

h. If Amendment, enter change type: ☐ Add ☐ Delete

i. Election Cycle Date to Date

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Allstate Insurance PAC 2775 Sanders Rd. Suite A5 Northbrook, IL 60062		check	9/31/04	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County

h. If Amendment, enter change type: ☐ Add ☐ Delete

i. Election Cycle Date to Date

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County

h. If Amendment, enter change type: ☐ Add ☐ Delete

i. Election Cycle Date to Date

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County

h. If Amendment, enter change type: ☐ Add ☐ Delete

i. Election Cycle Date to Date

4. Total only this Page	$ 950.00
5. Total of ALL CRO-1230 Pages (only show on last page)	$

(This figure must agree with Line 3 of Detailed Summary Page CRO-1128)

Contributions from OTHER POLITICAL COMMITTEES

Page 4 of 5

1. Name of Committee or Fund	2. ID Number

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Railway Federation 4020 Lafayette Dr Suite 102 Raleigh, NC 27609		check	8/09/04	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: — h. If Amendment, choose change type: ☐ Add ☐ Delete — i. Election Cycle Sum to Date: $

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
AT&T PAC 32 Ave. of the Americas New York, NY 10013		check	8/10/04	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: — h. If Amendment, choose change type: ☐ Add ☐ Delete — i. Election Cycle Sum to Date: $

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Kennedy Covington, Lobdell & Hickman LLC PAC acct. 421 Fayetteville Street Mall Raleigh, NC 27601		check	8/15/04	☐	$ 50.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: — h. If Amendment, choose change type: ☐ Add ☐ Delete — i. Election Cycle Sum to Date: $

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Duke Energy Corp. PAC 422 S. Church Street Charlotte, NC 28202		check	8/24/04	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: — h. If Amendment, choose change type: ☐ Add ☐ Delete — i. Election Cycle Sum to Date: $

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Academy of Trial Lawyers PAC PO Box 10918 Raleigh, NC 27605		check	8/24/04	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: — h. If Amendment, choose change type: ☐ Add ☐ Delete — i. Election Cycle Sum to Date: $

4. Total only this Page	$ 2,500.00
5. Total of ALL CRO-1230 Pages (only show on last page)	$

(This line must be the same as Line 3 of Detailed Summary Page CRO-1199)

Contributions from OTHER POLITICAL COMMITTEES

Page 5 of 5

1. Name of Committee or Fund: Thomas Wright Campaign
2. ID Number: 220800

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Progress Energy PAC PO Box 1510 Raleigh, NC 27601		check	8/13/04	☐	$ 1,000.00
					☐	$
					☐	$
					☐	$
	a. Type of Committee: ☐ Federal ☐ State ☐ County	b. If Amendment, choose change type: ☐ Add ☐ Delete			c. Election Cycle Year to Date: $	
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Wilmington Anesthesiologist PAC 1602 Physicians Dr. 104 Wilmington, NC 28401		check	9/10/04	☐	$ 2,000.00
					☐	$
					☐	$
					☐	$
	a. Type of Committee: ☐ Federal ☐ State ☐ County	b. If Amendment, choose change type: ☐ Add ☐ Delete			c. Election Cycle Year to Date: $	
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	N.C. Veterinary Medical Assoc. PAC 1611 Jones Franklin Rd. Raleigh, NC 27606		check	9/15/04	☐	$ 500.00
					☐	$
					☐	$
					☐	$
	a. Type of Committee: ☐ Federal ☐ State ☐ County	b. If Amendment, choose change type: ☐ Add ☐ Delete			c. Election Cycle Year to Date: $	
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	N.C. Dental PAC PO Box 4089 Cary, NC 27519		check	9/13/04	☐	$ 500.00
					☐	$
					☐	$
					☐	$
	a. Type of Committee: ☐ Federal ☐ State ☐ County	b. If Amendment, choose change type: ☐ Add ☐ Delete			c. Election Cycle Year to Date: $	
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	REAP PAC P.O. Box 26366 Raleigh, NC 27611		check	9/20/04	☐	$ 500.00
					☐	$
					☐	$
					☐	$
	a. Type of Committee: ☐ Federal ☐ State ☐ County	b. If Amendment, choose change type: ☐ Add ☐ Delete			c. Election Cycle Year to Date: $	

4. Total only this Page	$ 4,500.00
5. Total of ALL CRO-1230 Pages (only show on last page)	$ 10,650.00

Disbursements

Page 1 of 2

1. Name of Committee or Fund: Thomas Wilkerson Campaign

2. ID Number: 220980

3. Type of Statement: Operating Expenses

Contributions to Candidate/Political Committees

Coordinated Party Expenditures

4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
4. Payee	Julia Sutter Wilmington, NC 28401			pollworker		check	7/20/04	$100.00
4. Payee	Deban Stokes Wilmington, NC 28401			pollworker		check	7/20/04	$100.00
4. Payee	James Jeanino Wilmington, NC 28401			pollworker		check	7/20/04	$100.00
4. Payee	Juanita Whitaker Wilmington, NC 28401			pollworker		check	7/20/04	$100.00
4. Payee	Port City Signworks 1703 castle Street Wilmington, NC 28401			yardsigns			9/16/04	$1,373.00

If Amendment, choose change type: Add / Delete

Election Cycle Year To Date

5. Total only this Page: $1,773.00

6. Total of ALL CRO-1318 Related Pages (only show on last page): $

(This line goes to line 10a of Detailed Summary Page CRO-1318 if Operating Expenses)
(This line goes to line 10b of Detailed Summary Page CRO-1318 if Contrib to Candidates/Political Comm)
(This line goes to line 10c of Detailed Summary Page CRO-1318 if Coordinated Party Expenditures)

Disbursements

1. Name of Committee or Fund: Turner Wyatt Campaign
2. ID Number: 220803

3. Type of Disbursement: ☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Page	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	AT&T Mobile Service Louisville Ky. 40290	phone service		check	9/15/04	$ 103.82
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, please change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date $
	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	Bell South Acct # 33009 Charlotte NC 28243	phone service		check	9/18/04	$ 326.55
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, please change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date $
	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	N.N.C. Democratic Party 2121 Wrightsville Ave Wilmington, NC 28402	rally payment		check	9/11/04	$ 1,500.00
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, please change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date $
	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	Kinkos Printing Cheyenne Dr. Wilmington, NC 28405	printing			9/9/04	$ 340.00
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, please change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date $
	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	Pender Post News Burgaw NC	advertisement			10/22/04	$ 112.50
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, please change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date $

5. Total only this Page: $ 5,572.87

6. Total of ALL CRO-1310 Related Pages (only show on last page): $

(This line goes to line 14a of Detailed Summary Page CRO-1190 if Operating Expenses)
(This line goes to line 14b of Detailed Summary Page CRO-1190 if Contrib. to Candidates/Political Comm)
(This line goes to line 14c of Detailed Summary Page CRO-1190 if Coordinated Party Expenditures)

Disbursements

Page 3 of 3

1. Name of Committee or Fund: Thomas Wright Campaign
2. ID Number: 220980

3. Type of Statement: Quarterly Report
Cumulative to Candidate's Filing Committee
Continued Party Expenditures

4. Page	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Amount Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
4. Page	WWAY - TV 3 Wilmington NC 28401	Advertisement		check	6/18/04	$1,020.00
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. for Cand/Comm:	i. If Amendment, choose one: Add / Delete			j. Election Cycle Exp. To Date: $
4. Page	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Amount Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	Cumulus Broadcasting Wilmington, NC 28402	Advertisement		check	6/28/04	$5,309.20
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. for Cand/Comm:	i. If Amendment, choose one: Add / Delete			j. Election Cycle Exp. To Date: $
4. Page	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Amount Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	WWAY - TV 3 Wilmington, NC 28401	Advertisement		check	7/9/04	$1,150.00
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. for Cand/Comm:	i. If Amendment, choose one: Add / Delete			j. Election Cycle Exp. To Date: $
4. Page	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Amount Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	River Landing Golf Club Wallace NC	[redacted]		check	9/12/04	$2,512.50
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. for Cand/Comm:	i. If Amendment, choose one: Add / Delete			j. Election Cycle Exp. To Date: $
4. Page	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Amount Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	Glenn Stokes Wilmington, NC 2840 1	Fundraiser		check	7/20/04	$100.00
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. for Cand/Comm:	i. If Amendment, choose one: Add / Delete			j. Election Cycle Exp. To Date: $

5. Total only this Page: $10,091.70

6. Total of ALL CBO-1318 Related Pages (only show on last page): $15,393.07

(This line goes to the 5th of Detailed Summary Page CBO-1318 if Operating Expenses)
(This line goes to the 5th of Detailed Summary Page CBO-1318 if Coordinated Party Expenditures)
(This line goes to the 5th of Detailed Summary Page CBO-1318 if Coordinated Party Expenditures)

Disclosure Report Cover Sheet

Please note that this cover sheet cannot be used to amend committee information such as the committee address; treasurer, assistant treasurer, or custodian of books information; or depository information. You must amend the Statement of Organization (CRO-2100) to make those kinds of committee changes.

1. Name of Committee or Fund			6. Date
Thomas E. Wright Campaign			1/10/05
2. Address			7. ID Number
PO Box 1654			2209800
3. City	4. State	5. Zip	8. Phone
Wilmington [redacted]	NC	28402	1877364658

9. Type of Report	10. Period Covered		11. Amendment
4th Quarter Report	Start	10/25/04	☐ Yes
	End	12/31/04	☐ No

12. Type of Committee or Fund (Check one)

- ☑ Candidate Campaign
- ☐ PAC
- ☐ Other Fund: _____
- ☐ Party
- ☐ Referendum
- ☐ Joint Fundraiser
- ☐ Soft Money Account
- ☐ "Booster Fund"
- ☐ Building Fund

13. Treasurer Name

14. Assistant Treasurer Name(s)

JAN 12 2005

15. Custodian of Books Name

16. Bank/Depository/Credit Account Information

a. Name	b. Purpose	c. Code	d. Period Begin Balance
			$
			$
			$
			$
			$
			$

CERTIFICATION

I certify that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Thomas E. Wright — Signature of Appointed Treasurer or Candidate

1/10/05 — Date

Detailed Summary

1. Name of Committee or Fund	2. Type of Report	3. ID Number
Thomas Wright Campaign	4th Quarter	2209800

Start of Election Cycle: January 1, 20____		Total this Period	Total this Election Cycle
4) Cash on Hand at Start of Election Cycle			$21,661.91
5) Cash on Hand at Start of Present Reporting Period		$37,818.84	
RECEIPTS			
6) Contributions from Individuals	(CRO-1210)	$ 2,150.00	$ 7,450.00
7) Contributions from Political Party Committees	(CRO-1220)	$ 0	$ 0
8) Contributions from Other Political Committees	(CRO-1230)	$ 25,250.00	$ 35,900.00
9) Loan Proceeds	(CRO-1410)	$ 0	$ 0
10) Refunds and Reimbursements TO theCommittee	(CRO-1240)	$ 0	$ 0
11) Other Receipt Sources	(CRO-1250)		
11a) Interest on Bank Accounts	(CRO-1250)	$ 0	$ 0
11b) Contributions from Not-for-Profit Organizations	(CRO-1250)	$ 0	$ 0
11c) Outside Sources of Income	(CRO-1250)	$ 0	$ 0
12) "Goods and Services" Contributions	(CRO-1260)	$ 0	$ 0
13) Contributions based on Forgiven Loans	(CRO-1440)	$ 0	$ 0
14) 48-Hour Notice Reports Sum		$ 0	$ 0
15) TOTAL RECEIPTS *(add lines 6, 7, 8, 9, 10, 11a, 11b, 11c, 12, 13, and 14)*		$ 65,218.84	$ 65,218.84
EXPENDITURES			
16) Disbursements	(CRO-1310)		
16a) Operating Expenditures	(CRO-1310)	$ 19,220.01	$ [illegible]
16b) Contributions to Candidates/Political Committees	(CRO-1310)	$ 0	$ 0
16c) Coordinated Party Expenditures	(CRO-1310)	$ 1,500.00	$ 3,000.00
17) Loan Repayments	(CRO-1420)	$ 0	$ 0
18) Forgiven Loans	(CRO-1440)	$ 0	$ 0
19) Refunds and Reimbursements FROM the Committee	(CRO-1320)	$ 0	$ 0
20) In-Kind Contributions	(CRO-1310)	$ 0	$ 0
21) TOTAL EXPENDITURES *(add lines 16a, 16b, 16c, 17, 18, 19, and 20)*		$ 21,220.01	$ 21,220.01
22) Cash on Hand at End of Reporting Period *(For this Period, add lines 5 and 15 together, then subtract line 21)* *(For this Election Cycle, add lines 4 and 15 together, then subtract line 21)*		$ 43,948.83	$ 43,948.83
Additional Information			
23) Non-Monetary Gifts Given to Committees	(CRO-1330)	$ 0	
24) Outstanding Loans (including ones from other campaigns)	(CRO-1430)	$ 0	
25) Debts and Obligations owed BY the Committee	(CRO-1610)	$ 0	
26) Debts and Obligations owed TO the Committee	(CRO-1620)	$ 0	
27) Parent Entity's Administrative Support	(CRO-1710)	$ 0	
28) Account Transfers	(CRO-1720)	$ 0	

Disbursements

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign	220800

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursement.)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Kinkos Printing Wilmington, NC	copying services		check	10/04	$ 478.30
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
New Hanover Democratic Party	Banquet tickets		check	10/04	$ 1,500.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Cingular Wireless Charlotte, NC	cellphone service		check	10/04	$ 206.30
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
WWAY TV-3 POBOX 2068 Wilmington, NC 28402	Advertising		check	10/04	$ 1,020.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
WWAY TV-3 PO BOX 2068 Wilmington, NC 28402	Advertising		check	10/04	$ 255.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date $

5. Total only this Page	$ 3,459.80
6. Total of ALL CRO-1310 Related Pages (only show on last page)	$

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disbursements

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign	

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursement.)

☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Pender Post Burgaw, NC.	advertisment		check	10/04	$ 630.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Pender County Board of Elections Burgaw, NC	voters list		check	10/04	$ 25.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Snap Dragon Printing & Screening. 1316 Dock St. Wilm. NC	advertisment		check	10/04	$ 3,183.98
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
United House of Prayer 1220 Dawson St. Wilmington, NC 28401	meals election day		check	11/2/04	$ 247.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Carolyn Smith Wilmington, NC 28405	collection			11/2/04	$ 100.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

5. Total only this Page	$ 4,185.98
6. Total of ALL CRO-1310 Related Pages (only show on last page) *(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)* *(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)* *(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)*	$

Disbursements

1. Name of Committee or Fund

2. ID Number

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursements.)

☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Pamela Alexander Wilmington NC	pollworker		check	11/2/04	$ 100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm: | i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Harry Jones Wilmington, NC	pollworker		check	11/2/04	$ 100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm: | i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Gloria Stokes Wilmington, NC 28401	pollworker		check	11/2/04	$ 300.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm: | i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Debra Stokes Wilmington NC 28401	pollworker		check	11/2/04	$ 100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm: | i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Nora Batts Wilmington, NC 28401	pollworker		check	11/2/04	$ 100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm: | i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

5. Total only this Page	$ 700.00
6. Total of ALL CRO-1310 Related Pages (only show on last page)	$

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disbursements

1. Name of Committee or Fund	2. ID Number

3. Type of Disbursement *(Please use separate CRO-1310 forms for each type of Disbursements.)*
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	Flossie Murry Wilmington, NC	pollworker		check	11/2/04	$ 100.00
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date $

4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	Gwendolyn Watkins Wilmington, NC	pollworker		check	11/2/04	$ 100.00
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date $

4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	Tyrall Quarterman Wilmington NC	pollworker		check	11/2/04	$ 100.00
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date $

4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	Juanita Whitaker wilmington NC	pollworker		check	11/2/04	$ 100.00
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date $

4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	Judy Davis Wilmington, NC	pollworker		check	11/2/04	$ 100.00
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date $

5. Total only this Page	$ 500.00
6. Total of ALL CRO-1310 Related Pages *(only show on last page)* *(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)* *(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)* *(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)*	$

Disbursements

1. Name of Committee or Fund	2. ID Number

3. Type of Disbursement *(Please use separate CRO-1310 forms for each type of Disbursements.)*
☐ Operating Expenses. ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Cozette Stokes Wilmington, NC	pollworker		check	11/2/04	$ 100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
James Alexander Wilmington, NC	pollworker		check	11/2/04	$ 100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
James Jordan Wilmington NC	pollworker		check	11/2/04	$ 100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Will Foeden Wilmington, NC.	pollworker		check	11/2/04	$ 100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Chester Taylor	pollworker		check	11/2/04	$ 100.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date $

5. Total only this Page	$ 500.00
6. Total of ALL CRO-1310 Related Pages *(only show on last page)*	$

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disbursements

1. Name of Committee or Fund

2. ID Number

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursements.)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Gary Hankins Wilmington, NC.	pollworker		check	11/2/04	$ 100.00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date $	

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Stephanie Stokes Wilmington NC	pollworker		check	11/2/04	$ 100.00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date $	

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Teresa Cobbs Wilmington, NC	pollworker		check	11/2/04	$ 100.00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date $	

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Kendra Hill Wilmington, NC	pollworker		check	11/2/04	$ 100.00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date $	

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Robert Green Wilmington, NC	pollworker		check	11/2/04	$ 100.00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date $	

5. Total only this Page	$ 500.00
6. Total of ALL CRO-1310 Related Pages (only show on last page)	$

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disbursements

1. Name of Committee or Fund	2. ID Number

3. Type of Disbursement *(Please use separate CRO-1310 forms for each type of Disbursements.)*
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	Deborah Sprivill Wilmington, NC	pollworker		check	11/2/04	$ 100.00
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date $

4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	Angela Redd Wilmington NC	pollworker		check	11/2/04	$ 100.00
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date $

4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	Julia Spitter Wilmington, NC	pollworker		check	11/2/04	$ 100.00
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date $

4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	Pearline Watkins Wilmington, NC	pollworker		check	11/2/04	$ 100.00
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date $

4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	Erick Smith Wilmington, NC	pollworker		check	11/2/04	$ 100.00
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date $

5. Total only this Page	$ 500.00
6. Total of ALL CRO-1310 Related Pages *(only show on last page)*	$

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disbursements

1. Name of Committee or Fund	2. ID Number

3. Type of Disbursement *(Please use separate CRO-1310 forms for each type of Disbursements.)*
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Cummulis Broadcasting Wilmington, NC 28401	advertisment		check	10/04	$4,760.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Snyder Dragon Screen Paint 1220 Dock Street Wilmington, NC 28401	advertisment		check	10/04	$ 280.34
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Custom Mail Solutions Raleigh, NC 27605	mailing & printing		check	10/04	$ 3,593.50
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Alphagraphics Wilmington NC	printing		check	10/04	$ 79.14
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

5. Total only this Page	$ 8,713.38
6. Total of ALL CRO-1310 Related Pages *(only show on last page)*	$ 21,270.91

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disbursements

1. Name of Committee or Fund

2. ID Number

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursements.)

☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount	i. If Amendment, choose change type:	j. Election Cycle Sum To Date
Antwuan Hicks Long Creek. NC			pollworker		check	11/2/04	$ 100.00	☐ Add ☐ Delete	$
Willie Mae Corderay Currie NC			pollworker		check	11/2/04	$ 100.00	☐ Add ☐ Delete	$
Port City Sign Works Castle Street Wilmington, NC 28401			Advertisment Signs		check	11/10/04	$ 401.86	☐ Add ☐ Delete	$
Bernard Morgan Wilmington, NC			Commercial services		check	11/10/04	$ 400.00	☐ Add ☐ Delete	$
Port City Sign Works Wilmington, NC			advertising		check	11/5/04	$ 1,218.50	☐ Add ☐ Delete	$

5. Total only this Page $ 2,219.36

6. Total of ALL CRO-1310 Related Pages (only show on last page) $

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

CONTRIBUTIONS FROM INDIVIDUALS

1. Name of Committee or Fund: Thomas Wright Campaign

2. ID Number:

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
1 Contributor: Nancy Haddock 2813 Wrightsville Ave Wilmington NC 28403 b. Job Title/Profession: Retired c. Employer's Name/Specific Field		check	10/04	☐	☐	$ 100.00
				☐	☐	$
				☐	☐	$
				☐	☐	$
	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		
2 Contributor: Marsh Fretwell 6320 Head Rd. Wilmington NC 28409 b. Job Title/Profession: M.D. c. Employer's Name/Specific Field		check	10/04	☐	☐	$ 100.00
				☐	☐	$
				☐	☐	$
				☐	☐	$
	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		
3 Contributor: Cleveland Simpson 12360 NC Hwy 210 E. Rocky Point, NC 28457 b. Job Title/Profession c. Employer's Name/Specific Field		check	10/04	☐	☐	$ 250.00
				☐	☐	$
				☐	☐	$
				☐	☐	$
	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		
4 Contributor: Faye Brock 4725 Wedgefield Dr. Wilmington, NC 28409 b. Job Title/Profession: Realtor c. Employer's Name/Specific Field		check	11/04	☐	☐	$ 500.00
				☐	☐	$
				☐	☐	$
				☐	☐	$
	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		
5 Contributor: Stephen Jacobs 104 Live Oak Ln. Wilmington, NC 28411 b. Job Title/Profession: Automobile Dealer c. Employer's Name/Specific Field		check	11/04	☐	☐	$ 250.00
				☐	☐	$
				☐	☐	$
				☐	☐	$
	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total of this Page: $ 1200.00

5. Total of ALL CRO-1210 Pages (only show on last page): $

(This line must be on line 6 of Detailed Summary Page CRO-1180)

CONTRIBUTIONS FROM INDIVIDUALS

1. Name of Committee or Fund: Thomas Wright Campaign

2. ID Number: 2209800

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Charles Warren PO Box 3891 Wilmington NC		check	10/04	☐	☐	$ 200.00
				☐	☐	$
				☐	☐	$
b. Job Title Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Robert Cutting P.O Box 20002 Wilmington NC 28407		check	10/04	☐	☐	$ 100.00
				☐	☐	$
				☐	☐	$
b. Job Title Profession Atty				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Judy Rawls 10220 US Hwy 117 N. Willard NC 28478		check	10/04	☐	☐	$ 100.00
				☐	☐	$
				☐	☐	$
b. Job Title Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
S.T. Blanton, DR 5030 Willard Rd. Willard, NC 28478		check	10/04	☐	☐	$ 100.00
				☐	☐	$
				☐	☐	$
b. Job Title Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Jerry Lee Robinson 506 Tuxedo Lane Peachtree City GA. 30269		check	10/04	☐	☐	$ 25.00
				☐	☐	$
				☐	☐	$
b. Job Title Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page	$ 750.00
5. Total of ALL CRO-1210 Pages (only show on last page)	$

(This line must be on line 4 of Detailed Summary Page CRO-1100)

Contributions from INDIVIDUALS

1. Name of Committee or Fund	2. ID Number
Thomas Weight Campaign	22098OO

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Joyce Binkley 506 Tanbridge Rd. Wilmington, NC 28405		check	11/04	☐	☐	$ 100.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Retired				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Jimbo Robbins 185 Raccoon Rd Willard, NC 28478		check	10/04	☐	☐	$ 100.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

4. Total only this Page	$ 200.00
5. Total of ALL CRO-1210 Pages (only show on last page) *(This line must be on line 6 of Detailed Summary Page CRO-1100)*	$ 2150.00

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund: Thomas Wright Campaign

2. ID Number:

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Jim Black Campaign Fund 114 Tryon St. Charlotte, NC 28202		check	10/04	☐	$ 4000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: ____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
JM Family Enterprises Inc PAC. 111 Jim Moran Blvd. Deerfield Beach Fla. 33442		check	10/04	☐	$ 1,000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: ____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NCCA PAC 333 Fayetteville St mall. Raleigh, NC 27601		check	10/04	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: ____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
AIA - PAC 115 W. Morgan St Raleigh, NC 27601		check	10/04	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: ____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C. Outdoor Advertising Assoc. PAC. 5 W. Hargett St. Rm 30 Raleigh, NC 27601		check	10/04	☐	$ 300.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: ____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

4. Total only this Page	$ 6,300.00
5. Total of ALL CRO-1230 Pages (only show on last page)	$

(This line must be on line 8 of Detailed Summary Page (CRO-3190))

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Credit Union PAC Greensboro, NC		check	10/04	☐	$ 250.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Dominion PAC PO Box 26666 Richmond, VA 23261		check	10/04	☐	$ 200.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C. Hospital Assoc. PAC P.O Box 4449 Cary NC 27519		check	10/04	☐	$ 1,000.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Medical Society PAC PO Box 25834 Raleigh NC 27611				☐	$ 1,000.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Re-Elect Sid Cawrey 1129 Upper Rock DR Wilmington, NC 28409		check	10/04	☐	$ 300.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

4. Total only this Page	$ 2,250.00
5. Total of ALL CRO-1230 Pages (only show on last page)	$

(This line must be on line 8 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund: Thomas Wright Craig 1935 Jr. | 2. ID Number: 22098800

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Wachovia N.C. Employees Good Govt. Fund.		check	10/04	☐	$ 750.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: ____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C Poultry Federation PAC 4020 Barrett Dr. #102 Raleigh NC 27609		check	10/04	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: ____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Wyeth Good Govt Fund Madison, NJ. 07940		check	10/04	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: ____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C. Beer & Wine Wholesalers PAC 210 Pearson St Raleigh, NC 27611		check	10/04	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: ____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Nationwide PAC one Nationwide Plaza Columbus Oh. 43215		check	11/04	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: ____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

4. Total only this Page	$ 2,250.00
5. Total of ALL CRO-1230 Pages (only show on last page) (This line must be on line 8 of Detailed Summary Page CRO-1100)	$

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
CSX Corp Govt. Fund 1331 Pennsylvania Ave. NW Washington, DC 20004		check	10/04	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Hunton & Williams N.C. PAC P.O. Box 109 Raleigh, NC 27602		check	10/04	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Landscape Architats PAC PO Box 221256 Charlotte, NC 28222		check	10/04	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Southeastern Radiology PAC 1329 Robeson St. Fayetteville, NC. 28305		check	10/04	☐	$ 200.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Eli Lilly & CO PAC Indianapolis IN 46285		check	10/04	☐	$ 300.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☑ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

4. Total only this Page	$ 3050.00
5. Total of ALL CRO-1230 Pages (only show on last page)	$

(This line must be on line 8 of Detailed Summary Page CRO-1160)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number

	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
3. Contributor	Engineers for Better Govt. 111 N Boylan Ave Raleigh, NC 27603		check	11/04	☐	$ 400.00
					☐	$
					☐	$
					☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☑ State ☐ County:	☐ Add ☐ Delete	$

	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
3. Contributor	N.C.A.H.U. PAC PO Box 38905 Greensboro, NC 27438		check	11/04	☐	$ 500.00
					☐	$
					☐	$
					☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☑ State ☐ County:	☐ Add ☐ Delete	$

	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
3. Contributor	NC Assoc. of Convenience Stores PAC PO Box 286 Raleigh, NC 27602		check	11/04	☐	$ 500.00
					☐	$
					☐	$
					☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☑ State ☐ County:	☐ Add ☐ Delete	$

	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
3. Contributor	The Glaxo-Smith Kline PAC Five Moore Drive Research Triangle Park NC 27709		check	10/04	☐	$ 1,500.00
					☐	$
					☐	$
					☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☑ State ☐ County:	☐ Add ☐ Delete	$

	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
3. Contributor	BCBS of NC PAC PO Box 2291 Durham, NC 27702		check	10/04	☐	$ 750.00
					☐	$
					☐	$
					☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☑ State ☐ County:	☐ Add ☐ Delete	$

4. Total only this Page	$ 3,650.00
5. Total of ALL CRO-1230 Pages *(only show on last page)* *(This line must be on line 8 of Detailed Summary Page CRO-1100)*	$

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund

2. ID Number

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	N.C. Amusement Machine Assn PAC 3200 Crossdale Dr #603 Durham, NC 27705		check	10/04	☐	$250.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☑ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Drive Committee PAC 25 Louisiana Ave NW Washington DC 20001		check	11/04	☐	$250.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☑ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Pill PAC 702 N. Person St. Raleigh, NC 27604		check	11/04	☐	$500.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☑ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	NC Assoc. Insurance & Financial Advisors PAC 875 Washington St. Raleigh NC 27605		check	11/04	☐	$500.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☑ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Bank of America PAC 600 Peachtree St. Atlanta, GA 30308		check	10/04	☐	$1,000.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☑ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		

4. Total only this Page	$2,500.00
5. Total of ALL CRO-1230 Pages (only show on last page)	$

(This line must be on line 8 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund

2. ID Number

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
3. Contributor	N.C. Builders Assoc. PAC P O Box 99090 Raleigh, NC 27624		check	11/04	☐	$ 500.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
3. Contributor	Carolina Ink PAC PO Box 368 Yadkinville, NC 27055		check	11/04	☐	$ 500.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
3. Contributor	Novartis PAC 701 Pennsylvania Ave #725 Washington, DC 20004		check	11/04	☐	$ 250.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
3. Contributor	NC Realators PAC 4511 Weybridge Lane Greensboro, NC 27407		check	10/04	☐	$ 2,000.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
3. Contributor	Duke Energy PAC 422 So Church St Charlotte, NC 28202		check	10/04	☐	$ 1,000.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☑ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete		i. Election Cycle Sum to Date: $		

4. Total only this Page	$ 7,250.00
5. Total of ALL CRO-1230 Pages (only enter on last page)	$ 25,250.00

(This line must be on line 8 of Detailed Summary page CRO-1100)

Contributions from POLITICAL PARTY COMMITTEES

Page ___ of ___

1. Name of Committee or Fund	2. ID Number

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$

4. Total only this Page	$
5. Total of ALL CRO-1220 Pages *(only show on last page)*	$

(This line must be on line 7 of Detailed Summary Page CRO-1100)

Disclosure Report Cover

Amendment ☐ Yes ☐ No

Please note that this cover sheet cannot be used to amend committee information such as the committee address, treasurer, assistant treasurer, custodian of books information, or account information.
You must amend the Statement of Organization (CRO-2100A-E) to make those kinds of committee changes.
Use the Addendum form (CRO-1010) if more entries are needed.

1. Committee Information

a. Full Name: Thomas Wright Campaign

c. ID Number: 2209800

b. Mailing Address (include City, State and Zip Code): P. O. Box 1654 Wilmington, NC. 28402

d. Date Filed: 7/28/05

e. Phone Number: 1877364 6585

2. Report Year	3. Period Start Date (mm/dd/yyyy)	4. Period End Date (mm/dd/yyyy)	5. Treasurer Full Name
2005	JAN. 05	July 29 05	

6. Type of Committee (Check one)
- ☑ Candidate-Campaign
- ☐ Party
- ☐ Joint Fundraiser
- ☐ PAC
- ☐ Referendum

7. Type of Fund (if applicable, check one)
- ☐ Soft Money Account
- ☐ "Booster Fund"
- ☐ Building Fund
- ☐ NC Political Party Financing Fund
- ☐ Presidential Election Year Candidates Fund
- ☐ NC Public Campaign Financing Fund
- ☐ Other:

8. Type of Report (check only one type of report from one category)

Municipal
- ☐ Organizational
- ☐ Thirty-five day
- ☐ Pre-primary
- ☐ Pre-election
- ☐ Pre-runoff
- Semi-annual
  - ☐ Mid Year
  - ☐ Year End
- ☐ Final
- ☐ Special

State/County
- ☐ Organizational
- Quarterly
  - ☐ First Plus
  - ☐ Second
  - ☐ Third Plus
  - ☐ Fourth
- Semi-annual
  - ☑ Mid Year
  - ☐ Year End
- ☐ Final
- ☐ Special

Referendum
- ☐ Organizational
- ☐ Pre-referendum
- ☐ Final
- ☐ Supplemental Final
- ☐ Annual
- ☐ Special

9. Special Report Name:

10. Account Information

a. Financial Institution Full Name:

b. Purpose:

c. Code:

d. Period Begin Balance: $43,948.83

10. Account Information

a. Financial Institution Full Name:

b. Purpose:

c. Code:

d. Period Begin Balance: $

CERTIFICATION

I certify that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Printed Name of Signer | Signature of Appointed Treasurer | Date: 7/28/05

FOR OFFICE USE ONLY

Date Received: 7/28/05 Employee: CCal

Date Postmarked: 7/28/05 Employee: CCal

Date Scanned: Employee:

Delivery Method
- ☐ Normal Mail
- ☑ Registered Mail
- ☐ Hand Delivered
- ☐ Electronically Filed

RECEIVED JUL 28 2005 ELECTIONS BOARD

CRO-1000 | NC State Board of Elections | March 2003

EXHIBIT 16F

S 08-04-05 R

1. Name of Committee or Fund	2. Type of Report	3. ID Number
Thomas Waight Campaign	Mid Year Semi Annual	2209800

Start of Election Cycle: January 1, 20__		Total this Period	Total this Election Cycle
4) Cash on Hand at Start of Election Cycle			$37,878 84
5) Cash on Hand at Start of Present Reporting Period		$43,948 83	
RECEIPTS			
6) Contributions from Individuals	(CRO-1210)	$ 0	$ 2,150 00
7) Contributions from Political Party Committees	(CRO-1220)	$ 0	$ 0
8) Contributions from Other Political Committees	(CRO-1230)	$ 0	$ 25,250 00
9) Loan Proceeds	(CRO-1310)	$ 0	$ 0
10) Refunds and Reimbursements TO theCommittee	(CRO-1240)	$ 0	$ 0
11) Other Receipt Sources	(CRO-1250)		
11a) Interest on Bank Accounts	(CRO-1250)	$ 0	$ 0
11b) Contributions from Not-for-Profit Organizations	(CRO-1250)	$ 0	$ 0
11c) Outside Sources of Income	(CRO-1250)	$ 0	$ 0
12) "Goods and Services" Contributions	(CRO-1260)	$ 0	$ 0
13) Contributions based on Forgiven Loans	(CRO-1440)	$ 0	$ 0
14) 48-Hour Notice Reports Sum		$ 0	$ 0
15) TOTAL RECEIPTS (Add lines 6, 7, 8, 9, 10, 11a, 11b, 11c, 12, 13, and 14)		$43,948 83	$65,278 84
EXPENDITURES			
16) Disbursements	(CRO-1310)		
16a) Operating Expenditures	(CRO-1310)	$ 0	$ 19,770 01
16b) Contributions to Candidates/Political Committees	(CRO-1310)	$ 0	$ 0
16c) Coordinated Party Expenditures	(CRO-1310)	$ 0	$ 1,500 00
17) Loan Repayments	(CRO-1420)	$ 0	$ 0
18) Forgiven Loans	(CRO-1440)	$ 0	$ 0
19) Refunds and Reimbursements FROM the Committee	(CRO-1320)	$ 0	$ 0
20) In-Kind Contributions	(CRO-1510)	$ 0	$ 0
21) TOTAL EXPENDITURES (Add lines 16a, 16b, 16c, 17, 18, 19, and 20)		$ 0	$ 21,270 01
22) Cash on Hand at End of Reporting Period (For this Period, add lines 5 and 15 together, then subtract line 21) (For this Election Cycle, add lines 4 and 15 together, then subtract line 21)		$ 43,948 83	$ 43,948 83
Additional Information			
23) Non-Monetary Gifts Given to Committees	(CRO-1350)	$ 0	
24) Outstanding Loans (including ones from other campaigns)	(CRO-1430)	$ 0	
25) Debts and Obligations owed BY the Committee	(CRO-1610)	$ 0	
26) Debts and Obligations owed TO the Committee	(CRO-1620)	$ 0	
27) Parent Entity's Administrative Support	(CRO-1710)	$ 0	
28) Account Treasurers	(CRO-1720)	$ 0	

1. Name of Committee or Fund: Thomas Dewitt Campaign

2. ID Number: 220980

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursements:)
[ ] Operating Expenses [ ] Contributions to Candidates/Political Committees [ ] Coordinated Party Expenditures

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:
c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: Add Delete
j. Election Cycle Sum To Date: $

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:
c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: Add Delete
j. Election Cycle Sum To Date: $

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:
c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: Add Delete
j. Election Cycle Sum To Date: $

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:
c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: Add Delete
j. Election Cycle Sum To Date: $

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:
c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: Add Delete
j. Election Cycle Sum To Date: $

5. Total only this Page: $

6. Total of ALL CRO-1310 Related Pages (only show on last page): $ 0

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Contributions from INDIVIDUALS

1. Name of Committee or Fund	2. ID Number
Thomas Weight Company	220900

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
					☐	☐	$
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
					☐	☐	$
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
					☐	☐	$
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
					☐	☐	$
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
					☐	☐	$
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page	$
5. Total of ALL CRO-1210 Pages *(only show on last page)* *(This line must be on line 6 of Detailed Summary Page CRO-1100)*	$ 0

Contributions from POLITICAL PARTY COMMITTEES

1. Name of Committee or Fund: Thomas Wright Campaign

2. ID Number: 220980

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$ 0
				☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$ 0
				☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$ 0
				☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$ 0
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$ 0
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$ 0
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$

4. Total only this Page	$
5. Total of ALL CRO-1220 Pages *(only show on last page)*	$ 0

(This line must be on line 7 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number
Thomas Waight Campaign	2209800

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

4. Total only this Page	$
5. Total of ALL CRO-1230 Pages (only show on last page) *(This line must be on line 8 of Detailed Summary Page CRO-1100)*	$

Disclosure Report Cover

Amendment ☐ Yes ☐ No

Please note that this cover sheet cannot be used to amend committee information such as the committee address, treasurer, assistant treasurer, custodian of books information, or account information.
You must amend the Statement of Organization (CRO-2100A-E) to make those kinds of committee changes.
Use the Addendum form (CRO-1010) if more entries are needed.

1. Committee Information

a. Full Name: Thomas Wright Campaign Committee

c. ID Number: 220980O

b. Mailing Address (include City, State and Zip Code): P.O. Box 1654 Wilmington, NC 28402

d. Date Filed: 1/26/06

e. Phone Number:

2. Report Year	3. Period Start Date (mm/dd/yyyy)	4. Period End Date (mm/dd/yyyy)	5. Treasurer Full Name
2005	July 1, 2005	December 31, 2005	

6. Type of Committee (Check one)
- ☒ Candidate Campaign
- ☐ Party
- ☐ Joint Fundraiser
- ☐ PAC
- ☐ Referendum

7. Type of Fund (if applicable, check one)
- ☐ Soft Money Account
- ☐ "Booster Fund"
- ☐ Building Fund
- ☐ NC Political Party Financing Fund
- ☐ Presidential Election Year Candidates Fund
- ☐ NC Public Campaign Financing Fund
- ☐ Other:

8. Type of Report (check only one type of report from one category)

Municipal	State/County	Referendum
☐ Organizational	☐ Organizational	☐ Organizational
☐ Thirty-five day	Quarterly	☐ Pre-referendum
☐ Pre-primary	☐ First Plus	☐ Final
☐ Pre-election	☐ Second	☐ Supplemental Final
☐ Pre-runoff	☐ Third Plus	☐ Annual
Semi-annual	☐ Fourth	☐ Special
☐ Mid Year	Semi-annual	
☐ Year End	☐ Mid Year	9. Special Report Name
☐ Final	☒ Year End	
☐ Special	☐ Final	
	☐ Special	

10. Account Information

a. Financial Institution Full Name:

b. Purpose:

c. Code:

d. Period Begin Balance: $59,698.83

10. Account Information

a. Financial Institution Full Name:

b. Purpose:

c. Code:

d. Period Begin Balance: $

CERTIFICATION

I certify that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Thomas E. Wright — Printed Name of Signer

Signature of Appointed Treasurer

1/26/06 — Date

FOR OFFICE USE ONLY

RECEIVED JAN 27 2006 CAMPAIGN REPORTING

Date Received:

Date Postmarked:

Date Scanned:

Employee: JWS

Employee:

Employee: DR

Delivery Method
- ☐ Normal Mail
- ☐ Registered Mail
- ☒ Hand Delivered
- ☐ Electronically Filed

Detailed Summary

1. Name of Committee or Fund		2. Type of Report	3. ID Number
2005 MidYear Semi Annual		Mid Year Semi Annual	
Start of Election Cycle: January 1, 20____		Total this Period	Total this Election Cycle
4) ~~Cash on Hand~~ at Start of Election Cycle			$ 37,948 83
5) Cash on Hand at Start of Present Reporting Period		$ 43,948 83	
RECEIPTS			
6) Contributions from Individuals	(CRO-1210)	$ 5,000 00	$ 7,150 00
7) Contributions from Political Party Committees	(CRO-1220)	$ 0	$ 0
8) Contributions from Other Political Committees	(CRO-1230)	$ 10,750 00	$ 36,000 00
9) Loan Proceeds	(CRO-1410)	$ 0	$ 0
10) Refunds and Reimbursements TO theCommittee	(CRO-1240)	$ 0	$ 0
11) Other Receipt Sources	(CRO-1250)		
11a) Interest on Bank Accounts	(CRO-1250)	$ 0	$ 0
11b) Contributions from Not-for-Profit Organizations	(CRO-1250)	$ 0	$ 0
11c) Outside Sources of Income	(CRO-1250)	$ 0	$ 0
12) "Goods and Services" Contributions	(CRO-1260)	$ 0	$ 0
13) Contributions based on Forgiven Loans	(CRO-1440)	$ 0	$ 0
14) 48-Hour Notice Reports Sum		$ 0	$ 0
15) TOTAL RECEIPTS *(Add lines 6, 7, 8, 9, 10, 11a, 11b, 11c, 12, 13, and 14)*		$ 15,750 00	$ 43,150 00
EXPENDITURES			
16) Disbursements	(CRO-1310)		
16a) Operating Expenditures	(CRO-1310)	$ 0	$ 19,770 01
16b) Contributions to Candidates/Political Committees	(CRO-1310)	$ 0	$ 0
16c) Coordinated Party Expenditures	(CRO-1310)	$ 0	$ 1,500 00
17) Loan Repayments	(CRO-1420)	$ 0	$ 0
18) Forgiven Loans	(CRO-1440)	$ 0	$ 0
19) Refunds and Reimbursements FROM the Committee	(CRO-1320)	$ 0	$ 0
20) In-Kind Contributions	(CRO-1510)	$ 0	$ 0
21) TOTAL EXPENDITURES *(Add lines 16a, 16b, 16c, 17, 18, 19, and 20)*		$ 0	$ 21,270 01
22) Cash on Hand at End of Reporting Period *(For this Period, add lines 5 and 15 together, then subtract line 21)* *(For this Election Cycle, add lines 4 and 15 together, then subtract line 21)*		$ 59,698 83	$ 59,698 83
Additional Information			
23) Non-Monetary Gifts Given to Committees	(CRO-1330)	$	
24) Outstanding Loans (including ones from other campaigns)	(CRO-1430)	$	
25) Debts and Obligations owed BY the Committee	(CRO-1610)	$	
26) Debts and Obligations owed TO the Committee	(CRO-1620)	$	
27) Parent Entity's Administrative Support	(CRO-1710)	$	
28) Account Transfers	(CRO-1720)	$	

Contributions from INDIVIDUALS

1. Name of Committee or Fund: Thomas Wright Campaign
2. ID Number: 220980

3. Contributor	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
a. John A. McNeill JR P.O Box 339 Whiteville, NC 28472		check	10/4/05	☐	☐	$ 2,000.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Business Executive				☐	☐	$
c. Employer's Name/Specific Field: Health Care	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		
a. Ronald B. McNeill 102 Magnolia Dr. Wilmington, NC 28409		check	10/4/05	☐	☐	$ 2,000.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Business Executive				☐	☐	$
c. Employer's Name/Specific Field: Health Care	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		
a. Arthur Ann's, a Margie Bann 3308 [illegible] Dr. Wilmington, NC 28409		check	12/15/05	☐	☐	$ 100.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: DR's of Chiropractic Me				☐	☐	$
c. Employer's Name/Specific Field:	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		
a. Gilbert Cromshaw 4007 E. Bishop Ct. Wilmington, NC 28412		check	12/15/05	☐	☐	$ 250.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Chiropractor				☐	☐	$
c. Employer's Name/Specific Field:	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		
a. Kenneth Donovan Kathleen White 5219 Marina Club Dr Wilmington, NC 28409		check	12/15/05	☐	☐	$ 250.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Chiropractors				☐	☐	$
c. Employer's Name/Specific Field:	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

4. Total only this Page: $ 2,600.00

5. Total of ALL CRO-1210 Pages (only show on last page): $

(This line must be on line 6 of Detailed Summary Page CRO-1100)

Contributions from INDIVIDUALS

1. Name of Committee or Fund

2. ID Number

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Maurice Horton 259-5 S. 17th Street Wilmington, NC 28401		check	12/13/05	☐	☐	$ 250.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Chiropractor				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	David Lutz 347 Foxwood Ln. Wilmington, NC 28409		check	12/13/05	☐	☐	$ 100.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Chiropractor				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Sean Reese 1118 Country Club Rd. Wilmington, NC 28403		check	12/13/05	☐	☐	$ 100.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Chiropractor				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Aaron Richardet 229 Olde Well Loop Wilmington, NC 28401		check	12/13/05	☐	☐	$ 250.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Chiropractor				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	R. Todd Shaver 224 Seawatch Way Kure Beach, NC 28449		check	12/13/05	☐	☐	$ 200.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Chiropractor				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page	$ 900.00
5. Total of ALL CRO-1210 Pages (only show on last page)	$

(This line must be on line 6 of Detailed Summary Page CRO-1100)

Contributions from INDIVIDUALS

1. Name of Committee or Fund	2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Raymond Sito 1904 Eastwood Rd suite 103 Wilmington, NC 28403		check	12/13/05	☐	☐	$ 250.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
Chiropractor						
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
William L. Sisson 4706 Oleander Dr. Wilmington, NC 28403		check	12/13/05	☐	☐	$ 100.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
Chiropractor						
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Kevin Wynne 7820 Masonboro Sound Rd. Wilmington, NC 28409		check	12/13/05	☐	☐	$ 150.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
Chiropractor						
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Eastern Band of Cherokee Indians PO Box 455 Cherokee, NC 28719		check	11/12/05	☐	☐	$ 1000.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page	$ 1,500.00
5. Total of ALL CRO-1210 Pages *(only show on last page)*	$ 5,000.00

(This line must be on line 6 of Detailed Summary Page CRO-1100)

Contributions from POLITICAL PARTY COMMITTEES

1. Name of Committee or Fund	2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
	g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$

4. Total only this Page	$
5. Total of ALL CRO-1220 Pages *(only show on last page)* *(This line must be on line 7 of Detailed Summary Page CRO-1100)*	$

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Bayer Corp. PAC 100 Bayer Rd. Pittsburgh, PA 15205		check	10/12/05	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC. Hospital Assoc. PAC PO Box 4449 Cary, NC 27519		check	12/16/05	☐	$ 2,000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
CIGNA Corp. PAC 1601 Chestnut St Phila. PA. 19192		check	11/16/05	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C. Assoc. of Nurse Anethetists PAC Greensboro, NC 27455		check	11/16/05	☐	$ 2,000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Medco Health PAC 591 Redwood Highway Bldg 400 Mill Valley, CA. 78412		check	11/20/05	☐	$ 1,000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

4. Total only this Page	$ 5,500.00
5. Total of ALL CRO-1230 Pages (only show on last page) (This line must be on line 8 of Detailed Summary Page CRO-1100)	$ 8

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Eli Lilly & Co. PAC Indianapolis, In. 46285		check	12/05/05	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Omega Protein PAC 1717 St. James Place #550 Houston Tx. 77056		check	12/10/05	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Abbott Laboratories PAC 100 Abbott Park Rd. Abbott Park IL. 60064		check	12/16/05	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Wyeth Good Govt. Fund Five Giralda Farms Madison NJ. 07940		check	12/20/05	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
The GlaxoSmithKline PAC Five Moore Dr. Research ~~Park~~ Triangle Park NC 27709		check	11/20/05	☐	$ 1,500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

4. Total only this Page	$ 3,250.00
5. Total of ALL CRO-1230 Pages (only show on last page) *(This line must be on line 8 of Detailed Summary Page CRO-1100)*	$ 0

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
AZ PAE 1800 Concord Pike P.O. Box 15438 Wilmington DE 19850		check	11/20/05	☐	$ 1000 00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Pfizer PAC 235 East 42nd St New York, NY 10017		check	11/30/05	☐	$ 500 00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
PSNC Energy PAC		check	12/20/05	☐	$ 500 00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

4. Total only this Page	$ 2000 00
5. Total of ALL CRO-1230 Pages *(only show on last page)*	$ 10,750 00
(This line must be an Line 8 of Detailed Summary Page CRO-1100)	

Disbursements

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign	2209800

3. Type of Disbursement *(Please use separate CRO-1310 forms for each type of Disbursements.)*
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type:	j. Election Cycle Sum To Date
		☐ Add ☐ Delete	$

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type:	j. Election Cycle Sum To Date
		☐ Add ☐ Delete	$

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type:	j. Election Cycle Sum To Date
		☐ Add ☐ Delete	$

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type:	j. Election Cycle Sum To Date
		☐ Add ☐ Delete	$

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp, list Cand/Comm:	i. If Amendment, choose change type:	j. Election Cycle Sum To Date
		☐ Add ☐ Delete	$

5. Total only this Page	$
6. Total of ALL CRO-1310 Related Pages *(only show on last page)*	$

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Amendment ☐ Yes ☐ No

Disclosure Report Cover

Please note that this cover sheet cannot be used to amend committee information such as the committee address, treasurer, assistant treasurer, custodian of books information, or account information.
You must amend the Statement of Organization (CBO-2100A-E) to make these kinds of committee changes.
Use the Addendum form (CBO-1010) if more entries are needed.

1. Committee Information

a. Full Name: Thomas Wright Campaign Committee

b. ID Number: 2209800

c. Mailing Address (Include City, State and Zip Code): P.O. Box 1654, Wilmington, NC 28402

d. Date Filed:

e. Phone Number:

2. Report Year | 3. Period Start Date (mm/dd/yyyy) | 4. Period End Date (mm/dd/yyyy) | 5. Treasurer Full Name

5. Type of Committee (Check one)
☒ Candidate Campaign ☐ Party
☐ Joint Fundraiser ☐ PAC
☐ Referendum

6. Type of Report (check only one type of report from one category)

Municipal	State/County	Referendum
☐ Organizational	☐ Organizational	☐ Organizational
☐ Thirty-five day	Quarterly	☐ Pre-referendum
☐ Pre-primary	☐ First Five	☐ Final
☐ Pre-election	☐ Second	☐ Supplemental Final
☐ Pre-runoff	☐ Third Five	☐ Annual
Semi-annual	☐ Fourth	☐ Special
☐ Mid Year	Semi-annual	
☐ Year End	☐ Mid Year	8. Special Report Please
☐ Final	☐ Year End	
☐ Special	☐ Final	
	☐ Special	

7. Type of Fund (if applicable, check one)
☐ Self-Money Account
☐ "Booster Fund"
☐ Building Fund
☐ NC Political Party Financing Fund
☐ Presidential Election Year Candidate Fund
☐ NC Public Campaign Financing Fund
☐ Other:

9A. Account Information
a. Financial Institution Full Name:
b. Purpose:
c. Code:
d. Period Begin Balance: $51,509.27

9B. Account Information
a. Financial Institution Full Name:
b. Purpose:
c. Code:
d. Period Begin Balance: $

CERTIFICATION
I certify that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Printed Name of Signer | Signature of Appointed Treasurer | Date

FOR OFFICE USE ONLY
Date Received: RECEIVED APR 24 2006
Date Postmarked: 4/27/06
Date Scanned:
N.C. BOARD OF ELECTIONS
Employee: JSR
Employee:
Employee: KDG

Delivery Method
☐ Normal Mail
☐ Registered Mail
☒ Hand Delivered
☐ Electronically Filed

CBO-1000 | NC State Board of Elections | March 2005

EXHIBIT 16G

04/24/2006 16:43 9103433339

Detailed Summary

Amendment ☐ Yes ☐ No

1. Committee Full Name (and Email if applicable)	2. Type of Report	3. ID Number
Thomas Wright Campaign		2209800

Start of Election Cycle: January 1, _____		Total this Reporting Period	Total this Election Cycle
4) Cash on Hand at Start		$ 59,699 13	$ 43,949 13
RECEIPTS			
5) Aggregated Contributions from Individuals	(CBO-1205)	$ [illegible]	$
6) Contributions from Individuals	(CBO-1310)	$ 5,950 00	$ 12,150 00
7) Contributions from Political Party Committees	(CBO-1205)	$ 0	$
8) Contributions from Other Political Committees	(CBO-1205)	$ 0	$ 46,250 00
9) Loan Proceeds	(CBO-1410)	$ 0	$ 0
10) Refunds/Reimbursements To the Committee	(CBO-1710)	$ 0	$ 0
11) Other Receipt Sources	(CBO-1205)		
11a) Interest on Bank Accounts	(CBO-1205)	$ 0	$ 0
11b) Contributions from Not-for-Profit Organizations	(CBO-1205)	$ 0	$ 0
11c) Outside Sources of Income	(CBO-1205)	$ 0	$ 0
12) "Goods and Services" Contributions	(CBO-1205)	$ 0	$ 0
13) TOTAL RECEIPTS *(Add lines 5, 6, 7, 8, 9, 10, 11a, 11b, 11c, and 12)*		$ 5,950 00	$ 58,400 00
EXPENDITURES			
14) Disbursements	(CBO-1310)		
14a) Operating Expenditures	(CBO-1310)	$ 14,139 56	$ 19,770 00
14b) Contributions to Candidates/Political Committees	(CBO-1310)	$ 0	$
14c) Coordinated Party Expenditures	(CBO-1310)	$ 0	$ 1,500 00
15) Loan Repayments	(CBO-1410)	$ 0	$ 0
16) Refunds/Reimbursements From the Committee	(CBO-1320)	$ 0	$ 0
17) In-Kind Contributions	(CBO-1870)	$ 0	$ 0
18) TOTAL EXPENDITURES *(Add lines 14a, 14b, 14c, 15, 16, and 17)*		$ 14,139 56	$ 21,270 00
19) Cash on Hand at End *(Add lines 4 and 13 together, then subtract line 18)*		$ 51,509 27	$ 51,509 22
ADDITIONAL INFORMATION			
20) Non-Monetary Gifts Given to Other Committees	(CBO-1310)	$	
21) Outstanding Loans (Incl. ones from other campaigns)	(CBO-1410)	$	
22) Debts and Obligations owed By the Committee	(CBO-1410)	$	
23) Debts and Obligations owed To the Committee	(CBO-1410)	$	
24) Account Transfers Within the Committee	(CBO-1710)	$	
25) Administrative Support	(CBO-1710)	$	$
26) Forgiven Loans	(CBO-1410)	$	$
27) 48-Hour Notice Reports Sum		$	$

(CBO-1710)

Disbursements

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign	220870D

3. Type of Disbursement (Please use separate CRO-1310 (disb.) for each type of Disbursement.)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Cumulis Broadcasting Wilmington, NC			Radio Advertising		check	4/06	$ 8,262.00
							$
							$
			i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$
4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Party City Sign Works 1705 Castle Street Wilmington NC 28403			Yard signs		check	4/06	$ 4014.64
							$
							$
			i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$
4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
FedEx Kinkos Oleander Dr. Wilmington			printing		check	4/06	$ 28.86
							$
							$
			i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$
4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
FedEx Kinkos Oleander Dr. Wilmington NC 28403			painting		check	4/06	$ 1,280.05
							$
							$
			i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$
4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Gospel Joy Radio Wilmington NC 28401			Advertisement		check	4/06	$ 300.00
							$
							$
			i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

5. Total only this Page	$ 17,885.55
6. Total of ALL CRO-1310 Related Pages (only show on last page)	$ 14,139.50

(This line goes in line 16a of Detailed Summary Page CRO-1100 (Operating Expenses))
(This line goes in line 16b of Detailed Summary Page CRO-1100 (Contrib to Candidates/Political Comm))
(This line goes in line 16c of Detailed Summary Page CRO-1100 (Coordinated Party Expenditures))

Contributions from INDIVIDUALS

1. Name of Committee or Fund

2. ID Number

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Joseph Stowell 941 8th Ave. Dr. NW Hickory, NC 28601-3403		check	02/06	☐	☐	$ 500.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Certified Registered Nurse Anest				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Nancy Shedlick 204 Fulham Pl Raleigh, NC 27615		check	02/06	☐	☐	$ 500.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Cynthia Black 620 Guy Walker Way Durham NC 27703		check	02/06	☐	☐	$ 250.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Jones B. Harrell 4531 Tree Rose Way Raleigh, NC 27606		check	02/06	☐	☐	$ 250.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Nancy B Maree 2500 Blue Ridge Rd Raleigh, NC 27607		check	02/06	☐	☐	$ 250.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

4. Total only this Page	$ 1750.00
5. Total of ALL CRO-1210 Pages (only show on last page) (This total must be on Line 6 of Detailed Summary Page CRO-3100)	$

04/24/2006 16:43 9103433339

Page 2 of 9

Contributions from INDIVIDUALS

1. Name of Committee or Fund						2. ID Number

	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
3. Contributor	Sherry Bernardo 1B904 woodcote Dr Huntersville NC 28078		check	02/06	☐	☐	$ 250.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
2. Contributor	Sheila Crumb 3900 Bandal Crossing Ct Winston Salem NC 27106		check	02/06	☐	☐	$ 250.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
1. Contributor	Sheary Owens 502 N. Hollenbrooke Dr Advance NC 27006		check	02/06	☐	☐	$ 250.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
3. Contributor	Cindy Myhatt 2044 Trinity Ave Wilmington NC 28401		check	02/06	☐	☐	$ 200.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
3. Contributor	Terry C. Wicks 111 Windsor St Rutherford College, NC 28671		check	02/06	☐	☐	$ 200.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page	$ 1150.00
5. Total of ALL CRO-1210 Pages (only show on last page)	$

(This line must be on line 6 of Periodic Summary Page CRO-1100)

Contributions from INDIVIDUALS

Page 5 of 8

1. Name of Committee or Fund

2. ID Number

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Julie Lowery 198 Norwood Rd Chapel Hill, NC 27516		check	02/06	☐	☐	$ 200.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	James B. Hicks 1005 Bottsfield Ct. Rocky Mount, NC 27803		check	02/06	☐	☐	$ 200.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Willard Branch JR. 1003 Chip Shot Dr. Morehead City NC 28557		check	02/06	☐	☐	$ 150.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Deborah L. Marcinko 274 Woodhaven Dr. New Hill NC 27562		check	02/06	☐	☐	$ 15.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Gregory D. Stone 1528 Wilton Circle Raleigh, NC 27615		check	02/06	☐	☐	$ 150.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

4. Total only this Page	$ 850.00
5. Total of ALL CRO-1210 Pages (only show on last page) (This line must be on line 5 of Detailed Summary Page CRO-1100)	$

04/24/2006 16:43 9103433339

Contributions from INDIVIDUALS

1. Name of Committee or Fund							2. ID Number

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Linda Bauer 201 Ashley Brook Ct Cary, NC 27513		check	02/06	☐	☐	$ 100.00
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field				☐	☐	$
		j. If Amendment, choose change type: ☐ Add ☐ Delete					k. Election Cycle Sum to Date $

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Tammy Meath 200 Highland Trl. Chapel Hill NC 27516		check	02/06	☐	☐	$ 100.00
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field				☐	☐	$
		j. If Amendment, choose change type: ☐ Add ☐ Delete					k. Election Cycle Sum to Date $

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Mavis Spitzer 240 36th Ave. Cir. Hickory, NC 28601		check	02/06	☐	☐	$ 100.00
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field				☐	☐	$
		j. If Amendment, choose change type: ☐ Add ☐ Delete					k. Election Cycle Sum to Date $

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Christena Mystic 281 Hollin Way Winston Salem, NC 27104		check	02/06	☐	☐	$ 100.00
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field				☐	☐	$
		j. If Amendment, choose change type: ☐ Add ☐ Delete					k. Election Cycle Sum to Date $

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Kandice Thompson 524 Knob View Pl Winston Salem NC 27104		check	02/06	☐	☐	$ 100.00
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field				☐	☐	$
		j. If Amendment, choose change type: ☐ Add ☐ Delete					k. Election Cycle Sum to Date $

4. Total only this Page	$ 500.00
5. Total of ALL CRO-1210 Pages (only show on last page)	$

(This line must be an Exact # of Detailed Summary Page CRO-1190)

Contributions from INDIVIDUALS

1. Name of Committee or Fund	2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Deborah Flaherty 376 Deerfield Forest Pkwy Boone NC 28607		check	02/06	☐	☐	$ 100.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: CRNA				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Sharon Pearce 133 Becks Nursery Rd Lexington, NC 27292		check	02/06	☐	☐	$ 100.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: CRNA				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Robin Lynn Schaefer 1822-6 3 Glenbrook Rd New Bern, NC 28562		check	02/06	☐	☐	$ 100.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: CRNA				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Shirley Sopko 2606 Creek Ridge Ln. Chapel Hill, NC 27514		check	02/06	☐	☐	$ 100.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: CRNA				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Dorthy Means 6710 Fairwoods Dr. Clemmons, NC 27012		check	02/06	☐	☐	$ 100.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

4. Total only this Page	$ 500
5. Total of ALL CRO-1210 Pages (only show on last page)	$

(This line must be on line 6 of Detailed Summary Page CRO-1140)

Contributions from INDIVIDUALS

1. Name of Committee or Fund	2. ID Number

	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
3. Contributor	John Waller 631 Parkway Blvd Reidsville NC 27320		check	02/06	☐	☐	$ 100.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CEO/A				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
3. Contributor	Linda Moore 4110 Stonebrook Farms Rd Greensboro, NC 27406		check	02/06	☐	☐	$ 100.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CEO/A				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
3. Contributor	Spencer Gardner 3904 Woodthorn Rd Rocky Mount NC 27804		check	02/06	☐	☐	$ 100.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CEO/A				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
3. Contributor	Kenneth Nicolleratt 107 Maitland Dr. Cary, NC 27511		check	02/06	☐	☐	$ 100.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CEO/A				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
3. Contributor	Linda Trimble 207 W. Bessemer Ave. Greensboro, NC 27401		check	02/06	☐	☐	$ 100.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CEO/A				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page	$ 500.00
5. Total of ALL CRO-1210 Pages (only show on last page)	$

(This line must be on Line 4 of Detailed Summary Page CRO-1100)

04/24/2006 16:43 9103433335

Contributions from INDIVIDUALS

1. Name of Committee or Fund						2. ID Number

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Pamela Wofford 495 Andrew Sink Rd Hexrington NC 27285		check	02/06	☐	☐	$ 100.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Bonnie C May 208 Woodlawn Dr. Jamestown, NC 27282		check	02/06	☐	☐	$ 100.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Charles Cocin 141 Milbrook Dr Ridgeway, NC 27288		check	02/06	☐	☐	$ 100.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Penny Ray 636 Doe Run DR. Kernersville NC 27284		check	02/06	☐	☐	$ 100.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Ann Wise 8009 Kilcash Ct. Clemmons, NC 27012		check	02/06	☐	☐	$ 100.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page	$ 500.00
5. Total of ALL CRO-1210 Pages (only show on last page)	$
(This line must be on line 6 of Detailed Summary Page CRO-1100)	

04/24/2006 16:43 9103433339

Page 8 of 8

Contributions from INDIVIDUALS

1. Name of Committee or Fund						2. ID Number

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	John Castronici 172 Overlook Dr. Advance, NC 27006		check	02/06	☐	☐	$ 100.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Chiro				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Robert J Dracunge 2400 River Run Rd Browns Summit, NC 27214		check	02/06	☐	☐	$ 100.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Chiro				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
					☐	☐	$
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
					☐	☐	$
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page		$ 200.00
5. Total of ALL CRO-1210 Pages *(only show on last page)*		$ 5,950.00

(This line must be on line 6 of Detailed Summary Page CRO-1190)

Contributions from OTHER POLITICAL COMMITTEES

Page ___ of ___

1. Name of Committee or Fund						2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

4. Total only this Page	$
5. Total of ALL CRO-1230 Pages (only show on last page) *(This line must be on line 1 of Detailed Summary Page CRO-1100)*	$ 0

Contributions from POLITICAL PARTY COMMITTEES

Page ____ of ____

1. Name of Committee or Fund	2. ID Number

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
					☐	$
					☐	$
					☐	$
		g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
					☐	$
					☐	$
					☐	$
		g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
					☐	$
					☐	$
					☐	$
		g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
					☐	$
					☐	$
					☐	$
		g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
					☐	$
					☐	$
					☐	$
		g. If Amendment, choose change type: ☐ Add ☐ Delete			h. Election Cycle Sum to Date	$

4. Total only this Page	$
5. Total of ALL CRO-1220 Pages *(only show on last page)*	$

(This line must be on line 7 of Detailed Summary Page CRO-1100)

Disclosure Report Cover

Amendment ☐ Yes ☐ No

Please note that this cover sheet cannot be used to amend committee information such as the committee address, treasurer, assistant treasurer, custodian of books information, or account information.
You must amend the Statement of Organization (CRO-2100A-E) to make those kinds of committee changes.
Use the Addendum form (CRO-1010) if more entries are needed.

1. Committee Information

a. Full Name: Thomas Wright Campaign
c. ID Number: 220980D
b. Mailing Address (include City, State and Zip Code): P.O. Box 1654 Wilmington, NC 28402
d. Date Filed:
e. Phone Number:

2. Report Year	3. Period Start Date (mm/dd/yyyy)	4. Period End Date (mm/dd/yyyy)	5. Treasurer Full Name
2006	MAY 2006	JUNE 30, 2006	

6. Type of Committee (Check one)
☒ Candidate Campaign ☐ Party
☐ Joint Fundraiser ☐ PAC
☐ Referendum

7. Type of Fund (if applicable, check one)
☐ Still Money Account
☐ "Booster Fund"
☐ Building Fund
☐ NC Political Party Financing Fund
☐ Presidential Election Year Candidates Fund
☐ NC Public Campaign Financing Fund
☐ Other:

8. Type of Report (check only one type of report from one category)

Municipal	State/County	Referendum
☐ Organizational	☐ Organizational	☐ Organizational
☐ Thirty-five day	Quarterly	☐ Pre-referendum
☐ Pre-primary	☐ First Pre	☐ Final
☐ Pre-election	☐ Second	☐ Supplemental Final
☐ Pre-runoff	☐ Third Pre	☐ Annual
Semi-annual	☐ Fourth	☐ Special
☐ Mid Year	Semi-annual	
☐ Year End	☐ Mid Year	9. Special Report Name
☐ Final	☐ Year End	
☐ Special	☐ Final	
	☐ Special	

10. Account Information
a. Financial Institution Full Name:
b. Purpose:
c. Code:
d. Period Begin Balance: $69,425.92

10. Account Information
a. Financial Institution Full Name:
b. Purpose:
c. Code:
d. Period Begin Balance: $59,698.92

CERTIFICATION

I certify that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Printed Name of Signer | Signature of Appointed Treasurer | 7/10/06 Date

RECEIVED JUL 11 2006 CAMPAIGN REPORTING

FOR OFFICE USE ONLY

Date Received: JUL 11 2006 Employee: JSB
Date Postmarked: Employee:
Date Scanned: 07-12-06 Employee: RC

Delivery Method
☐ Normal Mail
☐ Registered Mail
☒ Hand Delivered
☐ Electronically Filed

Detailed Summary

Amendment ☐ Yes ☐ No

1. Committee Full Name (and Fund if applicable)	2. Type of Report	3. ID Number
Thomas Wright Campaign		2209800

Start of Election Cycle: January 1, _____		Total this Reporting Period	Total this Election Cycle
4) Cash on Hand at Start		$ 59,609.92	$ 56,650.92
RECEIPTS			
5) Aggregated Contributions from Individuals	(CRO-1205)	$ 0	$ 0
6) Contributions from Individuals	(CRO-1210)	$ 4,025.00	$ 16,175.00
7) Contributions from Political Party Committees	(CRO-1220)	$ 0	$ 0
8) Contributions from Other Political Committees	(CRO-1230)	$ 16,900.00	$ 68,409.27
9) Loan Proceeds	(CRO-1410)	$ 0	$ 0
10) Refunds/Reimbursements To the Committee	(CRO-1240)	$ 0	$ 0
11) Other Receipt Sources	(CRO-1250)		
11a) Interest on Bank Accounts	(CRO-1250)	$ 0	$ 0
11b) Contributions from Not-for-Profit Organizations	(CRO-1250)	$ 0	$ 0
11c) Outside Sources of Income	(CRO-1250)	$ 0	$ 0
12) "Goods and Services" Contributions	(CRO-1260)	$ 0	$ 0
13) TOTAL RECEIPTS *(Add lines 5, 6, 7, 8, 9, 10, 11a, 11b, 11c, and 12)*		$ 20,925.00	$ 84,584.27
EXPENDITURES			
14) Disbursements	(CRO-1310)		
14a) Operating Expenditures	(CRO-1310)	$ 19,596.21	$ 15,748.30
14b) Contributions to Candidates/Political Committees	(CRO-1310)	$ 0	$
14c) Coordinated Party Expenditures	(CRO-1310)	$ 0	$ 1,500.00
15) Loan Repayments	(CRO-1420)	$ 0	$ 0
16) Refunds/Reimbursements From the Committee	(CRO-1320)	$ 0	$ 0
17) In-Kind Contributions	(CRO-1510)	$ 0	$ 0
18) TOTAL EXPENDITURES *(Add lines 14a, 14b, 14c, 15, 16, and 17)*		$ 19,596.21	$ 17,248.30
19) Cash on Hand at End *(Add lines 4 and 13 together, then subtract line 18)*		$ 60,938.71	$ 123,986.24
ADDITIONAL INFORMATION			
20) Non-Monetary Gifts Given to Other Committees	(CRO-1330)	$	
21) Outstanding Loans (incl. ones from other campaigns)	(CRO-1430)	$	
22) Debts and Obligations owed By the Committee	(CRO-1610)	$	
23) Debts and Obligations owed To the Committee	(CRO-1620)	$	
24) Account Transfers Within the Committee	(CRO-1720)	$	
25) Administrative Support	(CRO-1710)	$	$
26) Forgiven Loans	(CRO-1440)	$	$
27) 48-Hour Notice Reports Sum		$	$

Contributions from INDIVIDUALS

1. Name of Committee or Fund	2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
George Laney 3143 Nicholas Creek Circle Wilmington, NC 28409		check	2/06	☐	☐	$ 500.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Realtor				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Joseph A. Valade 6589 Murrayville Rd Wilmington, NC 28411		check	2/06	☐	☐	$ 500.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Realtor				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
S.R. Rudd Jr. 210 Country Club Dr Oak Island, NC 28465		check	2/06	☐	☐	$ 500.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Realtor				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
G. Wayne Long 108 Inlet Point Dr. Wilmington, NC 28409		check	2/06	☐	☐	$ 500.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: CEO Long Term Care				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Ken Coldabaugh 101-A North Park Dr. Greensboro, NC 27401		check	3/06	☐	☐	$ 250.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Realtor				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

4. Total only this Page	$ 2250.00
5. Total of ALL CRO-1210 Pages (only show on last page) *(This line must be on line 6 of Detailed Summary Page CRO-1100)*	$

Contributions from INDIVIDUALS

1. Name of Committee or Fund

2. ID Number

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Veronica Brown 121 Chimney Ln Wilmington, NC 28409		check	2/06	☐	☐	$ 250.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Education				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Alfred Thomas 4501 Prior Dr #137 Wilmington, NC 28412		check	2/06	☐	☐	$ 250.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CEC Health Center				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	C. D. Walters 400 N. Main St. unit 401 Greenville, SC 29601		check	2/06	☐	☐	$ 250.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CEO Consumer Lending				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Amy Hobbs Schilder 608 Sasser St. Raleigh, NC 27604		check	2/06	☐	☐	$ 250.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Lobbyist				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Vincent L. Calcagno Wilmington NC 28412		check	2/06	☐	☐	$ 150.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Realtor				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

4. Total only this Page: $ 1150.00

5. Total of ALL CRO-1210 Pages (only show on last page): $

(This line must be on line 6 of Detailed Summary Page CRO-1200)

Contributions from INDIVIDUALS

1. Name of Committee or Fund

2. ID Number

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	DONNA M. CLARK 1635 Waterford Point Lexington, NC 27292		check	2/06	☐	☐	$ 125 00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CRNA				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	ANGELA FAISON 3204 Galway Rd Castle Hayne NC 28429		check	2/06	☐	☐	$ 100 00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: House wife/Homemaker				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	SUSAN FRANKS 34 Oak Island Dr. Oak Island, NC 28465		check	2/06	☐	☐	$ 100 00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Realtor				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Benjamin Quattlebaum II 4907 Wedgefield Dr Wilmington NC 28405		check	2/06	☐	☐	$ 100 00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Executive Housing				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Adell Bernard 1387 Morgan Rd Supply, NC 28462		check	2/06	☐	☐	$ 100 00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Remington				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

4. Total only this Page: $ 525 00

5. Total of ALL CRO-1210 Pages (only show on last page): $

(This line must be on line 6 of Detailed Summary Page CRO-1300)

Contributions from INDIVIDUALS

1. Name of Committee or Fund

2. ID Number

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Mercedes Newsome 142 Mount Pr. Wilmington NC 28411		check	3/00	☐	☐	$100.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Retired Education				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
					☐	☐	$
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
					☐	☐	$
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
					☐	☐	$
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
					☐	☐	$
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

4. Total only this Page $100.00

5. Total of ALL CRO-1210 Pages *(only show on last page)* $4025.00

(This line must be on line 6 of Detailed Summary Page CRO-1500)

Contributions from POLITICAL PARTY COMMITTEES

1. Name of Committee or Fund	2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$

g. If Amendment, choose change type:	h. Election Cycle Sum to Date
☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$

g. If Amendment, choose change type:	h. Election Cycle Sum to Date
☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$

g. If Amendment, choose change type:	h. Election Cycle Sum to Date
☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$

g. If Amendment, choose change type:	h. Election Cycle Sum to Date
☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$

g. If Amendment, choose change type:	h. Election Cycle Sum to Date
☐ Add ☐ Delete	$

4. Total only this Page	$
5. Total of ALL CRO-1220 Pages *(only show on last page)*	$

(This line must be on line 7 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Pfizer PAC 235 East 42nd St New York, NY 10017		check	2/06	☐	$1,500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County: PAC	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Progress Energy PAC PO Box 1510 Raleigh, NC 27602		check	2/06	☐	$1,000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County: PAC	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Electricities PAC PO Box 29513 Raleigh, NC 27626		check	2/06	☐	$1,000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C. Bank PAC PO Box 19999 Raleigh, NC 27619		check	2/06	☐	$ 800.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Wachovia NC Employees Good Govt. Fund		check	3/06	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

4. Total only this Page	$ 4800.00
5. Total of ALL CRO-1230 Pages *(only show on last page)*	$
(This line must be on line A of Detailed Summary Page CRO-1100)	

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
DaVita Inc. PAC 21250 Hawthorne Blvd. Torrance, CA 90503		check	2/06	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
REAP PO Box 265766 Raleigh, NC 27611		check	2/06	☐	$ 400.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Assoc for Home & Hospice Care PAC 3101 Industrial Dr. Raleigh, NC 27609		check	2/06	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Dental PAC PO Box 4095 Cary, NC 27519		check	2/06	☐	$ 750.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Time Warner PAC 570 Glenwood Ave Raleigh 27603		check	2/06	☐	$ 25.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

4. Total only this Page	$ 2150.00
5. Total of ALL CRO-1230 Pages *(only show on last page)*	$

(This line must be on line 3 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund | 2. ID Number

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NMRS NC State PAC PO Box 1107003 Columbia SC 29211		check	3/06	☐	$ 200.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Blue Cross & Blue Shield of NC Employee PAC P.O. Box 2291 Durham, NC 27702		check	3/06	☐	$ 500.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Novartis PAC 701 Pennsylvania Ave NW Washington NC 20004		check	3/06	☐	$ 750.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Medical Society PAC P O Box 25834 Raleigh, NC 27611		check	3/06	☐	$ 1000.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Assoc of Educators PAC 7001 South Salisbury St. Raleigh, NC 27611		check	4/06	☐	$ 1000.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☐ State ☐ County:	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

4. Total only this Page $ 3450.00

5. Total of ALL CRO-1230 Pages (only show on last page) $

(This line must be on line A of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Duke Energy Corp. PAC 422 So Church St. Charlotte NC 28202		check	3/06	☐	$ 1000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C. Academy of Trial ~~Lawyers~~ Lawyers PAC P.O. Box 10518 Raleigh, NC 27605		check	3/06	☐	$ 1000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Citizens for Higher Educ 10709 Brass Kettle Rd Raleigh, NC 27614		check	3/06	☐	$ 2000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Realtors PAC 4511 Weybridge Lane Greensboro, NC 27407		check	3/06	☐	$ 2000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Pork Council PAC 2800 Regency Ave. Raleigh, NC 27607		check	3/06	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

4. Total only this Page	$ 6500.00
5. Total of ALL CRO-1230 Pages (only show on last page) (This line must be on line 3 of Detailed Summary Page CRO-1100)	$

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund | 2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Merck PAC 601 Pennsylvania Ave NW Washington, NC 20004		check	2/06	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Parker, Poe, Adams & Bernstein PAC 150 Fayetteville St Mall Raleigh, NC 27602		check	2/06	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

4. Total only this Page: $ 1000.00

5. Total of ALL CRO-1230 Pages (only show on last page): $ 16,900.00

(This line must be on line 8 of Detailed Summary Page CRO-1100)

Disbursements

Page ___ of ___

1. Name of Committee or Fund	2. ID Number

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursements.)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Cumulus Broadcasting 3233 Burnt Mill Rd. Wilmington NC 28403	advertising		check	4/1/06	$ 10,922 00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. for Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
FedEx Kinkos 4700 Oleander Dr. Wilmington, NC 28403	printing		check	4/06	$ 1,687 03
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. for Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Snapdragon Printing 1220 Dock Street Wilmington, NC 28401	Tee Shirts		check	5/06	$ 428 39
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. for Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
International Mailing Services PO Box 330 Wilmington, NC 28402	mail/sorting		check	4/06	$ 6251 88
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. for Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
United House of Prayer 1266 Dawson Street Wilmington	meals Elderly		check	5/06	$ 307 50
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. for Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date $

5. Total only this Page	$ 19,996 97
6. Total of ALL CRO-1310 Related Pages (only show on last page)	$

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disclosure Report Cover

Amendment ☐ Yes ☐ No

Please note that this cover sheet cannot be used to amend committee information such as the committee address, treasurer, assistant treasurer, custodian of books information, or account information.
You must amend the Statement of Organization (CRO-2100A-E) to make those kinds of committee changes.
Use the Addendum form (CRO-1010) if more entries are needed.

1. Committee Information

a. Full Name: Thomas Wright Campaign

c. ID Number: 2209800

b. Mailing Address (include City, State and Zip Code): P.O. Box 1654, Wilmington, NC 28402

d. Date Filed:

e. Phone Number:

2. Report Year	3. Period Start Date (mm/dd/yyyy)	4. Period End Date (mm/dd/yyyy)	5. Treasurer Full Name
2006	July '06	October '06	

6. Type of Committee (Check one)
- ☒ Candidate Campaign
- ☐ Party
- ☐ Joint Fundraiser
- ☐ PAC
- ☐ Referendum

7. Type of Fund (if applicable, check one)
- ☐ Soft Money Account
- ☐ "Booster Fund"
- ☐ Building Fund
- ☐ NC Political Party Financing Fund
- ☐ Presidential Election Year Candidates Fund
- ☐ NC Public Campaign Financing Fund
- ☐ Other:

8. Type of Report (check only one type of report from one category)

Municipal	State/County	Referendum
☐ Organizational	☐ Organizational	☐ Organizational
☐ Thirty-five day	Quarterly	☐ Pre-referendum
☐ Pre-primary	☐ First Pre	☐ Final
☐ Pre-election	☐ Second	☐ Supplemental Final
☐ Pre-runoff	☒ Third Pre	☐ Annual
Semi-annual	☐ Fourth	☐ Special
☐ Mid Year	Semi-annual	9. Special Report Name
☐ Year End	☐ Mid Year	
☐ Final	☐ Year End	
☐ Special	☐ Final	
	☐ Special	

10. Account Information

a. Financial Institution Full Name:

b. Purpose:

c. Code:

d. Period Begin Balance: $69,425.97

10. Account Information

a. Financial Institution Full Name:

b. Purpose:

c. Code:

d. Period Begin Balance: $

CERTIFICATION

I certify that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Printed Name of Signer

Signature of Appointed Treasurer

Date: 10/31/06

NOV 01 2006

N.C. BOARD OF ELECTIONS

FOR OFFICE USE ONLY

Date Received: 10/30/06 Employee: PW

Date Postmarked: Employee: PW

Date Scanned: Employee:

Delivery Method
- ☐ Normal Mail
- ☒ Registered Mail
- ☐ Hand Delivered
- ☐ Electronically Filed

Detailed Summary

Amendment ☐ Yes ☐ No

1. Committee Full Name (and Fund if applicable)	2. Type of Report	3. ID Number
Thomas Wright Campaign	3rd Quarter	2209800

Start of Election Cycle: January 1, _____		Total this Reporting Period	Total this Election Cycle
4) Cash on Hand at Start		$69,425.92	$59,698.92
RECEIPTS			
5) Aggregated Contributions from Individuals	(CRO-1205)	$ 0	$ 0
6) Contributions from Individuals	(CRO-1210)	$ 8,956.00	$ 25,126.00
7) Contributions from Political Party Committees	(CRO-1220)	$ 0	$ 0
8) Contributions from Other Political Committees	(CRO-1230)	$ 13,150.00	$ 81,550.22
9) Loan Proceeds	(CRO-1410)	$ 0	$ 0
10) Refunds/Reimbursements To the Committee	(CRO-1340)	$ 0	$ 0
11) Other Receipt Sources	(CRO-1250)		
11a) Interest on Bank Accounts	(CRO-1250)	$ 0	$ 0
11b) Contributions from Not-for-Profit Organizations	(CRO-1250)	$ 0	$ 0
11c) Outside Sources of Income	(CRO-1250)	$ 0	$ 0
12) "Goods and Services" Contributions	(CRO-1260)	$ 0	$ 0
13) TOTAL RECEIPTS *(Add lines 5, 6, 7, 8, 9, 10, 11a, 11b, 11c, and 12)*		$ 22,101.00	$ 106,676.22
EXPENDITURES			
14) Disbursements	(CRO-1310)		
14a) Operating Expenditures	(CRO-1310)	$ 12,789.06	$ 34,245.21
14b) Contributions to Candidates/Political Committees	(CRO-1310)	$ 0	$ —
14c) Coordinated Party Expenditures	(CRO-1310)	$ 0	$ 1,500.00
15) Loan Repayments	(CRO-1420)	$ 0	$ 0
16) Refunds/Reimbursements From the Committee	(CRO-1320)	$ 0	$ 0
17) In-Kind Contributions	(CRO-1510)	$ 2,850.00	$ 0
18) TOTAL EXPENDITURES *(Add lines 14a, 14b, 14c, 15, 16, and 17)*		$ 15,639.00	$ 36,245.01
19) Cash on Hand at End *(Add lines 4 and 13 together, then subtract line 18)*		$ 75,587.79	$ 130,130.13
ADDITIONAL INFORMATION			
20) Non-Monetary Gifts Given to Other Committees	(CRO-1330)	$	
21) Outstanding Loans (incl. ones from other campaigns)	(CRO-1430)	$	
22) Debts and Obligations owed By the Committee	(CRO-1610)	$	
23) Debts and Obligations owed To the Committee	(CRO-1620)	$	
24) Account Transfers Within the Committee	(CRO-1720)	$	
25) Administrative Support	(CRO-1710)	$	$
26) Forgiven Loans	(CRO-1440)	$	$
27) 48-Hour Notice Reports Sum		$	$

Contributions from INDIVIDUALS

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign	22 [illegible] 9800

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Thomas J. Pearsall JR 1 Page Ave. Suite 215 Asheville NC 28801		check	8/06	☐	☐	$ 500.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: CEO/Ret				☐	☐	$
c. Employer's Name/Specific Field: Self	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Mack B. Pearsall 1 Page Ave Suite 215 Asheville, NC 28801		check	8/06	☐	☐	$ 500.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Business owner				☐	☐	$
c. Employer's Name/Specific Field: Self	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Bernetta L. McKeithan 3204 Snow Berry Ct. Wilmington, NC 28409		check	8/21/06	☐	☐	$ 500.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession:				☐	☐	$
c. Employer's Name/Specific Field: Homemaker	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
MARION A SWIFT 237 Greenknob mountain Rd Boone NC 28607		check	8/06	☐	☐	$ 101.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Attorney				☐	☐	$
c. Employer's Name/Specific Field: Marion A. Swift Associates	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Gary Oysten P O Box 189 Franklinton NC 27525		check	7/06	☐	☐	$ 250.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Dentist				☐	☐	$
c. Employer's Name/Specific Field: Self	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

4. Total only this Page	$ 1851.00
5. Total of ALL CRO-1210 Pages (only show on last page) *This line must be on line 6 of Detailed Summary Page CRO-1100*	$ —

Contributions from INDIVIDUALS

1. Name of Committee or Fund

2. ID Number

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Fred Mills Sr. P.O.Box 6171 Raleigh, NC 27628		check	4/06	☐	☐	$ 250 00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: CEO				☐	☐	$
c. Employer's Name/Specific Field: Mills Construction	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Paul Hackman 4805 Shadbury Ct. Wake Forest NC		check	4/06	☐	☐	$ 250 00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Lu-Ann Coe Peerymon 1405 Brandbury Lexington, NC 27295		check	4/06	☐	☐	$ 250 00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Realtor				☐	☐	$
c. Employer's Name/Specific Field: Self	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
William Buford III 4840 SE Connell Ave. Chicago IL 60615		check	4/06	☐	☐	$ 250 00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Rufus L. Edmisten 132 SE Salisbury St. Raleigh, NC 27601		check	4/06	☐	☐	$ 200 00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Atty.				☐	☐	$
c. Employer's Name/Specific Field: Self	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

4. Total only this Page	$ 1,200 00
5. Total of ALL CRO-1210 Pages (only show on last page) (This line must be on line 6 of Detailed Summary Page CRO-1100)	$

Contributions from INDIVIDUALS

1. Name of Committee or Fund

2. ID Number

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	William Faison PO Box 51729. Durham, NC 27717		check	5/06	☐	☐	$ 500.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: Atty				☐	☐	$
	c. Employer's Name/Specific Field: self	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Jerry Lee Robinson 500 Tuxedo Lane Peachtree City GA 30269		check	5/06	☐	☐	$ 500.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Denise Harrod 785 Branchview Dr SW Atlanta GA 30331		check	5/06	☐	☐	$ 500.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: govt relations Dir.				☐	☐	$
	c. Employer's Name/Specific Field: Comp credit	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	John L. Neu 55-26 Woodside Ave Woodside, NY 11377		check	5/06	☐	☐	$ 1,000.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession: CEO				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Robert A. Kelman 40 W. 22nd. St. New York NY 10010		check	5/06	☐	☐	$ 500.00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date: $		

4. Total only this Page $ 3000.00

5. Total of ALL CRO-1210 Pages (only show on last page) $

(this line must be on line 6 of Detailed Summary Page CRO-1100)

Contributions from INDIVIDUALS

1. Name of Committee or Fund

2. ID Number

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	William Schmeidel 118 Asbury Ave. Freehold NJ. 07728		check	5/06	☐	☐	$ 500 00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Joseph A Payesko III 203 Muray Ave Yardville, NJ. 09620		check	5/06	☐	☐	$ 500 00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	David Dubois 73 Bolview Dr. Little Egg, Hamilton Twp NJ. 08087		check	5/06	☐	☐	$ 300 00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	Scott A. Miller 81 Beach Rd. Point Pleasant, NJ. 08742		check	5/06	☐	☐	$ 500 00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
	G. Barry Isaacs 7 Schindler Ct. Boonton Township NJ. 07005		check	5/06	☐	☐	$ 300 00
					☐	☐	$
					☐	☐	$
	b. Job Title/Profession				☐	☐	$
	c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page	$ 2,100 00
5. Total of ALL CRO-1210 Pages (only show on last page) (This line must be on line 6 of Detailed Summary Page CRO-1100)	$

Contributions from INDIVIDUALS

1. Name of Committee or Fund	2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
R. Clark Peary 4 Robert Court Verona NJ 07044		check	4/06	☐	☐	$ 350.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
F.W. Cornell 368 Vassar Dr Freehold, NJ 07728		check	4/06	☐	☐	$ 250.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
John Butler 518 S. Boylan Ave. Raleigh, NC 27603		check	4/06	☐	☐	$ 200.00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page	$ 800.00
5. Total of ALL CRO-1210 Pages *(only show on last page)* *(This line must be on line 6 of Detailed Summary Page CRO-1300)*	$ 8,957.00

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number
Thomas Wright Campaign	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Bank of America PAC 600 Peachtree St. NE. Atlanta GA 30308		check	4/06	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Nextel Corp. PAC 150 Fayetteville St. Mall Raleigh NC 27601		check	4/06	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Farm Bureau PAC PO Box 27766 Raleigh NC 27611		check	4/06	☐	$ 500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
KEAR Drug Inc PAC 2522 S. Tricenter Blvd. Durham, NC 27713		check	4/06	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Smithfield Foods Inc PAC 499 Park Ave New York, NY		check	4/06	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

4. Total only this Page	$ 2,000.00
5. Total of ALL CRO-1230 Pages (only show on last page)	$

(This line must be on line 3 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC PGA PAC 5112 Bur Oak Circle Raleigh, NC 27612		check	4/06	☐	$ 200.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC State AFL-CIO COPE-PAC PO Box 10805 Raleigh, NC. 27605		check	4/06	☐	$ 100.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Re Elect Garsey Sheriff 4901 Gorham Ave. Wilmington, NC 28409		check	4/06	☐	$ 1,000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Construction PAC. PO Box 30998 Raleigh, NC 27622		check	4/06	☐	$ 200.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Employees PAC PO Drawer 27727 Raleigh, NC 27611		check	4/06	☐	$ 250.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

4. Total only this Page	$ 1,750.00
5. Total of ALL CRO-1230 Pages (only know on last page) (This line must be on line 1 of Detailed Summary Page CRO-1190)	$

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Retail Merchants Assn PAC PO Box 176001 Raleigh, NC 27619		check	4/06	☐	$ 200.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Petroleum Stmd Farms PAC 805 Pennsylvania Ave. Kansas City MO. 64105		check	4/06	☐	$ 200.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
AFSCME PAC 1511 Armistice Ave. Hartford, CT. 06150		check	4/06	☐	$ 200.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Dominion PAC PO Box 26666 Richmond VA. 23261		check	4/06	☐	$ 300.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.C. Hospital Association PAC PO Box 4449 Cary, NC 27519		check	4/06	☐	$ 2,000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

4. Total only this Page	$ 2,900.00
5. Total of ALL CRO-1230 Pages (only show on last page)	$

(This line must be on line 1 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Nationwide PAC one Nationwide Plaza Columbus, Oh. 43215		check	4/06	☐	$1,500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Build PAC P.O.Box 99090 Raleigh, NC 27624		check	4/06	☐	$3,000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Laillad PAC 714 Green Valley Rd Greensboro NC 27408		check	4/06	☐	$1,000.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC A550c Long Term Care PAC 4010 Barrett Dr. Raleigh, NC 27609		check	4/06	☐	$500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Dental PAC PO Box 4099 Cary NC 27519		check	4/06	☐	$500.00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

4. Total only this Page	$6,500.00
5. Total of ALL CRO-1230 Pages (only show on last page)	$ ✓

(This line must be on line 1 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund

2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
HSBC North America PAC 2700 Sanders Rd. Prospect Heights IL 60070		check	4/06	☐	$ 500 00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
CASPA - PAC P.O. Box 1049 Raleigh. NC 27605		check	4/06	☐	$ 500 00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Restaurant Assoc Inc PAC 6036 Six Forks Rd. Raleigh, NC 27609		check	4/06	☐	$ 500 00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Assoc. Insurance & Financial Advisors. PAC 875 Washington St. Raleigh. NC 27605		check	4/06	☐	$ 500 00
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
				☐	$
				☐	$
				☐	$
				☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County:	☐ Add ☐ Delete	$

4. Total only this Page $ 2,000 00

5. Total of ALL CRO-1230 Pages (only show on last page) $ 13,150 00

(This line must be on line 1 of Detailed Summary Page CRO-1100)

Disbursements

1. Name of Committee or Fund: Thomas Wright Campaign

2. ID Number: 220980

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursements.)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Snapdragon Printing 1220 Dock St Wilmington NC 28401	Teeshirts		check	5/06	$ 405.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date: $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Cumulis Broadcasting 3233 Burnt mill Rd. Wilmington NC 28403	Advertising		check	5/06	$ 2,993.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date: $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Pender Post Burgaw NC	newspaper Ad		check	5/06	$ 630.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date: $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
FedEx Kinkos 4702 Oleander Dr. Wilmington NC 28403	printing		check	5/06	$ 2,342.58
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date: $

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Port City Signs 103 . Castle Street Wilmington, NC 28401	signs		check	5/06	$ 3,764.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete | j. Election Cycle Sum To Date: $

5. Total only this Page	$ 10,139.00
6. Total of ALL CRO-1310 Related Pages (only show on last page)	$

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disbursements

1. Name of Committee or Fund

2. ID Number

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursements.)

☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Nora Butts #6. Shipyard walk Wilmington, NC 28401	pollworker				$ 100.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Debra Stokes 1003 S. 14th St Wilmington NC 28401	pollworker				$ 100.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
James Alexander 506. Brunswick St Wilmington NC 28401	pollworker				$ 100.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Will Forden 2209 Rock Hill Rd Castle Hayne NC 28429	pollworker				$ 100.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee

a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Angela Redd 717 Simon St Wilmington NC 28405	pollworker				$ 100.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

5. Total only this Page	$ 500.00
6. Total of ALL CRO-1310 Related Pages (only show on last page)	$

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disbursements

1. Name of Committee or Fund	2. ID Number

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursement.)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	Pearlie Watkins 706 Emory St Wilmington NC 28401	pollworker				$ 100.00
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date $

4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	Julia Salter 407 S E 16th St Wilmington, NC 28401	driver/pollworker				$ 150.00
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date $

4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	Lossie Mc Cropey 4715 Greentree Rd Wilmington NC 28405	pollworker				$ 100.00
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date $

4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	Johnnie Jacobs 1117 Shipyard Walk Wilmington, NC 28401	pollworker				$ 100.00
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date $

4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	Tammie Monroe 2020 Pender Ave Wilmington, NC 28403	pollworker				$ 100.00
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date $

5. Total only this Page	$ 550.00
6. Total of ALL CRO-1310 Related Pages (only show on last page)	$

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disbursements

1. Name of Committee or Fund	2. ID Number

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursements.)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Barbara Boney 1113 E. Stewart Circle Wilmington, NC. 28401	pollworker		check	5/06	$ 100.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. for Cand/Comm:	i. If Amendment, choose change type:	j. Election Cycle Sum To Date
		☐ Add ☐ Delete	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Robert Lawrence 808 B. N. 5th St	pollworker		Check	5/06	$ 100.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. for Cand/Comm:	i. If Amendment, choose change type:	j. Election Cycle Sum To Date
		☐ Add ☐ Delete	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Stephanie Stokes #7 N. Liberty Ct. Wilmington, NC 28401	pollworker		check	5/06	$ 100.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. for Cand/Comm:	i. If Amendment, choose change type:	j. Election Cycle Sum To Date
		☐ Add ☐ Delete	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Cozette Stokes 4M Apt 2 Hanover St Wilmington NC 28401	pollworker		check	5/06	$ 100.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. for Cand/Comm:	i. If Amendment, choose change type:	j. Election Cycle Sum To Date
		☐ Add ☐ Delete	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Judy Davis 1009 S. 8th St Wilmington, NC 28401	pollworker		check	5/06	$ 100.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. for Cand/Comm:	i. If Amendment, choose change type:	j. Election Cycle Sum To Date
		☐ Add ☐ Delete	$

5. Total only this Page	$ 500.00
6. Total of ALL CRO-1310 Related Pages (only show on last page) (This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses) (This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm) (This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)	$

Disbursements

1. Name of Committee or Fund | 2. ID Number

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursements.)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Gwendolyn Watkins 1018 Thomas C Jervay Dr Wilmington, NC 28401	pollworker				$ 100.00
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Kendra Hill 2805 Spaulding Wilmington, NC 28405	pollworker				$ 100.00
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
James Jordan 1108 James Alley Wilmington, NC 28401	pollworker				$ 100.00
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Reese Smith 4913 Gordon Rd Wilmington NC 28401	pollworker				$ 100.00
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Jozeiell Smith 4913 Gordon Rd Wilmington NC 28401	pollworker				$ 100.00
					$
					$
b. If Contribution to County Committee, specify: / c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date	$

5. Total only this Page $ 500.00

6. Total of ALL CRO-1310 Related Pages (only show on last page) $

(This line goes in line 11a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disbursements

1. Name of Committee or Fund	2. ID Number

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of Disbursement.)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Ruth Lewis Wilmington, NC 28401	pollworker		check	5/06	$100.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Anik Hicks Wilmington, NC 28411	pollworker		check	5/06	$100.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Patricia Drakeford Wilmington NC. 28411	pollworker		check	5/06	$100.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Gloria Stokes #4 Shipyard Walk Wilmington, NC 28401			check	5/06	$300.00
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete	j. Election Cycle Sum To Date
			$

5. Total only this Page	$ 600.00
6. Total of ALL CRO-1310 Related Pages (only show on last page) (This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses) (This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm) (This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)	$ 12,789.00

Disclosure Report Cover

Amendment ☐ Yes ☐ No

Please note that this cover sheet cannot be used to amend committee information such as the committee address, treasurer, assistant treasurer, custodian of books information, or account information.
You must amend the Statement of Organization (CRO-2160A-E) to make these kinds of committee changes.
Use the Addendum form (CRC-1010) if more entries are needed.

1. Committee Information

a. Full Name	c. ID Number
Thomas Wright Campaign	22098-00
b. Mailing Address (Include City, State and Zip Code)	**d. Date Filed**
P. O. Box 1654 Wilmington, NC 28402	
	e. Phone Number
	910 343-3339

2. Report Year	3. Period Start Date (mm/dd/yyyy)	4. Period End Date (mm/dd/yyyy)	5. Treasurer Full Name
2006	October 2006	Dec 10 2006	

6. Type of Committee (Check one)
☐ Candidate Campaign ☐ Party
☐ Joint Fundraiser ☐ PAC
☐ Referendum

7. Type of Fund (If applicable, check one)
☐ Self Money Account
☐ "Booster Fund"
☐ Building Fund
☐ NC Political Party Financing Fund
☐ Presidential Election Year Candidate Fund
☐ NC Public Campaign Financing Fund
☐ Other:

8. Type of Report (check only one type of report from one category)

Municipal	State/County	Referendum
☐ Organizational	☐ Organizational	☐ Organizational
☐ Thirty-five day	Quarterly	☐ Pre-referendum
☐ Pre-primary	☐ First Pre	☐ Final
☐ Pre-election	☐ Second	☐ Supplemental Final
☐ Pre-runoff	☐ Third Pre	☐ Annual
Semi-annual	☒ Fourth	☐ Special
☐ Mid Year	Semi-annual	
☐ Year End	☐ Mid Year	**9. Special Report Name**
☐ Final	☐ Year End	
☐ Special	☐ Final	
	☐ Special	

10. Account Information

a. Financial Institution Full Name	b. Purpose	c. Code	d. Period Begin Balance
			$75,587.29

10. Account Information

a. Financial Institution Full Name	b. Purpose	c. Code	e. Period Begin Balance
			$

CERTIFICATION

I certify that the Committee is in compliance with all provisions of Article 22A, including that no funds are commingled with funds for a federal or out-of-state PAC. I further say that this report is complete, true and correct.

Printed Name of Signer: Thomas E. Wright Signature of Authorized Signer: [signature] Date: 1/10/07

FOR OFFICE USE ONLY

Date Received:		Employee:	
Date Postmarked:		Employee:	
Date Scanned:	01-18-07	Employee:	[signature]

Delivery Method
☐ Normal Mail
☐ Registered Mail
☐ Hand Delivered
☐ Electronically Filed

RECEIVED JAN 10 2007 CAMPAIGN REPORTING

Detailed Summary

Amendment ☐ Yes ☐ No

1. Committee Full Name (and Fund if applicable)	2. Type of Report	3. ID Number
Thomas Wright Campaign	4th Quarter	2205800

Start of Election Cycle: January 1, _____		Total this Reporting Period	Total this Election Cycle
4) Cash on Hand at Start		$75,587.22	$69,495.92
RECEIPTS			
5) Aggregated Contributions from Individuals	(CEO-1206)	$ 0	$ 0
6) Contributions from Individuals	(CEO-1218)	$ 1,250.00	$ 34,077.00
7) Contributions from Political Party Committees	(CEO-1220)	$ 0	$ 0
8) Contributions from Other Political Committees	(CEO-1230)	$ 18,750.00	$ 94,700.22
9) Loan Proceeds	(CEO-1418)	$ 0	$ 0
10) Refunds/Reimbursements To the Committee	(CEO-1240)	$ 0	$ 0
11) Other Receipt Sources	(CEO-1250)		
11a) Interest on Bank Accounts	(CEO-1250)	$ 0	$ 0
11b) Contributions from Not-for-Profit Organizations	(CEO-1250)	$ 0	$ 0
11c) Outside Sources of Income	(CEO-1250)	$ 0	$ 0
12) "Goods and Services" Contributions	(CEO-1260)	$ 0	$ 0
13) TOTAL RECEIPTS *(Add lines 5, 6, 7, 8, 9, 10, 11a, 11b, 11c, and 12)*		$20,000.00	$128,777.22
EXPENDITURES			
14) Disbursements	(CEO-1310)		
14a) Operating Expenditures	(CEO-1310)	$ 11,316.50	$ 47,534.07
14b) Contributions to Candidates/Political Committees	(CEO-1310)	$ 0	$ 0
14c) Coordinated Party Expenditures	(CEO-1310)	$ 0	$ 1,500.00
15) Loan Repayments	(CEO-1420)	$ 0	$ 0
16) Refunds/Reimbursements From the Committee	(CEO-1330)	$ 0	$ 0
17) In-Kind Contributions	(CEO-1510)	$ 0	$ 2,850.00
18) TOTAL EXPENDITURES *(Add lines 14a, 14b, 14c, 15, 16, and 17)*		$ 11,316.50	$ 51,884.07
19) Cash on Hand at End *(add lines 4 and 13 together, then subtract line 18)*		$ 84,271.29	$ 146,315.15
ADDITIONAL INFORMATION			
20) Non-Monetary Gifts Given to Other Committees	(CEO-1330)	$	
21) Outstanding Loans (Incl. ones from other campaigns)	(CEO-1430)	$	
22) Debts and Obligations owed By the Committee	(CEO-1610)	$	
23) Debts and Obligations owed To the Committee	(CEO-1630)	$	
24) Accounts Transfers Within the Committee	(CEO-1720)	$	
25) Administrative Support	(CEO-1714)	$	$
26) Forgiven Loans	(CEO-1440)	$	$
27) Gift-Maker Notes Reported from		$	$

Contributions from INDIVIDUALS

Page 1 of 1

1. Name of Committee or Fund

2. ID Number

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
George Saunders MD 114 W. Parrish St Durham NC 27701		check	dec2006	☐	☐	$ 250 00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Scientist				☐	☐	$
c. Employer's Name/Specific Field: Old North State Medical Society	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
Carl Marchman 10 S Water Street unit #1 Wilmington, NC 28401		check	octdec2006	☐	☐	$ 1,000 00
				☐	☐	$
				☐	☐	$
b. Job Title/Profession: Engineer				☐	☐	$
c. Employer's Name/Specific Field: Clus Ea. Bank	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

a. Full Name, Mailing Address & Phone (include city, state, & zip)	d. Account Number/Code	e. Form of Payment	f. Date (mm/dd/yyyy)	g. In-Kind	h. Prior Report	i. Amount
				☐	☐	$
				☐	☐	$
				☐	☐	$
b. Job Title/Profession				☐	☐	$
c. Employer's Name/Specific Field	j. If Amendment, choose change type: ☐ Add ☐ Delete			k. Election Cycle Sum to Date $		

4. Total only this Page $ 1,250 00

5. Total of ALL CRO-1210 Pages (only show on last page) $ 1,250 00

(This line must be on line 1 of Detailed Summary Page CRO-1100)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund | 2. ID Number

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Citizens for Higher Education 10709 Grassy Knoll Rd. Raleigh, NC 27614-9559		check	october '06	☐	$ 2,000.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☑ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	NC Realtors PAC 4511 Weybridge Ln. Greensboro, NC 27407		check	october '06	☐	$ 4,000.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☑ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	NC Assoc. Educators PAC 700 S. Salisbury St Raleigh NC 27601		check	october '06	☐	$ 500.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☑ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Friends of Forestry PAC 1600 Glenwood Ave Suite I Raleigh, NC 27608		check	october '06	☐	$ 500.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☐ Federal ☑ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	
3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Pepsico Concerned citizens Fund Purchase, NY 10577		check	october '06	☐	$ 250.00
					☐	$
					☐	$
					☐	$
	g. Type of Committee: ☑ Federal ☐ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

4. Total only this Page: $ 7,250.00

5. Total of ALL CRO-1230 Pages (only when on last page): $

(This line must be on line 1 of Detailed Summary Page CRO-1230)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund | 2. ID Number

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC. Assoc. Nurse Anesthetists PAC 201 Eva Lane Greensboro, NC 27455		check	oct. '06	☐	$2000.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☒ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Hospital Assoc. PAC PO Box 4445 Cary, NC 27519		check	oct '06	☐	$2000.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☒ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
IAA committee on Political Education 17 Battery Pl. Suite 930 New York, NY 10004		check	oct. 06	☐	$1,500.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☐ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Meek Employees PAC 601 Pennsylvania Ave NW Washington, DC 20004		check	oct. 06	☐	$1,000.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☒ Federal ☐ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

3. Contributor: a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
NC Home Builders Assoc. PAC P.O. Box 95090 Raleigh, NC 27624		check	Nov. 06	☐	$1,000.00
				☐	$
				☐	$
				☐	$
g. Type of Committee: ☐ Federal ☒ State ☐ County	h. If Amendment, choose change type: ☐ Add ☐ Delete			i. Election Cycle Sum to Date: $	

4. Total only this Page: $ 7,500.00

5. Total of ALL CRO-1230 Pages (carry over to the next page): $

(This line must be on the last Detailed Summary page - CRO-1.00)

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number

3. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
KOCH PAC 655 15th St NW Suite 475 Washington, DC 20005		check	NOV. 06	☐	$ 500 00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

4. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
N.P. PAC Pmb 345 1251 NW MAYNARD Rd Cary, NC 27513		check	NOV 06	☐	$ 500 00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

5. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Economic Development Coalition 2000 PO Box 386 Cary, NC 27512		check	Oct. 06	☐	$ 500 00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

6. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
Carolink PAC P.O. Box 368 Yadkinville NC 27055		check	Oct. 06	☐	$ 500 00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

7. Contributor

a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
PSNC Energy PAC 1312 Annapolis Drive Suite 200 Raleigh, NC 27608		check	NOV. 06	☐	$ 500 00
				☐	$
				☐	$
				☐	$

g. Type of Committee: ☐ Federal ☐ State ☐ County: _____ | h. If Amendment, choose change type: ☐ Add ☐ Delete | i. Election Cycle Sum to Date: $

8. Total only this Page	$ 2,500 00
9. Total of ALL CRO-1330 Pages (only show on last page)	$

(This line must be on the last Detailed Summary Page (CRO-1331))

Contributions from OTHER POLITICAL COMMITTEES

1. Name of Committee or Fund	2. ID Number

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Microsoft Corp. PAC 16011 NE 36th Way Redmond WA 98073		check	Nov '06	☐	$ 250.00
					☐	$
					☐	$
					☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County	☐ Add ☐ Delete	$

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Piedmont Natural Gas PAC P O Box 33068 Charlotte, NC 28233		check	Nov '06	☐	$ 250.00
					☐	$
					☐	$
					☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☒ State ☐ County	☐ Add ☐ Delete	$

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Pfizer PAC 235 East 42nd St New York, NY 10017		check	Dec. 06	☐	$ 1,000.00
					☐	$
					☐	$
					☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County	☐ Add ☐ Delete	$

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
	Medco Health PAC 591 Redwood Hwy Bldg 400 Mill Valley, CA 94941		check	Dec. 06	☐	$ 1,000.00
					☐	$
					☐	$
					☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☒ Federal ☐ State ☐ County	☐ Add ☐ Delete	$

3. Contributor	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. Account Number/Code	c. Form of Payment	d. Date (mm/dd/yyyy)	e. In-Kind	f. Amount
					☐	$
					☐	$
					☐	$
					☐	$

g. Type of Committee	h. If Amendment, choose change type:	i. Election Cycle Sum to Date
☐ Federal ☐ State ☐ County	☐ Add ☐ Delete	$

5. Total only this Page	$ 2,500.00
6. Total of ALL CRO-1230 Pages (only shown on last page)	$ 19,750.00

(This line must be on Line 1 of Totaled Summary Page CRO-1150)

Disbursements

1. Name of Committee or Fund

2. ID Number

3. Type of Disbursement: (Please use separate CRO-1310 forms for each type of Disbursement.)

Operating Expenses | Contributions to Candidates/Political Committees | Coordinated Party Expenditures

4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	FedEx Kinkos 4700 Oleander Dr Wilmington NC 28409	printing	—	check	10/06	$ 3,264.23
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	$
4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	Port City Signs 1703 Castle St Wilmington NC 28401	signs	—	check	10/06	$ 2,196.00
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	$
4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	Snapdragon Printing 1220 Dock Street Wilmington NC 28401	Voter Sheets		check	11/06	$ 526.00
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	$
4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	Pender Post Burgaw NC	advertisement Newspaper		check	11/06	$ 630.00
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	$
4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	United Home & Prayer Anders St. Wilmington NC 28401	Election Day meals		check	11/06	$ 394.29
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	$

5. Total only this Page $ 7,010.52

6. Total of ALL CRO-1310 Related Pages (only show on last page) $

This line goes in line 16a of Detailed Summary Page CRO-1166 if Operating Expenses

This line goes in line 16b of Detailed Summary Page CRO-1166 if Contrib to Candidates/Political Comm

This line goes in line 16c of Detailed Summary Page CRO-1166 if Coordinated Party Expenditures

Disbursements

1. Name of Committee or Fund	2. ID Number

3. Type of Disbursement (Please use separate CRO-1310 series for each type of Disbursement.)
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	Fed Ex Kinkos 4700 Oleander Dr Wilmington, NC 28403	supplies		check	11/06	$ 1,586.13
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date: $
4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	Debra Stokes 100.3 S. 14th Street Wilmington, NC 28401	pollworker		check	11/06	$ 100.00
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date: $
4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	James Alexander 506 Brunswick St Wilmington, NC 28401	pollworker		check	11/01	$ 100.00
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date: $
4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	Willie Fordham 2209 Rock Hill Rd Castle Hayne, NC 28429	pollworker		check	11/01	$ 100.00
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date: $
4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
	Angela Redd 717 Emory St Wilmington, NC 28405	pollworker		check	11/06	$ 100.00
						$
						$
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete			j. Election Cycle Sum To Date: $

5. Total only this Page: $ 1,986.13

6. Total of ALL CRO-1310 Related Pages (only show on last page): $

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contributions to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disbursements

1. Name of Committee or Fund | 2. ID Number

3. Type of Disbursement — Please use separate CRO-1310 forms for each type of Disbursement.
☐ Operating Expenses ☐ Contributions to Candidate/Political Committee ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Peaches Watkins 706 Emory St. Wilmington, NC 28401	pd Hawkins		check	10/06	$ 100.00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Julia Salter 407 SE 16th St Wilmington NC 28401	pd Hawkins		check	11/06	$ 150.00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Stephanie Stokes ed 7 N. Liberty Ct Wilmington, NC 28401	pd Hawkins		check	11/06	$ 100.00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Cozette Stokes 414 Apt I Hanover St Wilmington NC 28401	pd Hawkins		check	11/06	$ 100.00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	$

4. Payee: a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
Jody Onuis 1009 SE 8th Street Wilmington NC 28401	pd Hawkins		check		$ 100.00
					$
					$
b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	$

5. Total only this Page $ 500.00

6. Total of ALL CRO-1310 Related Pages (only show for last page) $

This line goes in line 16b of Detailed Summary Page CRO-1100 if Operating Expenses
This line goes in line 16b of Detailed Summary Page CRO-1100 if Contributions to Candidates/Political Committees
This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures

Disbursements

1. Name of Committee or Fund | 2. ID Number

3. Type of Disbursement - Please use separate CRO-1310 forms for each type of Disbursement.
☐ Operating Expenses ☐ Contributions to Candidates/Political Committees ☐ Coordinated Party Expenditures

4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. for Cand/Comm:	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
4. Payee	Rendar Hill 2805 Spaulding Ct. Wilmington, NC 28405			getbooster		check	11/06	$ 100.00
								$
								$
			i. If Amendment, choose change type: ☐ Add ☐ Delete				j. Election Cycle Sum To Date	$
4. Payee	Gwendolyn Watkins 1018 Thomas C. Davis Dr Wilmington, NC 28401			getbooster		check	11/06	$ 100.00
								$
								$
			i. If Amendment, choose change type: ☐ Add ☐ Delete				j. Election Cycle Sum To Date	$
4. Payee	James Jordan 1108 Jones Alley Wilmington, NC 28401			getbooster		check	11/06	$ 100.00
								$
								$
			i. If Amendment, choose change type: ☐ Add ☐ Delete				j. Election Cycle Sum To Date	$
4. Payee	Roese Smith 4913 Gordon Rd Wilmington NC 28411			getbooster card		check	11/06	$ 300.00
								$
								$
			i. If Amendment, choose change type: ☐ Add ☐ Delete				j. Election Cycle Sum To Date	$
4. Payee	Jacozell Smith 4913 Gordon Rd Wilmington, NC 28411			getbooster		check	11/06	$ 100.00
								$
								$
			i. If Amendment, choose change type: ☐ Add ☐ Delete				j. Election Cycle Sum To Date	$

5. Total only this Page $ 700.00

6. Total of ALL CRO-1310 Related Pages (only show on last page) $

(This line goes to line 14a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes to line 14b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes to line 14c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disbursements

1. Name of Committee or Fund | 2. ID Number

3. Type of Disbursement (Please use separate C.R.O.-1310 forms for each type of Disbursement.)
Operating Expenses | Contributions to Candidates/Political Committees | Coordinated Party Expenditures

4. Payee	a. Full Name, Mailing Address & Phone (include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
4. Payee	Gloria Stokes #4 Shipyard Walk Wilmington NC 28401	pollworker		check	11/06	$ 300.00
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	$
4. Payee	Patricia Parker Wilmington NC 28401	pollworker		check	11/06	$ 100.00
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	$
4. Payee	Ruth Lewis Wilmington, NC 28401	pollworker		check	11/06	$ 100.00
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	$
4. Payee	Cedaie Smith 4913 Goodson Rd Wilmington, NC 28411	pollworker		check	11/06	$ 100.00
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	$
4. Payee	Robert Lawrence 808 B. N. 5th St Wilmington NC 28401	pollworker		check	11/06	$ 100.00
	b. If Contribution to County Committee, specify:	c. If Coordinated Party Exp. list Cand/Comm:	i. If Amendment, choose change type: ☐ Add ☐ Delete		j. Election Cycle Sum To Date	$

5. Total only this Page $ 700.00

6. Total of ALL CRO-1310 Related Pages (only show on last page) $

(This line goes on line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes on line 14b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes on line 16a of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

Disbursements

1. Name of Committee or Fund | 2. ID Number

3. Type of Disbursement (Please use separate CRO-1310 forms for each type of disbursement.)
☐ Coordinated Expenses ☐ Contributions to Committee/Political Committees ☐ Coordinated Party Expenditures

4. Payee: a. Full Name, Mailing Address & Phone (Include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
John Holmes Wilmington NC 28401	cater		check	11/06	$ 350.00
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete
j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (Include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete
j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (Include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete
j. Election Cycle Sum To Date $

4. Payee: a. Full Name, Mailing Address & Phone (Include city, state, and zip)	d. Purpose	e. Account Number/Code	f. Form of Payment	g. Date (mm/dd/yyyy)	h. Amount
					$
					$
					$

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete
j. Election Cycle Sum To Date $

b. If Contribution to County Committee, specify: | c. If Coordinated Party Exp. list Cand/Comm:
i. If Amendment, choose change type: ☐ Add ☐ Delete
j. Election Cycle Sum To Date $

5. Total only this Page $ 350.00

6. Total of ALL CRO-1310 Related Pages (only show on last page) $ 11,310.50

(This line goes in line 16a of Detailed Summary Page CRO-1100 if Operating Expenses)
(This line goes in line 16b of Detailed Summary Page CRO-1100 if Contrib to Candidates/Political Comm)
(This line goes in line 16c of Detailed Summary Page CRO-1100 if Coordinated Party Expenditures)

North Carolina General Assembly
House of Representatives
State Legislative Building
Raleigh 27601-1096

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2319 LEGISLATIVE BUILDING
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February 29, 2008

The attached committee and commission appointments for Representative Thomas E. Wright from 1999-2008 are certified to be true and accurate.

EXHIBIT
18

Denise Weeks
Principal Clerk
House of Representatives

COMMITTEE AND COMMISSION APPOINTMENTS OF REPRESENTATIVE THOMAS E. WRIGHT

1999 – 2008

1999 Session

Standing Committee Appointments
(Appointed February 9, 11, 1999)
Appropriations; Appropriations Subcommittee on Capital, **Chair**; Economic Growth and Community Development; Ethics; Finance; Health, **Chair**; Insurance; Rules, Calendar, and Operations of the House; State Parks and Properties; Travel and Tourism, **Vice Chair**.
(Appointed May 18, 2000)
Appropriations Subcommittee on Information Technology

Boards and Commission Appointments
Advisory Committee on Cancer Coordination and Control (Reappointment)
Appointed 7/7/1999, Expired 6/30/2003
Emergency Medical Services Advisory Council
Appointed 11/1/1999, Expired12/31/2000
Environmental Review Commission
Appointed 9/27/1999, Expired1/31/2001
Joint Legislative Commission on Governmental Operations
Appointed 2/19/1999, Expired 1/15/2001
Joint Legislative Health Care Oversight Committee (Co-Chair)
Appointed 9/27/1999, Expired 1/24/2001
Joint Select Committee on Higher Education Facilities Needs
Appointed 10/5/1999, Expired Convening of the 2001 General Assembly
Hospital and Medical Benefits Committee
Appointed 4/15/1999, Expired 1/14/2001
North Carolina Board of Travel and Tourism
Appointed 8/5/1999, Expired 12/31/2000
Disaster Response and Recovery Commission
Appointed 2/29/2000, Expired May 1, 2002

Legislative Research Commission Study
Defibrillators Use and Liability Study (Co-Chair)

Select Committee Appointments
Select Committee on Health Care Delivery
Appointed February 11, 1999

2/29/08

2001 Session

Standing Committee Appointments
(Appointed February 12, 14, 26, 2001)

Appropriations; Appropriations Subcommittee on Capital, **Chair**; Appropriations Subcommittee on Health and Human Services; Congressional Redistricting, **Senior Chair**; Health, **Chair**.

Boards and Commission Appointments

Emergency Medical Services Advisory Council
Appointed 3/10/2002, Expired 3/10/2006
Committee on Employee Hospital and Medical Benefits (Reappointment)
Appointed 3/13/2001, Expired 1/14/2003
Environmental Review Commission
Appointed 2/5/2002, Expired at pleasure of Speaker
Joint Legislative Commission on Governmental Operations
Appointed 3/1/2001, Expired 1/15/2003
Governmental Operations – Subcommittee on
Statewide/Capital/General Government
Appointed 3/1/2001, Expired 1/15/2003
Joint Legislative Utility Review Committee
Appointed 3/13/2001, Expired at pleasure of Speaker
1898 Wilmington Race Riot Commission (Co-Chair)
Appointed 2/13/2002, Expired 12/31/2002 (Extended through 12/31/2004)
House Interim Study Committee of Beach and Coastal Areas Insurance Availability
Appointed 4/17/2002, Expired at the convening of the 2003
Session of the General Assembly
Emergency Medical Services Advisory Council
Appointed 3/10/2002, Expired 3/10/2006
Joint Legislative Health Care Oversight Committee (Co-Chair)
Appointed 10/14/2002, Expired at the convening of the 2003
Session of the General Assembly
Minority Health Advisory Council (Reappointment)
Appointed 12/15/2002, Expired 6/30/2004
Public Health Study Commission (Reappointment)
Appointed 12/15/2002, Expired 6/30/2004
Travel and Tourism Board of North Carolina
Appointed 12/30/2002, Expired 12/31/2004
Statewide Emergency Preparedness Commission (Co-Chair)
Appointed 12/31/2002, Expired at the convening of the 2003
Session of the General Assembly

2003 Session

Standing Committee Appointments
(Appointed February 25, 2003)

Appropriations, **Chair**; Health; Insurance; Public Utilities; Transportation.

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Boards and Commissions Appointments

Committee on Employee Hospital and Medical Benefits (Co-Chair and Reappointment)
Appointed 6/23/2003, Expired 1/14/2005

Joint Legislative Commission on Governmental Operations (Reappointment)
Appointed 10/3/2003, Expired 1/15/2005

Governmental Operations – Subcommittee on Statewide/Capital/General Government (Co-Chair)
Appointed 10/23/2003

Joint Legislative Health Care Oversight Committee (Co-Chair and Reappointment)
Appointed 12/2/2003, Expired 1/29/2005

North Carolina Progress Board (filling unexpired term of Representative Pete Oldham)
Appointed 9/5/2003, Expired 6/30/2004

Statewide Benefit Committee (Co-Chair)
Appointed 12/2/2003, Expired 1/1/2005

Cervical Cancer Elimination Task Force
Appointed 10/19/2004, Expired 4/1/2008

Minority Health Advisory Council (Reappointment)
Appointed 10/19/2004, Expired 6/30/2006

Public Health Study Commission (Reappointment)
Appointed 10/19/2004, Expired 6/30/2006

Travel and Tourism Board of North Carolina (Reappointment)
Appointed 1/1/2005, Expired 12/31/2006

Joint Legislative Utility Review Committee
Appointed 4/28/2004, Expired 1/19/2005

Select Committee Appointments

House Select Committee on the Rising Cost of Health Care
Appointed September 12, 2003, Expired April 15, 2004

House Interim Committee on Expanding Rail Service
Appointed October 8, 2004, expired at the convening of 2005 Session of the General Assembly

2005 Session

Standing Committee Appointments
(Appointed February 15, 2005)

Appropriations, **Vice Chair**; Appropriations Subcommittee on Capital, **Chair**; Appropriations Subcommittee on Health and Human Services; Health, **Chair**; Insurance; Public Utilities; Transportation, **Vice Chair**.

Boards and Commissions Appointments

Joint Legislative Oversight Committee on Capital Improvements (Co-Chair)
Appointed 11/23/2005, Expired 1/24/2007

Committee on Employee Hospital and Medical Benefits (Co-Chair)
Appointed 3/9/2005, Expired 1/14/2007

Joint Select Committee on Energy and Fuel Costs
Appointed 12/30/2005, Expired 2/1/2006

2/29/08

Joint Legislative Commission on Governmental Operations
Appointed 2/22/2005, Expired 1/15/2007
Governmental Operations – Subcommittee on Statewide/Capital/General Government
(Co-chair and reappointment)
Appointed 3/21/2005, Expired 1/15/2007
Joint Legislative Health Care Oversight Committee (Co-Chair and reappointment)
Appointed 9/12/2005, Expired 1/19/2007
Joint Legislative Oversight Committee on Information Technology
Appointed 3/30/2005, Expired 1/15/2007
Joint Legislative Utility Review Committee (Reappointment)
Appointed 9/12/2005, Expired 1/19/2007
1898 Wilmington Race Riot Commission (Co-Chair and Reappointment)
Appointed 1/6/2006, Expired 5/31/2006
North Carolina Emergency Medical Services Advisory Council (Reappointment)
Appointed 1/1/2007, Expires 12/31/2010
Joint Select Committee on Environmental Justice
Appointed 9/12/2006, Expired 2/1/2007
Minority Health Advisory Council (Reappointment)
Appointed 9/27/2006, Expires 6/30/2008
Rail Services Commission
Appointed 8/24/2006, Expires on Convening of 2007 General Assembly
House Study Committee on Safe Neighborhoods,
Appointed 10/17/2006, Expired 12/31/2006

Select Committee Appointments
House Select Committee on Homeland Security, Military, and Emergency Management
Appointed March 23, 2005, served at the pleasure of the Speaker
House Select Committee on High School Graduation and Drop Out Rates (Co-Chair)
Appointed October 10, 2006, Expired 12/31/2006
House Select Committee on Expanding Rail Service
Appointed December 7, 2005, Terminated December 31, 2006
House Select Committee on Health Care (Co-Chair)
Appointed November 3, 2005, Terminated December 31, 2006

2007 Session

Standing Committee Appointments
(Appointed February 12, 2007)
Appropriations; Appropriations Subcommittee on Capital, **Chair**; Health, **Chair**; Homeland Security, Military, and Veterans Affairs, **Vice Chair**; Insurance; Public Utilities; Transportation.

Speaker Hackney appointed Acting Chairs for the Appropriations Subcommittee on Capital and the Committee on Health on March 12, 2007.

No interim or study commission appointments made.

2/29/08

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February 29, 2008

The attached documents contain the list of bills that were filed by Representative Thomas E. Wright from 1999-2008 and are certified to be true and accurate.

EXHIBIT
19

Denise Weeks
Principal Clerk
House of Representatives

NCGA Bill Inquiry Results

1999-2000 Session

Search Criteria: Prime Sponsor = "Rep. Thomas E. Wright (H109)"
Sorted By: Bill Number
Total Bills Returned: 55

Bill	Short Title	Action	Date	Action Text
H140 (= S48)	CFCC PUBLIC SAFETY CTR. FUNDS	HF	07/11/2000	POSTPONED INDEFINITELY
H141	AIDS PREVENTION FUNDS	HF	07/07/2000	POSTPONED INDEFINITELY
H142 (= S136)	ENTERPRISE ZONE DEVELOPMENT ACT	H	02/25/1999	Ref to Economic Growth and Community Development
H143	HANDICAPPED PARKING FINES	R	07/12/1999	CH. SL 99-0265
H144 (= S132)	MARINE TECHNOLOGY FUNDS	HF	07/11/2000	POSTPONED INDEFINITELY
H322	CREDIT HISTORY IN INSURANCE	HF	07/07/2000	POSTPONED INDEFINITELY
H768	PENDER LOCAL ACT - 7	HF	06/15/1999	POSTPONED INDEFINITELY
H769	PENDER LOCAL ACT - 8	HF	06/15/1999	POSTPONED INDEFINITELY
H770	NAVASSA LOCAL ACT - 1	HF	06/15/1999	POSTPONED INDEFINITELY
H771	NAVASSA LOCAL ACT - 2	HF	06/15/1999	POSTPONED INDEFINITELY
H772	LEE'S CUT NO-WAKE ZONE	R	05/31/1999	CH. SL 99-0095
H773	NEW HANOVER LOCAL ACT - 2	HF	06/15/1999	POSTPONED INDEFINITELY
H774	WILMINGTON LOCAL ACT - 1	HF	06/15/1999	POSTPONED INDEFINITELY
H775	WILMINGTON LOCAL ACT - 2	HF	06/15/1999	POSTPONED INDEFINITELY
H865	N. H. COMMISSIONERS	HF	06/15/1999	POSTPONED INDEFINITELY
H866	WILMINGTON COUNCIL ELECTIONS	HF	06/15/1999	POSTPONED INDEFINITELY
H993	ASTHMA EDUCATION FUNDS	HF	07/07/2000	POSTPONED INDEFINITELY
H994 (= S434)	DIABETES CONTROL FUNDS	HF	07/07/2000	POSTPONED INDEFINITELY
H995	OFFICE OF MINORITY HEALTH FUNDS	HF	07/07/2000	POSTPONED INDEFINITELY
H996 (= S678)	REGULATE SPINAL MANIPULATION	S	04/29/1999	Ref to Health Care
H997	NEW HANOVER COMM. ACTION FUNDS	HF	07/11/2000	POSTPONED INDEFINITELY
H998	FRIENDS OF DAVID WALKER FUNDS	HF	07/11/2000	POSTPONED INDEFINITELY
H999	COLUMBUS DREAM CTR. FUNDS	HF	07/11/2000	POSTPONED INDEFINITELY
H1110 (= S1029)	HEPATITIS C EDUCATION AWARENESS FUND	HF	07/07/2000	POSTPONED INDEFINITELY
H1111	WILMINGTON FIREBOAT FUNDS	HF	07/11/2000	POSTPONED INDEFINITELY
H1112 (= S856)	WILMINGTON HARBOR DEEPENING FUNDS	HF	07/11/2000	POSTPONED INDEFINITELY
H1113 (= S853)	PINE FOREST CEMETERY FUNDS	HF	07/11/2000	POSTPONED INDEFINITELY
H1114	ENHANCING EMERGENCY MEDICAL SERVICES	HF	07/13/2000	POSTPONED INDEFINITELY
H1115 (= S854)	STATE PORTS CAPITAL FUNDING	HF	07/11/2000	POSTPONED INDEFINITELY
H1116 (= S943)	MINORITY AND AT-RISK STUDENT/STUDY	HF	07/13/2000	POSTPONED INDEFINITELY
H1117 (= S851)	N.H./PENDER JUDICIAL DISTRICTS	H	04/26/1999	Re-assigned to Appropriations Subcommittee on Justice and Public Safety
H1118	LIMIT LIABILITY/DEFIBRILLATORS	HF	07/13/2000	POSTPONED INDEFINITELY

H1119	CHILDREN/DISABLE ANESTH. DENTAL CARE	R	06/08/1999	CH. SL 99-0134
H1120	AUTHORIZE PUBLIC HOSPITAL DEBT	R	07/21/1999	CH. SL 99-0386
H[illegible]	STATE AGENCIES COMPLY WITH CAMA	H	04/15/1999	Ref to Environment and Natural Resources
H1184 (= S1040)	AMEND CERTIFICATE OF NEED	R	07/13/2000	CH. SL 00-0135
H1262	HEALTH STATUS DISPARITY TASK FORCE	HF	07/13/2000	POSTPONED INDEFINITELY
H1317	NAVASSA FIRE TRUCK FUNDS	HF	07/11/2000	POSTPONED INDEFINITELY
H1318	SETTLEMENT RESERVE EXCEPTION	HF	07/13/2000	POSTPONED INDEFINITELY
H1319 (= S855)	PORTS AUTHORITY TAX REFUNDS	HF	07/13/2000	POSTPONED INDEFINITELY
H1331	HEALTHY START FUNDS	HF	07/07/2000	POSTPONED INDEFINITELY
H1398	NEEDLE EXCHANGE PROGRAM	H	04/29/1999	Ref to Public Health
H1459	TAKE A KID FISHING FUNDS	HF	07/11/2000	POSTPONED INDEFINITELY
H1510 (= S1179)	HEALTH CARE REGISTRY REPORTS	H	05/11/2000	Ref to Health
H1511 (= S1192)	CRIM. RECORD CHECKS/LONG-TERM CARE	H	05/11/2000	Ref to Finance
H1635 (= S1322)	REVISIONS ON CONSUMER LENDING	H	05/18/2000	Ref to Financial Institutuions
H1636 (= S1269)	LIMIT LIABILITY/DEFIBRILLATOR	H	05/18/2000	Ref to Health
H1682 (= S1486)	HOUSING FINANCE AGENCY FUNDS	HF	07/07/2000	POSTPONED INDEFINITELY
H1683	STUDY SYRINGE EXCHANGE PROGRAM	HF	07/13/2000	POSTPONED INDEFINITELY
H1706	OFFICE OF MINORITY HEALTH FUNDS	HF	07/07/2000	POSTPONED INDEFINITELY
H1707	HEPATITIS C EDUC./AWARENESS FUNDS	HF	07/07/2000	POSTPONED INDEFINITELY
H1708	CAMA-HISTORICALLY URBAN AREAS	HF	07/13/2000	POSTPONED INDEFINITELY
H1785	NAVASSA ANNEXATION	S	06/13/2000	Ref to Commerce
H1788	PORTS AUTHORITY TAX CHANGES	HF	07/13/2000	POSTPONED INDEFINITELY
H1855	STATE HEALTH PLAN CHANGES	R	07/13/2000	CH. SL 00-0141

NCGA Bill Inquiry Results

2001-2002 Session

Search Criteria: Prime Sponsor = "Rep. Thomas E. Wright (H109)"
Sorted By: Bill Number
Total Bills Returned: 39

Bill	Short Title	Action	Date	Action Text
H452	EMERGENCY MEDICAL SERVICES ACT UPDATE.	R	06/15/2001	Ch. SL 2001-220
H453	REGULATION OF EMERGENCY MEDICAL SERVICES.	R	06/15/2001	Ch. SL 2001-210
H463	CLEAN SYRINGE -- SAFE SYRINGE EXCHANGE PROGRAM.	H	03/05/2001	Ref To Com On Public Health
H464	AIDS PREVENTION FUNDS.	HF	10/03/2002	Postponed Indefinitely
H566	MEDICAID/BREAST AND CERVICAL CANCER COVERAGE.	HF	10/03/2002	Postponed Indefinitely
H691	NEW HANOVER LIBRARY FUNDS.	HF	10/03/2002	Postponed Indefinitely
H692	ASTHMA EDUCATION FUNDS.	HF	10/03/2002	Postponed Indefinitely
H693	NEW HANOVER COMM. ACTION FUNDS.	HF	10/03/2002	Postponed Indefinitely
H734	HEPATITIS C EDUCATION/AWARENESS FUNDS.	HF	10/03/2002	Postponed Indefinitely
H735	DIABETES CONTROL FUNDS.	HF	10/03/2002	Postponed Indefinitely
H868	NAVASSA ANNEXATION/CHARTER.	R	07/31/2001	Ch. SL 2001-325
H869	98TH HOUSE DISTRICT LOCAL ACT-2	HF	10/03/2002	Postponed Indefinitely
H936 (= S772)	ENTERAL SEDATION/DENTIST PERMITS.	H	03/29/2001	Ref To Com On Health
H937	DIABETES CONTROL AND EDUCATION FUNDS.	HF	10/03/2002	Postponed Indefinitely
H950	RAISE AIDS DRUG ASSISTANCE PROGRAM INCOME LIMIT.	HF	10/03/2002	Postponed Indefinitely
H1001	HOSPITAL LICENSURE/CRITICAL ACCESS HOSPITAL.	S	04/25/2001	Ref To Com On Health Care
H1002	HOSPITAL GOVERNING AUTHORITY.	S	04/19/2001	Ref To Com On Judiciary I
H1262	DIRECTING LEGIS. SERVS. COMM. TO REVIEW SECURITY	HF	10/03/2002	Postponed Indefinitely
H1263	STATE EMPLOYEES' HEALTH PLAN BENEFITS.	HF	10/03/2002	Postponed Indefinitely
H1264	STUDY COMMITTEE ON HEPATITIS C.	HF	10/03/2002	Postponed Indefinitely
H1265	QUALITY SUPPORT/SKILLED NURSING FACILITIES.	HF	10/03/2002	Postponed Indefinitely
H1266	SURGICAL NURSES/3RD PARTY PAYMENT.	S	05/01/2001	Ref To Com On Rules and Operations of the Senate
H1267	DIRECTING LRC TO REVIEW SECURITY SURVEY.	H	06/04/2001	Re-ref Com On Education
H1268	CAMA/MODIFY ESTUARINE BUFFER EXEMPTION/GRANTS.	R	12/19/2001	Ch. SL 2001-494
H1332	HEALTH CARE FUNDAMENTAL RIGHT.	HF	10/03/2002	Postponed Indefinitely
H1377	WILMINGTON FIREBOAT FUNDS.	HF	10/03/2002	Postponed Indefinitely
H1404 (= S958)	BROWNFIELDS POSITION.	HF	10/03/2002	Postponed Indefinitely
H1405	HIV/AIDS PUBLIC HEALTH CRISIS.	HF	10/03/2002	Postponed Indefinitely
H1406	PUBLIC HEALTH DEMONSTRATION PROJECT.	HF	10/03/2002	Postponed Indefinitely
H1418	CENTRAL CHILDREN'S HOME FUNDS.	HF	10/03/2002	Postponed Indefinitely

H1419	FIREFIGHTERS' & RESCUE WORKERS' RETIREMENT.	HF	10/03/2002	Postponed Indefinitely
H1470	HONOR AFRICAN AMER. WHO SERVED IN GEN. ASSEM.	HF	10/03/2002	Postponed Indefinitely
H[illegible]	CONGRESSIONAL REDISTRICTING WRIGHT 3A.	R	11/28/2001	Ch. SL 2001-471
H1506	GROCERY STORE CREDIT - DEVELOPMENT ZONE.	HF	10/03/2002	Postponed Indefinitely
H1555	EXTEND 1898 WILMINGTON RACE RIOT COMN.	HF	10/03/2002	Postponed Indefinitely
H1580	STATE HEALTH PLAN CHANGES.	HF	10/03/2002	Postponed Indefinitely
H1719	STATE EMPLOYEES' HEALTH PLAN/PRESC. DRUGS.	H	06/13/2002	Ref To Com On Health
H1720	WILMINGTON OCCUPANCY TAX.	R	10/03/2002	Ch. SL 2002-139
H1771	GUIDELINES FOR SCHOOL COUNSELORS.	HF	10/03/2002	Postponed Indefinitely

NCGA Bill Inquiry Results

2003-2004 Session

Search Criteria: Prime Sponsor = "Rep. Thomas E. Wright (H109)"
Sorted By: Bill Number
Total Bills Returned: 35

Bill	Short Title	Action	Date	Action Text
H154	DNA Analysis/Sex Assault Kits.	H	06/04/2003	Re-ref Com On Finance
H207	Medicare Prescription Benefits.	H	03/05/2003	Ref To Com On Rules, Calendar, and Operations of the House
H208	Managed Care/Health Benefits Clarifying.	H	07/18/2004	Re-ref Com On Rules, Calendar, and Operations of the House
H248	Wilmington Personnel Records.	R	06/23/2003	Ch. SL 2003-238
H249	Wilmington Conditional Zoning.	R	06/10/2003	Ch. SL 2003-162
H250	18th House District Local Act-2.	H	04/28/2003	Re-ref Com On Alcoholic Beverage Control
H251	18th House District Local Act-1.	H	03/06/2003	Ref To Com On Rules, Calendar, and Operations of the House
H339 (= S603)	Life and Health Insurance Omnibus.-AB	S	07/08/2003	Conf Com Appointed
H493	Health Care Fundamental Right.	H	03/17/2003	Ref To Com On Rules, Calendar, and Operations of the House
H503	Amend State Health Plan.	H	03/17/2003	Ref To Com On Rules, Calendar, and Operations of the House
H504	State Health Plan Changes.	H	03/17/2003	Ref To Com On Rules, Calendar, and Operations of the House
H505	State Health Plan Amendments.	H	03/17/2003	Ref To Com On Rules, Calendar, and Operations of the House
H515 (= S419)	Chadbourn Annexation.	H	03/17/2003	Ref To Com On Finance
H668	New Hanover County Occupancy Tax.	R	06/10/2003	Ch. SL 2003-166
H669	Hospitals/LTC Quality Assurance.	R	08/02/2004	Ch. SL 2004-149
H770	North Brunswick Utilities.	H	03/27/2003	Ref To Com On Public Utilities
H782	Satellite Annexation/North Brunswick.	H	03/27/2003	Ref To Com On Finance
H795	Downtown Area Revitalization Program.	H	03/27/2003	Ref To Com On Appropriations
H886	Due Process for Physicians.	R	08/01/2003	Ch. SL 2003-366
H1098	Health Care Fundamental Right.	H	05/19/2004	Re-ref Com On Health
H1178	Raise ADAP Income Limit.	H	04/22/2003	Re-ref Com On Appropriations
H1190	First Offender/Expunge Criminal Record.	H	04/10/2003	Ref to the Com on Judiciary II and, if favorable, to the Com on Finance
H1191	State Health Plan Under State Treasurer.	H	04/10/2003	Ref To Com On Health
H1226	Funds for Adolescent Parenting.	H	04/17/2003	Ref To Com On Appropriations
H1327 (= S1022)	Honor Samuel Koonce.	H	05/19/2003	Ref To Com On Rules, Calendar, and Operations of the House
H1332	Addressing Issues Related To Hepatitis C.	H	07/19/2003	Adopted
H1340	Wilmington Chamber of Commerce.	H	07/17/2003	Adopted

H1347	Pender Court Personnel Funds.	H	05/13/2004	Re-ref Com On Appropriations
H1368	Funds for Cost-Efficient Health Care.	H	05/13/2004	Re-ref Com On Appropriations
H1[illegible]	Funds for PACE Pilot - DHHS.	H	05/13/2004	Ref To Com On Appropriations
H1[illegible]3	Conforming Changes to EMS Act.	H	05/18/2004	Ref To Com On Appropriations
H1580	Funds for Office of Minority Health.	H	05/20/2004	Ref To Com On Appropriations
H1600	Funds for Asthma Programs.	H	05/20/2004	Ref To Com On Appropriations
H1601	Funds for Diabetes Programs.	H	05/20/2004	Ref To Com On Appropriations
H1766	Statewide Crim. Justice Truth Commission.	H	05/31/2004	Ref To Com On Judiciary I

NCGA Bill Inquiry Results

2005-2006 Session

Search Criteria: Prime Sponsor = "Rep. Thomas E. Wright (H109)"
Sorted By: Bill Number
Total Bills Returned: 104

Bill	Short Title	Action	Date	Action Text
H22	Zoning/Wilmington Permitted Uses.	S	06/22/2005	Re-ref Com On Rules and Operations of the Senate
H129	State and Local Retirement COLAs.	H	03/23/2005	Re-ref Com On Appropriations
H256	AHEC Capital Funds.	H	02/16/2005	Ref To Com On Appropriations
H321 (= S211)	State Public Health Lab/Construction Project.	H	02/21/2005	Ref To Com On Appropriations
H405 (= S640)	Funds to Address AIDS Public Health Crisis.	H	03/01/2005	Ref To Com On Appropriations
H406 (= S769)	Funds for AmeriCorps.	H	03/01/2005	Ref To Com On Appropriations
H407 (= S767)	Funds for Asthma Education.	H	03/01/2005	Ref To Com On Appropriations
H408 (= S771)	Funds for Health Disparities Initiative.	H	03/01/2005	Ref To Com On Appropriations
H409	Funds for Interpreter Services.	H	03/01/2005	Ref To Com On Appropriations
H410 (= S770)	Funds for Diabetes Prevention.	H	03/01/2005	Ref To Com On Appropriations
H411	Funds for Clean Syringe Program.	H	03/01/2005	Ref To Com On Appropriations
H412	Funds for ADAP.	H	03/01/2005	Ref To Com On Appropriations
H494	Urge Congress to Dredge.	H	03/07/2005	Ref To Com On Rules, Calendar, and Operations of the House
H534 (= S504)	Funds for Defibrillators/Public Buildings.	H	03/09/2005	Ref To Com On Appropriations
H536	Nursing School at UNC-W.	H	03/09/2005	Ref To Com On Appropriations
H537	18th House District Local Act-1.	H	03/09/2005	Ref To Com On Rules, Calendar, and Operations of the House
H538	18th House District Local Act-3.	H	03/09/2005	Ref To Com On Rules, Calendar, and Operations of the House
H539	18th House District Local Act-2.	H	03/09/2005	Ref To Com On Rules, Calendar, and Operations of the House
H590	Pender Assist. Clerk Funds.	H	03/10/2005	Ref To Com On Appropriations Subcommittee on Justice and Public Safety
H618	State Health Plan Changes-2.	H	03/14/2005	Ref To Com On Rules, Calendar, and Operations of the House
H619	State Health Plan Changes-1.	H	03/14/2005	Ref To Com On Rules, Calendar, and Operations of the House
H620	Funds for ALE Agents.	H	03/14/2005	Ref To Com On Appropriations Subcommittee on Justice and Public Safety
H621 (= S904)	Small Installment Consumer Loans.	H	04/13/2005	Re-ref Com On Finance
H687	Pirating Movies.	R	08/22/2005	Ch. SL 2005-301
H727	HIPAA Compliance and Fairness.-AB	H	03/17/2005	Ref To Com On Insurance
H734	Navassa Zoning Jurisdiction.	H	07/21/2005	Ref To Com On Rules, Calendar, and Operations of the House
H735	Accident & Health Insur./Rate Stabilization.-AB	R	09/20/2005	Ch. SL 2005-412

H737	Health Insurance Changes.	R	07/27/2005	Ch. SL 2005-223
H782	Facility Quality & Safety Improvement-HHS.-AB	H	03/17/2005	Ref To Com On Finance
H[illegible] (= S662)	Med Administration/Unlicensed Personnel.	H	03/17/2005	Ref To Com On Health
H784	Creditable Service/Workers' Compensation.	H	04/25/2005	Re-ref Com On Appropriations
H785	Public Hospital Investment Authority.	H	05/31/2005	Re-ref Com On Finance
H869	Public Hospital Amendments/Downtown Facility	R	05/31/2005	Ch. SL 2005-70
H948	Film Production Recruitment Stimulus.	H	03/29/2005	Ref to the Com on Finance and, if favorable, to the Com on Appropriations
H1033	Smart Start Funds.	H	03/31/2005	Ref To Com On Appropriations
H1034	Rockingham Co. Schools Elections	R	08/24/2005	Ch. SL 2005-307
H1035 (= S446)	Marine Technology Research Vessel Funds.	H	03/31/2005	Ref To Com On Appropriations
H1057	Regional EMS Network Pilot Program.	H	03/31/2005	Ref To Com On Appropriations
H1058	Clarify Co. EMS Plans/Continuing Contracts.	H	03/31/2005	Ref To Com On Health
H1059	State Health Plan Changes.	R	08/16/2006	Ch. SL 2006-249
H1060	Hospital License/Conforming Change.	R	09/02/2005	Ch. SL 2005-346
H1076	Alt. Learning Prog./Sch. Proposals	R	09/29/2005	Ch. SL 2005-446
H1212	Tax Form Donation - Breast Cancer Screenings.	H	04/13/2005	Ref To Com On Finance
H[illegible]0	DOT Report/Federal Rail Assistance to NC.	R	07/27/2005	Ch. SL 2005-222
H1312 (= S445)	Insurance Premium Discount/Prevention Course.	H	04/20/2005	Ref To Com On Insurance
H1313	Increase Processing Fee for Returned Checks.	H	04/20/2005	Ref To Com On Finance
H1314	Prescription Medication Integrity Act.	H	04/20/2005	Ref To Com On Rules, Calendar, and Operations of the House
H1358	Health Care for All.	H	04/21/2005	Ref To Com On Rules, Calendar, and Operations of the House
H1396	Statewide Stroke Care System.	H	04/21/2005	Ref To Com On Health
H1475	Public-Private Partner. Infrastructure Act.	H	04/21/2005	Ref To Com On Finance
H1476	LRC/Study School-Based Health Centers.	H	04/21/2005	Ref To Com On Health
H1519	Amend Massage Therapy Act/Fees/Crim. Checks.	H	04/21/2005	Ref To Com On Finance
H1568	Study & Evaluate Green Industry/Funds.	H	05/02/2005	Ref To Com On Appropriations
H1581	Murray Farm Preservation Funds.	H	05/04/2005	Ref To Com On Appropriations
H1597	Historic Burgaw Depot Funds.	H	05/05/2005	Ref To Com On Appropriations
H[illegible]3	DENR Fees Radioactive Material/X-Ray/Tanning.	H	05/12/2005	Ref To Com On Finance
H1762	Resource Conservation & Dev. Councils Funds.	H	05/12/2005	Ref To Com On Appropriations

H1860	Stroke Advisory Council.	R	08/03/2006	Ch. SL 2006-197
H1894	NC Health Care System Study Commission.	H	05/11/2006	Ref To Com On Rules, Calendar, and Operations of the House
H1895 (= S1681)	Establish High-Risk Pool.	S	07/19/2006	Ref to Health Care. If fav, re-ref to Appropriations/Base Budget
H1954	Spice Funds.	H	05/15/2006	Ref To Com On Appropriations
H1967	Marine Tech. Research Vessel Funds.	H	05/15/2006	Ref To Com On Appropriations
H1968	Cap Medicaid County Share.	H	05/16/2006	Re-ref Com On Appropriations
H2008 (= H2095)	Reenact Long-Term Care Insurance Tax Credit.	H	05/16/2006	Ref To Com On Finance
H2021	Strengthen NC Medical Board.	H	05/17/2006	Ref To Com On Health
H2042	Funds for Statewide Trauma System.	H	05/17/2006	Ref To Com On Appropriations
H2063	Funds for Community Health Centers.	H	05/18/2006	Ref To Com On Appropriations
H2065	Fund Health Disparities Initiatives.	H	05/18/2006	Ref To Com On Appropriations
H2114	Medical Malpractice Settlement Reports.	H	05/18/2006	Ref To Com On Judiciary II
H2115	Bifurcation of Medical Malpractice Trials.	H	05/18/2006	Ref To Com On Judiciary II
H2139 (= S1212)	Funds for School of Nursing at UNC-W.	H	05/18/2006	Ref To Com On Appropriations
H2140	Funds/New Hanover Library Foundation.	H	05/18/2006	Ref To Com On Appropriations
H2141 (= S1263)	Funds for UNC-W Science Lab.	H	05/18/2006	Ref To Com On Appropriations
H2175	Appeal Bond for Medical Malpractice.	H	05/18/2006	Ref To Com On Judiciary II
H2181	Revise Capital Improvement Plan.	S	07/11/2006	Ref To Com On Finance
H2182	Funds for Capital Improvement Reserve Account.	H	05/18/2006	Ref To Com On Appropriations
H2183	Capital Improvements Reserve Account.	S	07/13/2006	Ref To Com On Appropriations/Base Budget
H2184	Periodic Payments for Medical Malpractice.	H	05/18/2006	Ref To Com On Judiciary II
H2272	Shellfish Research Positions/UNC-W Funds.	H	05/22/2006	Ref To Com On Appropriations
H2277	Smart Start Funds.	H	05/22/2006	Ref To Com On Appropriations
H2302	Cameron Art Museum Funds.	H	05/22/2006	Ref To Com On Appropriations
H2303	Airlie Gardens Welcome Pavilion Funds.	H	05/22/2006	Ref To Com On Appropriations
H2304	Funds/Sickle Cell.	H	05/22/2006	Ref To Com On Appropriations
H2389	Funds for ADAP.	H	05/23/2006	Ref To Com On Appropriations
H2531	Funds for Mental Health Services/Facilities.	H	05/25/2006	Ref To Com On Appropriations
H2534	Funds for AHEC.	H	05/25/2006	Ref To Com On Appropriations
H2562	Funds/Quality Improvement Adult Care Homes.	H	05/25/2006	Ref To Com On Appropriations
H2563	Wilmington Council Vacancies.	H	05/25/2006	Ref To Com On Local Government I
H2564	WHQR Public Radio Funds.	H	05/25/2006	Ref To Com On Appropriations
H2641	UNCW Teacher Pilot Program	H	05/25/2006	Ref To Com On Appropriations

	Funds.			
H2642	St. Helena Wastewater Treatment Funds.	H	05/25/2006	Ref To Com On Appropriations
	Extend Moratorium/Study Waste-to-Energy.	H	05/25/2006	Ref to the Com on Environment and Natural Resources and, if favorable, to the Com on Appropriations
H2680	Truck Driver Prog Funds/Cape Fear Comm. Coll.	H	05/25/2006	Ref To Com On Appropriations
H2682	New Hanover County Infrastructure Referendum.	H	06/29/2006	Re-ref Com On Finance
H2684	New Hanover&Wilmington Occupancy Tax Changes.	H	05/25/2006	Ref To Com On Finance
H2699	Vision Care Program Changes.	R	08/13/2006	Ch. SL 2006-240
H2758	Funds/State Audit of Generic Rebates.	H	05/29/2006	Ref to the Com on Health and, if favorable, to the Com on Appropriations
H2759	Generic Drugs-Medicaid.	S	06/05/2006	Ref To Com On Rules and Operations of the Senate
H2760	UNCW Nursing Funds.	H	05/29/2006	Ref To Com On Appropriations
H2761 (= S1988)	Funds/Chronic Disease Task Force.	H	05/29/2006	Ref To Com On Rules, Calendar, and Operations of the House
H2762	DCR Employees Personnel Act.	R	08/08/2006	Ch. SL 2006-204
H2784	Extend Moratoria/Cost-Share Funds.	H	05/29/2006	Ref To Com On Appropriations
H2861	Battleship Commission Staff.	H	05/29/2006	Ref To Com On Rules, Calendar, and Operations of the House
H2869	Chiropractic Changes.	H	06/07/2006	Re-assigned To Health

NCGA Bill Inquiry Results

2007-2008 Session

Search Criteria: Prime Sponsor = "Rep. Thomas E. Wright (H109)"
Sorted By: Bill Number
Total Bills Returned: 40

Bill	Short Title	Action	Date	Action Text
H41	Pender Commissioners.	H	02/13/2007	Re-ref Com On Election Law and Campaign Finance Reform
H116	Tissue Bank Accreditation.	S	07/19/2007	Re-ref Com On Appropriations/Base Budget
H147 (= S286)	Increase Funds for SPICE.	H	02/12/2007	Ref To Com On Appropriations
H334	Funds for Infant Mortality Prevention.	H	02/22/2007	Ref To Com On Appropriations
H335 (= S983)	Health Disparities Initiatives.	H	03/14/2007	Re-ref Com On Appropriations
H336 (= S987)	Funds for Interpreter Services.	H	03/19/2007	Re-ref Com On Appropriations
H337	Medicaid Reimbursement Levels/Dentists.	H	02/22/2007	Ref To Com On Appropriations
H338 (= S986)	Funds for SIDS Efforts.	H	02/22/2007	Ref To Com On Appropriations
H339 (= S984)	Funds for Diabetes Education.	H	02/22/2007	Ref To Com On Appropriations
H340 (= S985)	Funds for Diabetes Prevention.	H	02/22/2007	Ref To Com On Appropriations
H395	Special Plate for Blue Knights.	H	02/28/2007	Ref To Com On Finance
H400	Funds for Harm Reduction Programs.	H	02/28/2007	Ref To Com On Appropriations
H452	Dropout Study.	H	03/28/2007	Re-ref Com On Rules, Calendar, and Operations of the House
H467	State Ports Authority Funds.	H	03/05/2007	Ref To Com On Appropriations
H633 (= S1187)	DPI/Curriculum on 1898 Wilmington Race Riot.	H	03/14/2007	Ref To Com On Education
H636	Wilmington Race Riot Exhibit Funds.	H	03/14/2007	Ref To Com On Appropriations
H637	1898 Wilmington Race Riot Suit Limitation.	H	03/14/2007	Ref to the Com on Judiciary II and, if favorable, to the Com on Appropriations
H709 (= S228)	Marine Technology Research Vessel Funds.	H	03/15/2007	Ref To Com On Appropriations
H710 (= S513)	Wilmington Council/Mayor Pro Tem.	S	05/07/2007	Ref To Com On State & Local Government
H750	Maintain and Update 1898 Wilmington Report.	H	06/21/2007	Re-ref Com On Appropriations
H751	1898 Wilmington Race Riot Acknowledgment.	S	05/09/2007	Ref To Com On Judiciary I (Civil)
H752	Implement 1898 Commission Report.	H	03/15/2007	Ref to the Com on Judiciary III and, if favorable, to the Com on Rules, Calendar, and Operations of the House
H753	Support for At-Risk Youth/New Hanover County.	H	03/15/2007	Ref To Com On Appropriations
H754	1898 Wilmington Race Riot Monuments.	H	03/15/2007	Ref To Com On Appropriations
H755	Documentary on 1898 Wilmington Race Riot.	H	03/15/2007	Ref To Com On Appropriations
H756	Memorial for Hugh Morton in Brunswick Co.	H	03/15/2007	Ref To Com On Ways and Means

H823	Wilmington Race Riot Library Resources Funds.	H	03/15/2007	Ref To Com On Appropriations
H1056	UNCW/"Fast Track" Program Funds.	H	03/27/2007	Ref To Com On Appropriations
H 3 (= S247)	Funds for Nursing Scholars Program.	H	03/29/2007	Ref To Com On Appropriations
H1212	New Hanover County Local Option Sales Tax.	H	03/29/2007	Ref To Com On Finance
H1215	Wilmington Sewer Infrastructure.	H	05/16/2007	Re-ref Com On Finance
H1312	Pender Assist. Clerk Funds.	H	04/05/2007	Ref To Com On Appropriations
H1323	Repeal Cohabitation Law.	H	04/05/2007	Ref To Com On Judiciary II
H1341 (= S872)	Thalian Assoc./NC Community Theatre.	S	05/16/2007	Held by Senate
H1558	1898 Wilmington Riot Reconciliation Act/2007.	H	04/18/2007	Ref to the Com on Judiciary II and, if favorable, to the Com on Appropriations
H1568	State Health Inspectors.	H	04/18/2007	Ref to the Com on Health and, if favorable, to the Com on Appropriations
H1690	Public Defender District 5.	H	05/22/2007	Re-ref Com On Judiciary II
H1767	Good Shepherd Homeless Services Funds.	H	04/19/2007	Ref To Com On Appropriations
H1898	Prerelease HIV Testing of all Doc Inmates.	H	07/27/2007	Re-ref Com On Appropriations
H1984	Alternative Corporate Income Tax Return.	H	05/09/2007	Ref To Com On Finance

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North Carolina House of Representatives

House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright

REPRESENTATIVE RICK GLAZIER, CHAIR
REPRESENTATIVE PAUL STAM, VICE-CHAIR
REPRESENTATIVE MARVIN LUCAS
REPRESENTATIVE BILL MCGEE
REPRESENTATIVE EDITH WARREN
REPRESENTATIVE LAURA WILEY

SECOND REVISED
NOTICE OF CHARGES OF UNETHICAL CONDUCT BY REPRESENTATIVE THOMAS E. WRIGHT

(Amended February 11, 2008 and March 6, 2008)

The House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments against Representative Thomas E. Wright, having convened for hearing the report of preliminary investigative findings on questions of possible unethical and unlawful conduct, hereby finds that there is probable cause to believe that Representative Thomas E. Wright, a member of the House of Representatives, has engaged in unethical and unlawful conduct during his tenure as a member of the North Carolina House of Representatives by committing the following acts specified in Counts 1 through 8 of this Notice, as amended. The Committee, by unanimous vote of the members present, hereby charges that the conduct specified in Counts 1 through 8, as amended, should be considered against Representative Thomas E. Wright:

COUNT 1

Between on or about March 13, 2002 and on or about March 15, 2002, while a member of the North Carolina House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by orally and in writing improperly and unethically soliciting Torlen L. Wade, Acting Director of the North Carolina Department of Health and Human Services Office of Research, Demonstrations, and Rural Health Development, to write and mail to him a fraudulent letter stating that such Office was endorsing The Community's Health Foundation's project to convert a building located on the 900 block of 4th Street in Wilmington, North Carolina into Community's Health Foundation offices, New Hanover Community Health Center offices, and a History Museum and committing $150,000.00 in funding toward the completion of that project. At the time of the solicitation, Thomas E. Wright was an officer of The Community's Health Foundation, Inc., located at 322 South 17th Street in Wilmington, North Carolina. Thomas E. Wright confirmed his earlier oral solicitation by having his legislative assistant type the necessary details needed

in the commitment letter in an e-mail that was sent to Torlen L. Wade by use of his State e-mail account and on a State computer, both of which were authorized for him based on his position as a member of the North Carolina House of Representatives. At the time of the oral solicitation, the typing and sending of the e-mail, and the typing and sending of the Torlen L. Wade letter, both Thomas E. Wright and Torlen L. Wade knew that the Office of Rural Health would not make such a grant and that Thomas E. Wright would use the letter in seeking to fraudulently obtain funding for The Community's Health Foundation from other sources such as financial institutions and other organizations that make grants and that would believe and rely on the false representations in Torlen L. Wade's letter.

COUNT 2

On or about April 5, 2002, while a member of the North Carolina House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by, orally and in writing, improperly, fraudulently, and unethically presenting to a representative of Coastal Federal Bank as a factor to consider in whether to loan $150,000.00 to The Community's Health Foundation, Inc., a corporation of which Wright was an officer, a letter from Torlen L. Wade, Acting Director of the Office of Research, Demonstrations, and Rural Health Development of the North Carolina Department of Health and Human Services, falsely stating that the Office endorsed the Foundation's museum conversion effort and was committed to funding the project in the amount of $150,000.00 and that the award of the funding would occur by June 30, 2002. At the time Thomas E. Wright presented the letter to the representative of Coastal Federal Bank, he knew that the assertions in the letter were false, that the commitment of funds was not authorized, and that the award of funding would not be forthcoming. The $150,000.00 loan to The Community's Health Foundation, Inc. obtained from Coastal Federal Bank was made in part relying on the contents of the fraudulent letter presented by Thomas E. Wright.

COUNT 3

On or about December 15, 2003, while a member of the North Carolina House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, and unethically converting money intended to be a charitable contribution to The Community's Health Foundation, Inc. to his own personal use. Thomas E. Wright wrote a letter on the letterhead stationery of The Community's Health Foundation, Inc. to a representative of AstraZeneca Pharmaceuticals, LP, requesting as the Foundation's president a donation to the Foundation, a charitable organization that Thomas E. Wright represented as qualified to receive tax-deductible donations, that would be used by the Foundation for various health related purposes, including but not limited to educational initiatives, a needs assessment, identification of trends and bridging the gap of minority health

care for an underserved population in New Hanover County. Thereafter, when on December 15, 2003, a representative of AstraZeneca Pharmaceuticals, LP signed and sent to Thomas E. Wright and The Community's Health Foundation, Inc., a check made out to "Communitys Hlth Found Inc" in the amount of $2,400.00, Thomas E. Wright deposited that check into his own personal account rather than into the account of The Community's Health Foundation, Inc.

COUNT 4

On or about February 6, 2004, while a member of the North Carolina House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, and unethically converting money intended to be a charitable contribution to The Community's Health Foundation, Inc. to his own personal use. Thomas E. Wright wrote a letter on the letterhead stationery of The Community's Health Foundation, Inc. to a representative of Anheuser-Busch Companies, Inc., requesting as the Foundation's president a donation to the Foundation, a charitable organization that Thomas E. Wright represented as qualified to receive tax-deductible donations, that would be used by the Foundation for acquisition and development of a building in Wilmington, North Carolina that would serve as a museum. Thereafter, on March 5, 2004, when a representative of Anheuser-Busch Companies, Inc. signed and sent to Thomas E. Wright and The Community's Health Foundation, Inc., a check made out to "Communitys Health Foundation Inc" in the amount of $5,000.00, Thomas E. Wright deposited that check into his own personal account rather than into the account of The Community's Health Foundation, Inc.

COUNT 5

On or about April 1, 2004, while a member of the North Carolina House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, and unethically converting money intended to be a charitable contribution to The Community's Health Foundation, Inc. to his own personal use. Thomas E. Wright wrote an invoice on the letterhead stationery of The Community's Health Foundation, Inc. to a representative of AT&T Corp. as a solicitation of a charitable contribution to the Foundation, a charitable organization that Thomas E. Wright represented as qualified to receive tax-deductible donations. Thereafter, on April 1, 2004, when a representative of AT&T Corp. signed and sent to Thomas E. Wright and The Community's Health Foundation, Inc., a check made out to "Communitys Health Foundation I" in the amount of $1,500.00, Thomas E. Wright deposited that check into his own personal account rather than into the account of The Community's Health Foundation, Inc.

COUNT 6

Between October 28, 2001 and November 21, 2001, while a member of the North Carolina House of Representatives, Thomas E. Wright did engage in a pattern of conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, and unethically converting to his own personal use money loaned by South East Community Credit Union to a charitable organization, The Community's Health Foundation, Inc. On or about October 28, 2001, without approval of the board of directors of The Community's Health Foundation, Inc., Thomas E. Wright solicited and obtained from South East Community Credit Union, a business line of credit in the amount of $10,000.00 for The Community's Health Foundation, Inc. Thereafter, between October 28, 2001 and November 21, 2001, he personally obtained funds three times based on that line of credit in the total amount of $9,910.27, which he failed to turn over to the Foundation, put into a bank account for the Foundation, or use for the benefit of the Foundation, instead converting those funds to his own use and benefit by depositing them in his own account without the knowledge and approval of the Board of Directors of the Foundation.

COUNT 7

Between January 1, 2000 and January 31, 2007, while a member of the North Carolina House of Representatives, Thomas E. Wright did improperly, fraudulently, and unethically engage in a pattern of conduct unbecoming and unfitting a member of the House of Representatives by intentionally failing to disclose approximately $180,000.00 in contributions received by his campaign during that time period, which disclosures are required by law and are intended to safeguard the public trust and to preserve the integrity of the electoral process, the integrity of the House of Representatives, and the integrity of the legislative process. The contributions that are the subject of this Court are set out in Exhibit 9 of the presentation by William P. Hart, Outside Committee Co-Counsel, dated January 9, 2008, and incorporated into this Count by reference.

COUNT 8

Between on or about October, 2001 and on or about ~~April~~ August, 2004, while a member of the North Carolina House of Representatives, Thomas E. Wright did engage in a pattern of conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, deceptively, and unethically soliciting a financial institution for a loan and corporations for donations to a charitable corporation, The Community's Health Foundations, Inc., and by converting to his own personal use money contributed to that charitable

organization. As part of this pattern of conduct, Thomas E. Wright solicited a false document and used that false document in the loan solicitation.

Adopted January 9, 2008. Amended February 11, 2008 and March 6, 2008.

Representative Rick Glazier, Chair
House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments against Representative Thomas E. Wright

03-06-08 – WR

CERTIFICATE OF SERVICE

The Attorney whose signature appears below certifies that a copy of the attached Second Revised Notice of Charges was duly served upon Representative Thomas E. Wright, and his attorneys, Irving Joyner and Douglas Harris, by hand delivering a copy of same.

This the 6th day of March, 2008.

O. Walker Reagan
Committee Co-counsel
300 N. Salisbury Street, Suite 200
Raleigh, NC 27603

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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HOUSE SELECT COMMITTEE
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NORTH CAROLINA GENERAL ASSEMBLY)
)
V.)
)
REPRESENTATIVE THOMAS WRIGHT,)
Respondent.)

RESPONSE TO ETHICS COMPLAINT

The Respondent in the above captioned matter, Representative Thomas Wright, hereby responds to the ethics allegations contained in a complaint issued by the North Carolina House Select Committee regarding alleged conduct committed by Respondent which has been deemed by committee members to constitute unethical and unlawful on January 11, 2008 by showing the following:

COUNTS # 1 & 2

1. Respondent specifically denies that any contacts and interactions with Torlen Wade on either March 13, 2002 or March 15, 2002 occurred while Respondent was acting or serving in his capacity as a member of the North Carolina General Assembly and/or that his contacts and interactions with Torlen Wade were improper, illegal or unethical. Additionally, Respondent denies that the purported Wade letter was used to secure a loan from the Coastal Federal Bank in the amount of $150,000 for the Community Health Foundation

2. The conduct alleged in the Ethics complaint as Counts # 1 & 2 does not constitute ethical and/or criminal conduct over which the Legislative Ethics Committee has jurisdiction to consider.

3. Merely soliciting and/or obtaining a letter from a State employee which contains untrue information does not constitute a criminal and/or ethical violation.

4. Respondent did not use nor intend to use a letter which was obtained from a State Employee to obtain a loan, grant or other funding for the Community Health Foundation.

COUNT 3

5. Respondent specifically denies that he improperly, fraudulently and unethically solicited and converted money received from the AstraZeneca Pharmaceuticals, LP which was intended for the work of the Community Health Foundation to his own use

6. The conduct alleged in the Ethics complaint as Count # 3 does not constitute ethical and/or criminal conduct over which the House Select Committee has jurisdiction to consider.

COUNT # 4

7. Respondent specifically denies that he improperly, fraudulently and unethically solicited and converted money received from the Anheuser-Busch Companies, Inc. which was intended for the work of the Community Health Foundation to his own use

8. The conduct alleged in the Ethics complaint as Count # 4 does not constitute ethical and/or criminal conduct over which the House Select Committee has jurisdiction to consider.

COUNT # 5

9. Respondent specifically denies that he improperly, fraudulently and unethically solicited and converted money received from the AT & T Corp. which was intended for the work of the Community Health Foundation to his own use

10. The conduct alleged in the Ethics complaint as Count # 5 does not constitute ethical and/or criminal conduct over which the House Select Committee has jurisdiction to consider.

COUNT # 6

11. Respondent specifically denies that he improperly, fraudulently and unethically solicited and converted money received as a "business line of credit" from the South East Community Credit Union which was intended for the work of the Community Health Foundation to his own use

12. The conduct alleged in the Ethics complaint as Count # 6 does not constitute ethical and/or criminal conduct over which the House Select Committee has jurisdiction to consider.

COUNT # 7

13. Respondent specifically denies that between January 1, 2000 and January 31, 2007 that he improperly, fraudulently and unethically failed to disclose contributions in the amount of $185,000 received by his campaign which were required by law.

14. This allegation is so vague and over-broad that it does not put Respondent on notice of the specific contributions which the House Select Committee contends were not reported and does not provide any information from which Respondent can make this determination. As such,

this allegation violates Respondent's Due Process Rights under the Federal and State Constitutions.

COUNT # 8

15. This allegation, a purported summary of Counts 1 through 7 of this complaint, is denied.

FURTHER RESPONSES TO COUNTS 1 THROUGH 8

16. The allegations contained in the complaint does not constitute conduct committed by Respondent, who happens to be an elected Legislator, who was then acting within his official role or capacity as a member of the North Carolina General Assembly and a participant in the lawmaking process.

17. The House Select Committee is barred from considering the allegations contained in the complaint due to the expiration of its investigative and prosecutorial mandate and applicable Statute of Limitation and/or constitutes laches in that the House Select Committee has failed to allege and consider this matter in a timely manner pursuant to N.C. Gen. Stat. § 15A-120-102(a)(7).

18. The allegations contained in the complaint involves conduct which did not constitute a criminal and/or ethical violation at the time that it was allegedly committed and the House Select Committee's consideration of this complaint at this time is not authorized by N.C. Gen. Stat. § 120-102(a)(5) and (7) and violates the State and Federal Constitutions..

19. The conduct alleged in the complaint involves conduct which was allegedly committed during a past and closed session of the North Carolina General Assembly and said conduct did not violate any ethics rules and constitute criminal conduct at that time. The House Select Committee can not constitutionally be empowered to investigate conduct committed during past legislative sessions of the North Carolina General Assembly and the assumption of this authorization is contrary to N.C. Gen. Stat. § 120-102 and the Federal and State Constitutions.

20. The creation of the House Select Committee and actions which it has taken in this matter by initiating misconduct allegations against the Respondent, prosecuting those allegations and determining their validity violate State and federal Constitutional Rights of Due Process and Equal Protection.

21. The creation of the House Select Committee and actions which it has taken in this matter by initiating misconduct allegations against the Respondent, prosecuting those allegations

and determining their validity violates Article II, Section 20 of the North Carolina Constitution.

22. The actions of the House Select Committee violate Article VI, Section 8 by seeking to disqualify Respondent from a legislative office in the North Carolina House General Assembly to which he was duly elected where he has not been convicted or adjudged guilty, by any competent authority, of treason, a felony, corruption or malpractice in office nor has he been removed from office by impeachment.

WHEREFORE, the Respondent, after responding to the complaint issued by the House Select Committee, respectfully moves to dismiss this matter, or, in the alternative, suspend any further proceedings or actions regarding this matter until criminal charges which have been lodged against the Respondent in the Wake County Superior Court have been resolved.

This the 25th day of January, 2008.

Irving Joyner
Attorney for Representative Thomas Wright
P.O. Box 374
Cary, North Carolina 27512-0374
Telephone:(919)319-8353

CERTIFICATE OF SERVICE

The Attorney whose signature appears below certifies that a copy of the attached Response to Ethics complaint was duly served upon the North Carolina General Assembly's Legislative Ethics Committee by hand-delivering copies of same to the North Carolina Legislative Office Building, 300 North Salisbury Street, Suite 200, Raleigh, North Carolina 27603 addressed separately to Attorney O. Walker Reagan, Senator Dan Clodfelter and Representative Rick Glazier and by depositing a copy of same in the United States mail, first class postage prepaid and addressed to Attorney William Hart, North Carolina Department of Justice, P.O. Box 629, Raleigh, North Carolina 27602.

This the 25th day of January, 2008

Irving Joyner

Received electronically

STATE OF NORTH CAROLINA

COUNTY OF WAKE

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE SELECT COMMITTEE TO
INVESTIGATE ALLEGED MISCONDUCT
COUNTS 1 - 8
FILE NO. C-LEC-07-002

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STATE LEGISLATIVE BUILDING
RALEIGH, NC 27601-1096

NORTH CAROLINA GENERAL ASSEMBLY,

v.

REPRESENTATIVE THOMAS WRIGHT

MOTION TO CONTINUE AND MOTION TO HOLD IN ABEYANCE

COMES NOW the Respondent, Representative Thomas Wright, and hereby moves the House Select Committee to Investigate Alleged Misconduct to continue this matter and hold this matter in abeyance pending the resolution of the criminal charges. In support of said Motion, Respondent shows the following:

1. The additional charges being considered by The Committee against Representative Thomas Wright are the same and/or intricately linked to the charges pending against him in Wake County Superior Court. Those charges have a Constitutionally guaranteed right of a jury trial and will be determined by a jury later this year.

2. If the Legislative proceeding goes forward, the proceeding can and will do great harm to the criminal process and will raise substantial Constitutional issues.

3. The Legislative process would necessarily be an action taken by the State simultaneously with the action taken by the State in Wake County Superior Court. The Legislative proceeding would also necessarily involve massive adverse publicity which would undeniably pollute the jury pool and risk that a fair trial could not be conducted.

4. The Legislative Committee also risks a Constitutionally unaccepted dilemma in which the jury might vote to remove Thomas Wright for violations and then a jury might find him not guilty of precisely the same charges. This would raise due process issues under both the North Carolina and the United States Constitutions and would do grave damage to the democratic process.

WHEREFORE, the Respondent moves that the House Select Committee to Investigate Alleged Misconduct continue this matter and hold all charges in abeyance until after the criminal charges pending in Wake County Superior Court are heard by a jury..

This the 25th day of January, 2008.

Douglas S. Harris
Attorney for Respondent

1698 Natchez Trace
Greensboro, North Carolina 27455
Telephone: 336-288-0284

Certificate of Service

This is to certify that I have this day served the foregoing Motion to Continue and to Motion to Hold in Abeyance on the House Select Committee to Investigate Alleged Misconduct of Representative Thomas Wright by forwarding same by facsimile and by first-class U.S. Mail, postage prepaid, to the names, addresses, and facsimile numbers for the House Select Committee as listed below.

Ms. Denise Weeks
House Principal Clerk
NC General Assembly
State Legislative Building
Raleigh, NC 27601-1096
Facsimile: 919-715-2881

Mr. O. Walker Reagan
Committee Co-Counsel
300 N. Salisbury Street, Suite 200
Raleigh, NC 27603
Facsimile: 919-715-8365

This the 25th day of January, 2008.

Douglas S. Harris
Attorney for Plaintiff

1698 Natchez Trace
Greensboro, NC 27455
Telephone: 336-288-0284

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STATE OF NORTH CAROLINA
COUNTY OF WAKE

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE SELECT COMMITTEE
FILE NO. _____

HOUSE PRINCIPAL CLERK
NC GENERAL ASSEMBLY
STATE LEGISLATIVE BUILDING
RALEIGH, NC 27601-1096

NORTH CAROLINA GENERAL ASSEMBLY	)	
	)	
V.	)	LEGAL MEMORANDUM IN
	)	SUPPORT OF RESPONDENT'S
REPRESENTATIVE THOMAS WRIGHT,	)	ANSWER AND MOTION
Respondent.	)	

NORTH CAROLINA GENERAL ASSEMBLY DOES NOT POSSESS CONSTITUTIONAL OR STATUTORY AUTHORITY TO DISCIPLINE OR REMOVE AN ELECTED MEMBER OF THE HOUSE OF REPRESENTATIVES

In the North Carolina Constitution, the powers and responsibilities of the North Carolina General are articulated. As such, actions taken by the General Assembly must be guided by the enumerated constitutional provisions. Those powers cannot be broadened nor can legislative actions diverge from the dictates of the State and Federal Constitutions.

With respect to the election of members of the North Carolina House of Representatives, the constitution provides: "Each Representative, at the time of his election, shall be a qualified voter of the State, and shall have resided in the district for which he is chosen for one year immediately preceding his election." Art. II, Sec. 7, North Carolina Constitution. Once a person has been qualified and elected, the constitution further provides: Each house shall be judge of the qualifications and elections of its own members, . . ." Art. II, Sec.20, North Carolina Constitution. The judging of qualification relates back to Art. II, Sec 7 and allows the elected members of the House of Representatives to do no more than be the judge of whether the

specific constitutional qualifications of the elected member which were established by the people of the State are satisfied. *See, Powell v. McCormack,* 395 U.S. 486, 89 S. Ct. 1944 (1969) and *Bond v. Floyd,* 385 U.S. 116, 87 S. Ct. 339 (1966)

North Carolina's Constitution declares that "[e]very qualified voter in [the State] who is 21 years of age, *except as in this Constitution disqualified,* shall be eligible for election by the people to office." (Emphasis Added) Art. VI, Sec. 6 of North Carolina Constitution. In Art. VI, Sec. 8, the people imposed specific disqualifications for office which are similar to those enacted in the 1868 and 1900 Constitutions. Among those which are pertinent to this action is:

> [A]ny person who has been adjudged guilty of treason or any other felony against this State or the United States, or any person who has been adjudged guilty of a felony in another State that also would be a felony if it had been committed in this State, or any person who has been adjudged guilty of corruption or malpractice in any office, or any person who has been removed by impeachment from any office, and who has not been restored to the rights of citizenship in the manner prescribed by law.

Art. VI, Sec 8 of the North Carolina Constitution can best be described as a prohibition from seeking elected office and not as a justification for removal from office. Once a person has ben elected to the General Assembly, that right which has been exercised by the people of that legislative district must be respected and protected by that body unless the people chooses not to re-elect that person.

In North Carolina, Constitutional provisions are in place for the impeachment of identified elected officials as was recognized by the North Carolina Supreme Court in *State v. Spivey,* 345 N.C. 404, 480 S.E.2d 693 (1997). There the Court discussed those elected officials

who could constitutionally be subjected to impeachment by the General Assembly. Elected State Representatives and District Attorneys were not included in that listing. The listing included the Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance. *Spivey* at 412, 480 S.E.2d at 697. Although the Constitution gives the House of Representatives the sole power to impeach, that authorization does not identify another elected member of the House of Representatives as being a proper subject of impeachment. As such, since these elected officials are not specifically listed, they are to be excluded from this power under the maxim of *inclusio unius est exclusio alterius* (inclusion of one is exclusion of another) and the impeachment of an elected member of the House of Representative is not authorized by the Constitution. *See, Spivey* at 412, 480 S.E.2d at 697.

Consistent with the constitutional provisions cited above is Art. I, Sec 2 which provides that "[a]ll political power is vested in and derived from the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole." By definition, this political power of the people is conveyed to elected officials only as dictated and authorized by the people. This interpretation is supported by the provisions of Art. I, Sec. 3 which provides:

> The people of this state have the inherent, sole, and exclusive right of regulating the internal government and police thereof, and of altering or abolishing their Constitution and the form of government whenever it may be necessary to their safety and happiness; *but every such right shall be exercised in pursuance of law and consistently with the constitution of the United States.* (Emphasis Added)

With respect to the rights and powers of the people, the Constitution further provides for frequent elections to be held in order for the people to "redress grievances and for amending and strengthening the laws." Art. I, Sec. 9, North Carolina Constitution. The frequent election provision is reinforced in Art. II, Section 4 where it is mandated that members of the House of Representatives are to be elected "biennially chosen by ballot" and their terms of office "shall commence on the first day of January next after their election. Art. II, Sec. 9, North Carolina Constitution. Each session of the General Assembly is required to "meet in regular session in 1973 and every two years thereafter on the day prescribed by law" or in extra sessions as directed by a petition signed by three-fifths of the members of that body. Art. II, Sec. 11(1) and (2), North Carolina Constitution.

There is no provision in the North Carolina Constitution which provides for or authorizes the North Carolina General Assembly and its House of Representatives, in particular, to discipline any of its members who are qualified for and elected to office by the people of the political district which they represent. The constitutional provisions discussed herein closely parallels the provisions of the 1868 constitution and two subsequent revisions. The notion that the North Carolina general Assembly has implied or inherent powers to discipline its members or to enlarge the constitutional qualifications was debunked by the United States Supreme Court's opinions in *Powell v. McCormack* and *Bond v. Floyd.*

The absence of any authorization to discipline members of the General Assembly differs from provisions in the constitutions of other States. For example, the Arizona Constitution, by an expressed provision, provides for its Legislature to punish members for disorderly behavior and/or expel members "with the concurrence of two-thirds of its members." Art. 4, Pt. 2 § 11 of

the Arizona Constitution. In addition, in Maryland, the Legislature, pursuant to the plain meaning of its constitution, is authorized to "punish a member for disorderly or disrespectful behavior and with the consent of two-thirds of its whole number of members elected, expel a member; but no member shall be expelled a second time for the same offence." Art. 3, Sec. 19 of the Maryland Constitution. By similar provisions, the constitutions of Alabama, Alaska, Georgia, Massachusetts, Pennsylvania and 36 other States allow for the disciplining and expelling of its elected representatives for misconduct while the elected person is in office. By a similar provision, the United States Constitution grants the House authority to discipline or expel a member "with the concurrence of two thirds. Art. I, Sec. 5 of United States Constitution. *See also, Powell v. McCormack,* 395 U.S. 486, 89 S. Ct. 1944 (1969)

The authorization to discipline and expel members of the legislative bodies in other States is not present in the North Carolina Constitution. North Carolina citizens have had, at least, two opportunities to amend its Constitution since 1868 and, in none of those efforts, did the people seek to include this authorization. It is, however, acknowledged that thirteen (13) elected law-makers have been expelled from the North Carolina General Assembly, but eleven (11) of those exclusions occurred before the enactment of the 1868 Constitution; the other two occurred in 1875 and 1880. The failure to include authority in the State Constitution to discipline and expel its elected members acts as a limitation on what this General Assembly is constitutionally allowed to do.

Despite the absence of a constitutional provision to remove or impeach an elected District Attorney, the North Carolina Supreme Court in *State v. Spivey* clearly concluded that the North Carolina General Assembly had the power to enact a statute which authorized the

removal of a person from that position. In *Spivey*, the Court determined that a legislative enactment of the General Assembly is a valid expression of the will of the people even though there is no expressed constitutional authority for the it.

> As we have often noted, it is 'firmly established that our State Constitution is not a grant of power. All power which is not expressly limited by the people in our State Constitution remains with the people, and an act of the people through their representatives in the legislature is valid unless prohibited by that Constitution. (Cite omitted) Therefore, this Court gives acts of the General Assembly great deference, and a statute will not be declared unconstitutional under our Constitution unless the Constitution clearly prohibits that statute.

Spivey at 413, 480 S.E.2d at 698.

Since the North Carolina Constitution was silent on the authority to remove the elected District Attorney from office in *Spivey*, the Court determined that the legislative enactment which expressly authorized this removal and set out a detailed procedure for the Presiding Judge to follow when doing so deserved the "presumption of constitutionality" and that removal statute would control as long as the official was accorded due process of law. *Id.* In *Spivey*, N.C. Gen. Stat. § 7A-66 specifically identified the grounds for either the suspension or removal of the elected District Attorney from office. The grounds are:

> 1. Mental or physical incapacity interfering with the performance of his duties which is, or is likely to become, permanent;
> 2. Willful misconduct in office;
> 3. Willful and persistent failure to perform his duties;
> 4. Habitual intemperance;
> 5. Conviction of a crime involving moral urpitude;
> 6. Conduct prejudicial to the administration of justice which brings the office into disrepute; or
> 7. Knowingly authorizing or permitting an assistant district attorney to commit any act constituting grounds for removal, as defined in subdivisions (1) through (7) hereof.

N.C. Gen. Stat. § 7A-66 (2007)

The statute specifically authorized a Superior Court Judge, upon a finding of relevant facts which supported the existence of one of the disabling provisions, to enter an order permanently removing the District Attorney from office.

With respect to the North Carolina General Assembly's ability to remove an elected member of the House of Representative from office, there is not a comparable statute which authorizes that removal. In 2007, the North Carolina General Assembly created the Legislative Ethics Committee and authorized it to investigate complaints of ethics violations, to conduct necessary hearing and "refer the matter to the appropriate house for appropriate action, which may include censure and expulsion, if the Committee finds substantial evidence of a violation of a criminal statute." N.C. Gen. Stat. §120-103.1 et. seq. (2007) The problem with this statute is that it does not authorize the General Assembly to discipline or remove an elected Legislator if a referral is received from the Legislative Ethics Committee. Even with this statute which create an investigative Committee, the General Assembly does not possess the same power and authority as was conveyed to Superior Court Judges under N.C. Gen. Stat. § 7A-66.

HOUSE SELECT COMMITTEE DOES NOT POSSESS CONSTITUTIONAL OR STATUTORY AUTHORITY TO DISCIPLINE OR REMOVE AN ELECTED MEMBER OF THE HOUSE OF REPRESENTATIVES

For the reasons discussed above, the House Select Committee does not have authority to discipline or remove an elected member of the General Assembly from office. The House Select Committee was recently appointed by the Speaker of the House of Representatives to investigate complaints of ethics violations against Representative Thomas Wright. The creation of this Committee was accomplished without a legislative enactment or action by the House and Senate

and approval by the Governor. While this procedure is appropriate for internal activities of the House of Representatives, it does not confer any power or authority which remotely over-rides the constitutional and statutory infirmities discussed above.

To the extent that investigations of the House Select Committee is to "be governed by Article 5A, Committee Activity, of Chapter 120 of the General Statutes," the Committee is restricted to "alleged violations of the criminal law by a legislator while acting in the legislator's official capacity as a participant in the lawmaking process." N.C. Gen. Stat. § 120–103.1(a)(3) (2007) By definition, allegations of misconduct which occurred outside of the Legislator's lawmaking activities can not be the subject of scrutiny by this General Assembly.

In further reliance upon the dictates of Chapter 120 of the General Statutes, the work of the House Select Committee is restricted to an investigation of the "rules legislative ethics and conduct" adopted by the House of Representatives which create the standard of conduct for that legislative session. N.C. Gen. Stat. § 120-102(7)(2007) These legislative rules of ethics and conduct have not been established by the North Carolina General Assembly for this session or for those past legislative sessions in which the alleged conduct committed by Representative Wright is supposed to have occurred, namely 2001 through 2006.

HOUSE SELECT COMMITTEE DOES NOT POSSESS CONSTITUTIONAL OR STATUTORY AUTHORITY TO DISCIPLINE OR REMOVE AN ELECTED MEMBER OF THE HOUSE OF REPRESENTATIVES FOR CONDUCT WHICH WAS COMMITTED DURING PRIOR SESSIONS OF THE LEGISLATURE

In the landmark case of *Powell v. McCormack*, 395 U.S. 486, 89 S. Ct. 1944 (1969), the United States Supreme Court discussed the propriety of disciplining an elected Congressional

Representative for conduct committed during a prior session of Congress. In its opinion, the Court noted that both houses of Congress "distrusted their power to punish" a member for conduct committed during a prior congressional session. *Powell* at 509, 89 S. Ct. at 1957.

> [I]t must be said that with practical uniformity the precedents in such cases are to the effect that the House will not expel a Member for reprehensible action prior to his election as a Member, not even for conviction for an offense. On May 23, 1884, Speaker Carlisle Decided that the House had no right to punish a Member for any offense alleged to have been committed previous to the time when he was elected a Member, and added, 'That has been so frequently decided in the House that it is no longer a matter of dispute.

Powell at 509, 89 S. Ct. at 1957.

In *Powell*, Adam Clayton Powell had been regularly elected as the Congressman from New York City' 18th Congressional District since 1945 and had served as and, based upon his seniority, was destined to continue in the position as the Chairman of the House Committee on Education and Labor at the time of this challenge to his qualifications. Powell completed his service the 89th session of Congress and was returning to be sworn in for the 90th Congressional session following his re-election. During the 89th Congressional Session, claims arose and were presented in Congress that Powell had inappropriately used congressional funds for travel and salary for his wife during that session. Based upon this alleged conduct, an effort to prevent Powell from being sworn in for the 90th Congressional Session was successfully launched. From that exclusion, Powell filed an action in the federal court which ended-up in the United States Supreme Court.

Powell's claim before the Supreme Court that the only qualifications that he needed to present and satisfy was that he met the Constitutional qualifications to serve as a member of

Congress and could not be excluded because of past claims of transgressions. It was noted in this opinion that neither Congress nor its committees are continuing bodies, but their powers and duties expire when the session for which they are elected expire. In Congress, that expiration occurs every two years just as the North Carolina General Assembly terms for members of the House expire every two years.

With respect to Congress' power and authority to expel Powers from the 90th Congressional session, the Supreme Court concluded that Congress could only review whether Powell possessed the qualifications at that moment in time which were articulated in the federal Constitution. The Powell Court reasoned: "A fundamental principle of our representative democracy is, in [Alexander] Hamilton's words, 'that the people should choose whom they please to govern them." *Powell* at 547, 89 S. Ct. at 1977. Equally instructive in this effort to discipline and/or expel Representative Wright from the North Carolina General Assembly is this conclusion:

> Unquestionably, Congress has an interest in preserving its institutional integrity, but in most cases, that interest can be sufficiently safe-guarded by the exercise of its power to punish its members for disorderly behavior and, in extreme cases, to expel a member with the concurrence of two-thirds. In short, both the intention of the Framers, to the extent that it can be determined, and an examination of the basic principles of our democratic system persuade us that the Constitution does not vest in the Congress a discretionary power to deny membership by a majority vote.

The authority to expel an elected Congressional Representative for disorderly behavior in *Powell* was upheld because the Constitution specifically authorized that action upon a vote of two-thirds of its members. That is not the situation in North Carolina where the State's

constitution does not authorize the exclusion of an elected House Member. The central lesson in *Powell* is that the people have the right to elect their own representatives as a fundamental principle of a representative democracy and the frequency of elections allows the people to speak often and regularly on this important and weighty issue. In the absence of specific authorization to expel or exclude an elected member, the only qualifications that can be utilized to determine the Legislator's ability to serve his constituents are those articulated within the Constitution.

> In judging the qualifications of its members Congress is limited to the standing qualifications prescribed in the Constitution. . . . Therefore, we hold that, since Adam Clayton Powell, Jr., was duly elected by the voters of the 18th Congressional District of New York and was not ineligible to serve under any provision of the Constitution, the House was without power to exclude him from its membership.

Powell at 550, 89 S. Ct. at 1979

Powell concerned claims of misappropriating federal funds which occurred during the previous Congressional Session. The Supreme Court held that conduct from that previous Congressional session, the 89th, could not serve as the basis for a determination of Powell's qualifications to serve in the next, the 90th, Congressional session. By contrast, the House Select Committee seeks to hold Representative Wright's alleged improper conduct from 2001 through 2006 as grounds or justification to discipline or expel him from the present legislative session. The time frame involved in Representative Wright's situation covers four separate and distinct legislative sessions rather than the one Congressional session involved in *Powell*. If the *Powell* ouster violated the federal Constitution, then certainly the effort to discipline or expel Representative Wright offends the same Constitutional protections and provisions.

HOUSE SELECT COMMITTEE'S ADOPTED RULES AND PROCEDURE VIOLATE DUE PROCESS RIGHTS OF REPRESENTATIVE WRIGHT

Even in the context of proceedings in the North Carolina General Assembly, Due Process protections are implicated and must be complied with, particularly as here, where the General Assembly seeks to interfere with a property right and interest of Representative Thomas Wright. No State shall deprive any person of life, liberty, or property without due process of law. The constitutional inhibition against depriving any person of his property without due process of law is a 'restraint on the legislative as well as on the executive and judicial powers of the government and cannot be so construed as to leave the General Assembly free to make any process 'due process of law,' by its mere will." *Den ex Dem. Murray v. Hoboken Land and Imp. Co.*, 59 U.S. 272, 276-277, 1855 WL 8216 (U.S.N.J.)(U.S. December Term 1855) Substantive due process is a guaranty against arbitrary legislation, demanding that the law shall not be unreasonable, arbitrary or capricious and that the law be substantially related to the valid object sought to be obtained. *State v. Joyner*, 286 N.C. 366, 371, 211 S.E.2d 320, 323 (1975)

The North Carolina Supreme Court articulated in *In re: Hardy,* 294 N.C. 90, 240 S.E.2d 367 (1978) that removal from office on the ground of misconduct in office is a matter of the most serious consequences and the person is subject to be deprived of the honor, power and emoluments of the office. *Id.* Other State Courts, as well as the federal courts, have concluded that election to public office imbues the office holder with a constitutionally protected property and/or liberty interests. *See, McNeil v. Butz,* 480 F.2d 314 (4th Cir. 1973); *Crowe v. Lucas,* 595 F.2d 985 (5th Cir. 1979); *Gordon v. Leatherman,* 450 F.2d 562 (5th Cir. 1971); *Fredericks v. Vartanian,* 529 F. Supp. 264 (D. Mass. 1981); *Ludowici v. Stapleton*, 375 S.E. 2d 855 (Ga.

1989); Errichetti v. Merlino, *457 A.2d 476 (N.J. Super. 1982)*

The recently adopted rules of the House Select Committee impermissibly shifts to representative Wright the burden of showing by a preponderance of the evidence that he should be exonerated of the charges which have been leveled against him. *See, Paragraphs 14 & 15 of House Select Committee Rules.* This requirement violates the fundamental fairness notion of Due Process to compel the charged party to establish, by an level of proof, his innocence. Not only is Due Process violated, but the legislator's Fifth Amendment rights are also implicated and surrendered by this requirement.

This the 30th day of January, 2008

Irving Joyner
Attorney for Respondent Thomas Wright
P.O. Box 374
Cary, North Carolina 27512
Telephone:(919)319-8353

CERTIFICATE OF SERVICE

The Attorney whose signature appears below certifies that a copy of the attached Legal Memorandum In Support Of Respondent's Answer and Motion was duly served upon the Clerk of the North Carolina General Assembly by hand-delivering copies of same to the North Carolina Legislature and to Representative Rick Glazier at 300 North Salisbury Street, Suite 200, Raleigh, North Carolina 27603 addressed separately to Attorney O. Walker Reagan and by depositing a copy of same in the United States mail, first class postage prepaid and addressed to Attorney William Hart, North Carolina Department of Justice, P.O. Box 629, Raleigh, North Carolina 27602.

This the 30th day of January, 2008

Irving Joyner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE SELECT COMMITTEE TO INVESTIGATE ALLEGED MISCONDUCT
COUNTS 1 - 8

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NORTH CAROLINA GENERAL ASSEMBLY,

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REPRESENTATIVE THOMAS WRIGHT

BRIEF OF SPECIAL COUNSEL

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STATE OF NORTH CAROLINA
COUNTY OF WAKE

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE SELECT COMMITTEE TO INVESTIGATE ALLEGED MISCONDUCT
COUNTS 1 - 8

NORTH CAROLINA GENERAL ASSEMBLY,

v.

REPRESENTATIVE THOMAS WRIGHT

BRIEF OF SPECIAL COUNSEL

ARGUMENT

The arguments below correspond to arguments made by Representative Wright in his document entitled, Legal Memorandum in Support of Respondent's Answer and Motion, filed with the House Principal Clerk on January 30, 2008.

I. The North Carolina General Assembly has the authority to discipline or expel an elected member.

As one of the houses of the General Assembly, the House of Representatives "shall be the judge of the qualifications" of its members. Art. II, Sec. 20, Constitution of North Carolina.

It has been argued by Representative Wright that this provision of the Constitution relates to the qualifications for election to office in Article II, Section 7 of the Constitution. Although Article II, Section 20 is certainly related to Article II, Section 7 for purposes of determining qualifications for election to office, there is nothing in Article II that limits the application of Article II, Section 20 only to qualifications for election. In addition, Article VI, Section 8 sets forth disqualifications for office that must also be considered. Art. VI, Sec. 8, Constitution of North Carolina. And, a criminal conviction or having been adjudged guilty is not the only determination that may disqualify a person for public office. In re Peoples, 296 N.C. 109, 250 S.E.2d 890 (1978)(due process determination by Supreme Court by clear and convincing evidence that public

official had engaged in willful misconduct in office is sufficient for disqualification from office), cert. denied, 442 U.S. 929, 61 L. Ed. 2d 297 (1979). Therefore, in North Carolina, either house of the General Assembly may take any action reasonably necessary for the proper administration of its business as the lawmaking body of the people of the State. This includes investigation into allegations of improper, illegal, or unethical actions by any of its members and taking action that is appropriate to punish such actions.

"An act of the General Assembly is legal unless the Constitution contains a prohibition against it." Plemmer v. Matthewson, 281 N.C. 722, 726, 190 S.E.2d 204, 207 (1972), citing McIntyre v. Clarkson, 254 N.C. 510, 119 S.E.2d 888 (1961). The Supreme Court of North Carolina has continuously stated as follows:

> it is "firmly established that our State Constitution is not a grant of power. All power which is not expressly limited by the people in our State Constitution remains with the people, and an act of the people through their representatives in the legislature is valid unless prohibited by that Constitution."

In re: Spivey, 345 N.C. 404, 413, 480 S.E.2d 693, 698 (1997); State ex rel. Martin v. Preston, 325 N.C. 438, 448-49, 385 S.E.2d 473, 478 (1989); Lassiter v. Board of Elections, 248 N.C. 102, 112, 102 S.E.2d 853, 861 (1958); McIntyre v. Clarkson, 254 N.C. at 515, 119 S.E.2d at 891; Airport Authority v. Johnson, 226 N.C. 1, 8, 36 S.E.2d 803, 809 (1946). This is consistent with Article I, Section 2 and Article II, Section 1 of the Constitution of North Carolina. Article I, Section 2 provides in pertinent part: "All political power is vested in and derived from the people . . . ." Article II, Section 1 describes how the people exercise that sovereignty: "The legislative power of the State shall be vested in the General Assembly, which shall consist of a Senate and a House of Representatives." Indeed, our legislature is called the General Assembly "because all the people are present there in the persons of their representatives." John V. Orth, The North Carolina State Constitution: With History And Commentary 78 (1993). The General Assembly's exercise of the sovereignty "vested in and derived from the people," then, is valid except where expressly limited by the Constitution. The pertinent inquiry is not whether the Constitution authorizes the House of

Representatives to discipline its members for unethical conduct. Rather, the pertinent inquiry is whether the Constitution prohibits or limits the House's ability to do so.

Courts have the inherent power to do all things that are reasonably necessary for the proper administration of justice, State v. Gravette, 327 N.C. 114, 124, 393 S.E.2d 865, 871 (1990); Beard v. The North Carolina State Bar, 320 N.C. 126, 129, 357 S.E.2d 694, 696 (1987). In the same way, legislative bodies have the implied and inherent authority to investigate and discipline its members. French v. Senate, 146 Cal. 604,606, 80 P. 1031, 1032 (1905)(every legislative body has implied power to expel a member for any cause deemed sufficient); Hiss v. Bartlett, 69 Mass. 468, 473, 3 Gray 468, 473 (1855)(power of expulsion is a necessary and incidental power, to enable the house to perform its high functions, and the house is the sole judge of the exigency which may justify and require its exercise); Justice Joseph Story, Commentaries on the Constitution of the United States, Vol. II, Section 835. That power has not been limited to offenses committed by the party as a member or committed during the same session as the inquiry. Id., Section 836.

The North Carolina House of Representatives has the inherent authority to investigate and to discipline or expel one of its members. That inherent authority has not been limited by the Constitution of North Carolina. And, that inherent authority has been acknowledged and protected by the General Assembly in the Legislative Ethics Act that it passed. The General Assembly has specifically provided that "[a]ny action or lack of action by the [Legislative Ethics] Committee," under N.C.G.S. § 120-103.1, "shall not limit the right of each house of the General Assembly to discipline or to expel its members." N.C.G.S. § 120-103.1(m). Indeed, the General Assembly has exercised that authority numerous times in the past: [1]

- James Carter - expelled from House in 1757 for mishandling public funds

- Francis Brown - expelled from House in 1758 for perjury, conduct unworthy

[1] Information gleaned from chart prepared by Research Division of the General Assembly and presented to the House Select Committee at hearing on January 9, 2008.

- Hermon Husband - expelled from House in 1770 for gross prevarication, falsehood, promoting riot and seditions

- William Gilbert - expelled from House in 1779 for intentionally defrauding public

- Edward Clay - expelled from House in 1784 for petit larceny (no criminal charge)

- Henry Montfort - expelled from House in 1786 for fraud in disbursement of public money

- John Bonds - expelled from House in 1787 for fraud

- John Roberts - expelled from Senate in 1816 for forgery and fraud committed during War of 1812

- Robert Potter - expelled from House in 1835 for engaging in fight after card game and drawing a pistol and a knife

- J. Wm. Thorne - expelled from House in 1875 for advocating and promulgating a "most sacrilegious doctrine, subversive of the principles of the constitution of the State of North Carolina and of sound morality

- Josiah Turner - censured, then expelled when he left House Chamber, for gross improprieties, disorderly conduct, defiant conduct, and disrespectful manner in 1880

- Ken Miller - censured by House in 1996 for making unsolicited and inappropriate sexual remarks to a female employee, a female lobbyist, and a female page

The unethical, improper, and, in most cases, criminal acts alleged in the charges pending against Representative Wright - conversion of money, soliciting false statements in documents with the intent to use those false representations to obtain a loan, and failing to disclose campaign contributions that are required to be disclosed to the voting public - constitute conduct at least as egregious as the acts that served the basis for the expulsions listed above.

II. The House Select Committee has authority to hold hearings and to recommend action by the full membership of the House of Representatives.

The General Assembly "cannot delegate its power to make a law; but it can make a law to delegate a power to determine some facts or state of facts upon which the law makes, or intends to make, its own action depend . . ." State v. Curtis, 230 N.C. 169, 171, 52 S.E.2d 364, 365

(1949)(citations omitted). Not only may the General Assembly delegate fact-finding power to agencies, it may delegate such power to committees. N.C.G.S. §§ 120-14; 120-19.1. Such committees have the power to hold hearings, compel attendance of witnesses, and compel testimony to make findings on any matter properly before them and to report any findings and recommendations to the appropriate house. Id.

Representative Wright contends in his legal memorandum that the House Select Committee is limited by N.C.G.S. § 120-103.1(a)(3) to "alleged violations of the criminal law by a legislator while acting in the legislator's official capacity as a participant in the lawmaking process." He also contends that N.C.G.S. § 120-102(7) limits the Committee to an investigation of the "rules of legislative ethics and conduct" adopted by the House of Representatives for the current term. Such arguments would apply to actions by the Legislative Ethics Committee. However, those arguments do not apply to actions by the House of Representatives and the House Select Committee.

Just as "[a]ny action or lack of action by the [Legislative Ethics] Committee," under N.C.G.S. § 120-103.1, "shall not limit the right of each house of the General Assembly to discipline or to expel its members," N.C.G.S. § 120-103.1(m), the limitations provided in the Legislative Ethics Act apply to actions by the Legislative Ethics Committee, not to either house or any authorized committee acting under the inherent authority of that house. Thus, the House and the House Select Committee are not limited to considering conduct that constitutes "alleged violations of the criminal law by a legislator while acting in the legislator's official capacity as a participant in the lawmaking process" or to considering conduct that violates "rules of legislative ethics and conduct" adopted by the House of Representatives for the current term. The House and the Committee may properly consider any conduct which is improper, unethical, criminal, or unbecoming and unfitting for a member of the House.

The North Carolina House of Representatives has the inherent authority to investigate and to discipline or expel one of its members. That inherent authority has not been limited by the Constitution of North Carolina. And, the House of Representatives has the authority by statute to

delegate to a committee the investigation of facts surrounding allegations of unethical conduct of one of its members. N.C.G.S. § 120-14; N.C.G.S. § 120-19.1. In this case, the House Select Committee, then has the power to hold hearings to investigate and determine the facts, to report those findings to the full House, and to make appropriate recommendations on disciplinary action that the House should take. The role of the Committee is to determine facts and to make recommendations to the House, not to take action against Representative Wright. It is only the full House that has authority to take disciplinary action.

This same type of procedure is used for investigation of complaints of ethical violations made against judges. The Judicial Standards Commission conducts a hearing, determines the facts, and makes a recommendation to the Supreme Court of North Carolina on the appropriate sanctions for any unethical conduct found. The Supreme Court then reviews the findings below and the record to determine what violations, if any, it finds, and what sanctions to impose. N.C.G.S. § 7A-376; Rules of the Judicial Standards Commission; Rules for Supreme Court Review of Recommendations of the Judicial Standards Commission; In re Renfer, 345 N.C. 632, 634-35, 482 S.E.2d 540, 542 (1997); In re Hardy, 294 N.C. 90, 97, 240 S.E.2d 367, 372 (1978); In re Nowell, 293 N.C. 235, 244, 237 S.E.2d 246, 252 (1977).

III. The House Select Committee has authority to recommend to the full House of Representatives that it discipline or expel an elected member of the House based on conduct that was committed during prior sessions of the General Assembly.

In North Carolina, either house of the General Assembly may take any action reasonably necessary for the proper administration of its business as the lawmaking body of the people of the State. This includes investigation into allegations of improper, illegal, or unethical actions by either house of any of its own members and taking action that is appropriate to punish such actions.

"An act of the General Assembly is legal unless the Constitution contains a prohibition against it." Plemmer v. Matthewson, 281 N.C. 722, 726, 190 S.E.2d 204, 207 (1972), citing

McIntyre v. Clarkson, 254 N.C. 510, 119 S.E.2d 888 (1961). The Supreme Court of North Carolina has continuously stated as follows:

> it is "firmly established that our State Constitution is not a grant of power. All power which is not expressly limited by the people in our State Constitution remains with the people, and an act of the people through their representatives in the legislature is valid unless prohibited by that Constitution."

In re: Spivey, 345 N.C. 404, 413, 480 S.E.2d 693, 698 (1997); State ex rel. Martin v. Preston, 325 N.C. 438, 448-49, 385 S.E.2d 473, 478 (1989); Lassiter v. Board of Elections, 248 N.C. 102, 112, 102 S.E.2d 853, 861 (1958); McIntyre v. Clarkson, 254 N.C. at 515, 119 S.E.2d at 891; Airport Authority v. Johnson, 226 N.C. 1, 8, 36 S.E.2d 803, 809 (1946).

Courts have the inherent power to do all things that are reasonably necessary for the proper administration of justice, State v. Gravette, 327 N.C. 114, 124, 393 S.E.2d 865, 871 (1990); Beard v. The North Carolina State Bar, 320 N.C. 126, 129, 357 S.E.2d 694, 696 (1987). In the same way, legislative bodies have the implied and inherent authority to investigate and discipline its members. French v. Senate, 146 Cal. 604,606, 80 P. 1031, 1032 (1905)(every legislative body has implied power to expel a member for any cause deemed sufficient); Hiss v. Bartlett, 69 Mass. 468, 473, 3 Gray 468, 473 (1855)(power of expulsion is a necessary and incidental power, to enable the house to perform its high functions, and the house is the sole judge of the exigency which may justify and require its exercise); Justice Joseph Story, Commentaries on the Constitution of the United States, Vol. II, Section 835. That power has not been limited to offenses committed by the party as a member or committed during the same session as the inquiry. Id., Section 836.

Representative Wright places much reliance in his argument to the contrary on the decision of the United States Supreme Court in Powell v. McCormack, 395 U.S. 486, 23 L. Ed. 2d 491 (1969). Powell is inapplicable here for three reasons. First, Powell dealt with the United States House of Representatives' power to exclude someone who had been elected on the grounds that he did not meet the qualifications for office, not the power to expel someone after he was seated in the House. Id., at 507, 23 L. Ed. 2d at 509, Fn. 27. Second, and more fundamentally, Powell dealt with

the authority of the United States House of Representatives under the United States Constitution, not the power of the North Carolina House of Representatives under the North Carolina Constitution. Unlike the North Carolina Constitution, which is a limitation on the authority of the legislative branch, the federal Constitution is a grant of power to the federal government. Congress can only act as authorized by the federal Constitution. United States v. Butler, 297 U.S. 1, 63, 80 L. Ed. 477, 487 (1936). This being so, the Supreme Court's analysis in Powell has no bearing on the authority of the General Assembly under the North Carolina Constitution. Finally, the discussion in Powell about the power of Congress to expel extending to conduct during previous sessions was in the context of interpretation of authority granted by House Rules, and it is *dicta*, as the Court determined that the action taken was exclusion, not expulsion.

Because there are no limitations in the Constitution or in statutes applicable to the House on the conduct which it may consider or the time of occurrence of that conduct, the House and the House Select Committee may inquire into any allegations of improper conduct. The House has taken timely action once it became aware of the allegations it is considering, and the House Select Committee has proceeded expeditiously and with due process.

The House Select Committee, pursuant to the direction of the Speaker of the House, has authority to conduct a hearing into allegations of unethical conduct by one of the members of the House of Representatives, even if that conduct occurred prior to the current Session.

IV. The House Select Committee Rules do not violate the due process rights of Representative Wright.

The House Select Committee Rules do not impermissibly shift the burden of proof to Representative Wright. Rather, the Rules provide for three possible outcomes in the vote of the House Select Committee. By referencing both paragraph 14 and paragraph 15 of the Rules, it is clear that the Committee will have three possible outcomes on each charge:

(1) If the Committee finds the alleged violations are established by clear and convincing evidence, the Committee shall do one or both of the following:

a. Refer the matter to the Attorney General for investigation and referral to the district attorney for possible prosecution if the Committee finds substantial evidence of a violation of a criminal law that is not already the subject of an indictment.

b. Refer the matter to the House of Representatives for appropriate action, which may include admonishment, censure and expulsion.

(2) If the Committee fails to find the alleged violations are established by clear and convincing evidence, the Committee shall report this to the House of Representatives and to the accused legislator.

(3) If the Committee finds by a preponderance of the evidence that the accused legislator should be exonerated of the charges, the chair shall transmit this finding in writing to the accused legislator and to the House of Representatives.

The House Select Committee Rules do not impermissibly shift the burden of proof to Representative Wright. Rather, the Rules provide for an additional possible outcome that can benefit him. The Committee may find he committed ethical violations if convinced by clear and convincing evidence. The Committee may find that the allegations of ethical violations have not been proved by clear and convincing evidence. And, the Committee may decide that not only have the charges not been proved by clear and convincing evidence, but that he should be found to be exonerated of the charge of that violation. It may do so, rather than just finding the charges not proved, if it believes so by a preponderance of evidence. In contrast, in criminal courts there are only two possible verdicts, and a not guilty verdict or acquittal only denotes the failure of the prosecution to establish guilt beyond a reasonable doubt; it does not affirmatively establish innocence. Taylor v. Taylor, 257 N.C. 130, 134, 125 S.E.2d 373, 375 (1962). There is no violation of due process by the Committee in creating the additional possible outcome of exoneration that can actually benefit Representative Wright.

In addition, the Committee has provided Representative Wright with compulsory process, the right to be present and to confront witnesses, and the right to discovery.

Respectfully submitted this the 7th day of February, 2008.

William P. Hart
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Special Counsel for the House Select Committee

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing BRIEF FOR THE HOUSE SELECT COMMITTEE upon the RESPONDENT by placing a copy of same in the United States Mail, first class postage prepaid, and by e-mail, addressed to his ATTORNEYS OF RECORD as follows:

Irving Joyner
Attorney at Law
P.O. Box 374
Cary, North Carolina 27512

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Douglas S. Harris
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This the 7th day of February, 2008.

William P. Hart
Special Deputy Attorney General
Special Counsel for House Select Committee

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THE GENERAL ASSEMBLY OF THE STATE OF NORTH CAROLINA

MEETING OF THE HOUSE SELECT COMMITTEE
TO INVESTIGATE ALLEGED MISCONDUCT AND OTHER MATTERS
INCLUDED IN INDICTMENTS REGARDING
REPRESENTATIVE THOMAS E. WRIGHT

TRANSCRIPT OF THE PROCEEDINGS

February 11, 2008

THE SELECT COMMITTEE:

Rep. Rick Glazier, Chair
Rep. Paul Stam, Vice-chair
Rep. Marvin Lucas
Rep. William McGee
Rep. Edith Warren
Rep. Laura Wiley

In Raleigh, N.C.

11:07 A.M.

Reported by:

Katherine M. Becker

THE CHAIR: All right. Good morning. This House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright is convened February 11th, 2008, approximately eleven-ten in the morning, Room 544, Legislative Office Building. We'll begin, because we are being recorded by the court reporter, Ms. Becker--and welcome again, Ms. Becker, and thank you--I'm going to ask everyone to quickly introduce themselves who are at these tables, and then at the three tables below the podium. So we'll start with the vice-chairman.

REP. STAM: Paul Stam, vice-chair.

MS. SAVEL: Carin Savel, Committee clerk.

THE CHAIR: We'll start over here--

MS. SMITH: Amanda Smith, staff.

MS. HUNTLEY: Denise Huntley, staff.

MR. REAGAN: Walker Reagan, Committee counsel.

MR. GOLDSMITH: Kory Goldsmith, Committee co-counsel.

MR. KREHELY: Brad Krehely, Committee co-counsel.

MS. FENNELL: Heather Fennell, Committee co-counsel.

THE CHAIR: Representative Warren?

REP. WARREN: Edith Warren, State Representative, 8th House District.

REP. LUCAS: Marvin Lucas, Committee member.

REP. WILEY: Laura Wiley, District 61.

REP. McGEE: Bill McGee, Committee member.

THE CHAIR: If we could, Representative Wright--

REP. WRIGHT: Representative Thomas Wright.

THE CHAIR: You'll--you'll need to hold the button down--

MR. HARRIS: Oh, okay.

THE CHAIR: --Mr. Harris. I'm sorry.

MR. HARRIS: I see. Thank you. No problem. All right. This is--I'm Doug Harris, the attorney for Thomas Wright, Representative Wright.

THE CHAIR: All right.

PROF. JOYNER: Irving Joyner and Heather Rattelade.

THE CHAIR: Also as counsel for Representative Wright?

PROF. JOYNER: Yes, sir.

THE CHAIR: Okay. Thank you. Mr. Hart?

MR. HART: William Hart, Senior Deputy Attorney General from the Attorney General's Office, and Special Counsel.

MR. PETERS: Alexander Peters, Special Deputy Attorney General, and Special Counsel to the Committee.

THE CHAIR: All right. Thank you very much. All right. This meeting is called to order. We've introduced staff and legal counsel, and what we want to do today--and I'm going to review quickly the purpose of the meeting and the order of business that will follow.

This meeting is to hear dispositive motions filed by Representative Wright. The staff has prepared for all counsel, as well as for Committee members, the list of motions that the Chair intends to hear. This has been reviewed by the Committee's special counsel and by Mr. Joyner and Mr. Harris. The Chair's intent is to consider the motions in the order in which they were listed.

Under the Committee's rules, the Chair is to rule on the motions initially. And what I anticipate doing is a procedure that goes something like this: I'll call the motion and then ask Mr. Harris or Professor Joyner, whoever is going to argue the motion, to argue your point on the motion. Then I'll open it up to the Committee for questions that they would have of Counsel. Then, Mr. Hart or Mr. Peters, you'll argue the Committee and Counsel's position, and, again, the Committee can then follow your questions--or your comments with questions.

After we finish comments by Counsel and questions by any members of the Committee, then I will make the Chair's ruling and issue that ruling orally to the extent I'm able to do that, and at that point will then turn to the Committee and ask if any member of the Committee seeks to overrule the motion of the Chair or the ruling of the Chair, because ultimately, although the Chair makes the initial ruling, the Rules certainly allow the Committee to override the Chair should they choose to do that. And we'll go through motion by motion.

There are twelve motions pending. In

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addition, there is a request, and I think appropriately, from Professor Joyner to review the discovery matters that were filed and make sure we have those--and make sure we have those in order. So that will also be something that we'll do after we get through the--the list of motions.

Any questions on the procedure that we'll use for the hearing of the motions? All right.

Then the first motion--the first motion that I want to--

PROF. JOYNER: Mister--Mr. Chairman?

THE CHAIR: Yes?

PROF. JOYNER: I just--just want a clarification now. I apologize--

THE CHAIR: Sure.

PROF. JOYNER: --for interrupting you, but we initially received a one-count complaint from the Legislative Ethics Committee, which--to which we responded at an earlier point. Subsequent to that, we received complaints from the House Select Committee. So for my clarification, would you tell us what is the status of this Legislative Ethics Committee complaint, and how does that fit into the framework of where we are now?

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THE CHAIR: Certainly. The Legislative Ethics Committee received the initial complaint, obviously, as--as you now know, with regard to the concerns as it relates to Representative Wright. That committee, in December, forwarded its recommendation on to the Speaker of the House, indicating it had significant concerns with the indicted conduct but felt that the indicted conduct jurisdictionally, because of the LEC statute, did not give the LEC jurisdictional basis to review that indicted conduct, but did give the LEC the opportunity to refer to the House of Representatives to act on its own disciplinary measures, independent of the joint LEC.

That recommendation went to Speaker Hackney, and Speaker Hackney immediately formed the House Select Committee which you're now appearing before. This House Select Committee will and did review all the evidence it--that was available to it and, as you may remember--I think it was January the 9th--determined probable cause existed as to eight specific counts, which you then got notice of in writing, and Representative Wright did, and gave two weeks to file the written response, which you

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have responded to.

The LEC retained jurisdiction over one count. That LEC count remains within the LEC's jurisdiction, not directly in our jurisdiction. However, that count seems to be included within the eight counts that we have, and so what the LEC would choose to do with that count is a determination they will have to make, and they, of course, meet in a different setting.

But this House Select Committee's job is to work through the eight counts that we now have probable cause on, and which I assume you've now responded and filed motions on, and those would be the eight counts, if they survived motions, that would be the form of the evidentiary hearing--the basis of the evidentiary hearing before this Committee.

It would be up to the LEC to determine whether they want to proceed independently on their one count. I can't speak for the LEC, since only part of the LEC essentially exists here. But that's the procedure of where we are. All right?

All right. The first motion to be heard today is a motion to dismiss filed by

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Representative Wright as to all counts generally for lack of jurisdiction. Who will be arguing that motion?

PROF. JOYNER: I will.

THE CHAIR: Okay. Professor Joyner--and--and you may go to the podium, which may be much easier than sitting there holding the button. If the sergeant-at-arms would assist, please--

(DISCUSSION OFF RECORD)

THE CHAIR: Professor Joyner?

PROF. JOYNER: Mr. Chairman, thank you for this opportunity, members of the House Select Committee. The first motion that--that's before you is the motion to dismiss all counts for lack of jurisdiction or authorization. And in support of that motion, we look at some of the--some of the law which I think is supposed to undergird our actions here today and in the days to come, if that occurs.

But I want to start with the fundamental document which gives to the General Assembly its power, and that is the North Carolina Constitution. And that Constitution is then supported by the federal Constitution, the United States

Constitution, which is a Constitutional imperative in--under the North Carolina Constitution. There is a specific provision of the North Carolina Constitution, which says that the federal Constitution is supreme to the North Carolina Constitution. Decisions from the United States Supreme Court and other courts have upheld that--that notion.

So why don't we just start from the power, the grant of authority to--to the General Assembly, especially as it relates to the issue of disciplining or expelling a legislator from--from this body, and then look at North Carolina statutes in that regard, because those are the enactments by the North Carolina General Assembly which gives to various operating bodies the authority to--to proceed.

Starting first with the--our claim and the response from the North Carolina Attorney General's Office, it is crystal clear, and everyone seemingly is in agreement, that there is not a Constitutional provision which allows the General Assembly to discipline or expel a member from its body. Expressly stated, it's not there, nor is

there a statute that's been enacted by the North Carolina General Assembly which provides authority to discipline or expel a legislator for any action.

There are provisions in the Constitution--in the Constitution and in statutes which allow for the impeachment of any number of elected officials in the state. But not included in that authorization is impeachment or any actions directed against a sitting member of the General Assembly, either in the Senate or in the House.

And in the two briefs that's--that you've been provided with, you don't find a claim that that power exists under either the Constitution or the North Carolina statutes. Now, I'm--I'm--I'm reporting. I'm not arguing this point. The--the law is what the law is.

In the absence of some authority, this General Assembly does not have the power to act. If the Constitution does not give to the General Assembly a power or--based on the United--the North Carolina Supreme Court's decision in State versus Spivey, if the General Assembly has not created a mechanism or an authorization for it or some other body to act, then it is without power to act.

Now, the Attorney General suggests that there is this thing called the inherent power of the General Assembly. And the inherent power of the General Assembly is something that sounds good. It conveys the notion that you can do any doggone thing you want to do. And, of course, that's the reason you have the Constitution and the statutes, is to circumscribe what, in fact, you can do.

So the Attorney General's office is arguing on your behalf that there is this inherent power. And in support of this inherent power, it cites two cases. It'll just take me a moment to just find--one is Hiss versus Bartlett. It's a Massachusetts case from 1855. It's a case originating in the days of slavery, a case that predates the 13th, 14th, and 15th Amendments of the United States Constitution, and a case which predates the 1868 North Carolina Constitution. And I say that to say that its validity or its impact on these proceedings ought to be nonexistent, because since 1855 all of the laws of the land have changed significantly.

Then they rely upon a California case, French versus Senate, and that is a case decided in

1905. And they state the proposition that "every legislative body has implied power to expel a member for any cause deemed sufficient."

And I--I direct your attention to the constitution of California, and, in fact, I want to direct your attention to the constitutions of just about every state in this country. And in those constitutions the law--or the constitution not only provides a section that members of the House are judges of the qualification of its members as is defined by the constitution, but it goes on to say in each of those instances that where a two-thirds majority so decides, and if there is sufficient grounds for it, a person can be disciplined or expelled from its body. North Carolina does not have that provision in its Constitution.

So in that sense, the California constitution and the French case that we've just made reference to, talking about inherent power, that decision flows from the grant of power that's contained in the California constitution. Obviously, that grant of power isn't present in the North Carolina Constitution.

An inherent power can only flow from

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expressed powers. In California, the expressed power is the power of two-thirds members of the majority to expel or to discipline. In North Carolina, that grant of authority is not there. Now, I didn't write the Constitution, so don't blame me for it. But it is a deficiency.

Well, it may not be a deficiency, because the North Carolina General Assembly has had any number of opportunities to come back and amend this Constitution. There was an amendment--in 1890 it was amended. There were--there have been subsequent amendments as late as 1969. In none of those instances did the North Carolina General Assembly see fit, in its infinite wisdom, to enact a provision in its Constitution to expel or discipline members of its body. And, again, that's not just the House, but it is the Senate, as well.

At the same time, by statute, the North Carolina General Assembly has codified several impeachment-like provisions in the state law. There is the Judicial Standards Commission, for instance, and a procedure set in place that allows for the expulsion and discipline--disciplining of judges, superior court judges, district court

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judges. And that process works, and there have been a number of judges who have been expelled from office or otherwise disciplined. And for the most part--well, in each of those instances, that is done pursuant to the grant of authority given by the state--by the General Assembly to the Judicial Standards Committee--Commission.

In the case of State versus Spivey, dealing with the expulsion of a district attorney from office, our Supreme Court noted in that opinion that the Constitution of North Carolina did not provide a basis to expel a--an elected district attorney from office. There was nothing in the Constitution that provided it, and based on that, our Court recognized that under the Constitution that could not happen.

But the Constitu--but the Supreme Court also saw that the General Assembly had enacted a specific provision, specific statute, in the state which provided for the removal of district attorneys where certain conduct had occurred. And the Court held that the act of the General Assembly in instituting that statute or enacting that statute was done on behalf of the people, since the

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legislature speaks for the people, that the act of creating this statute which provided for the removal was sufficient to give to the Superior Court judge, in that particular case, the authority to remove the sitting and elected district attorney from office down in--in Wilmington, of all places.

Wilmington's had a pretty glorious history--we always go back to 1898, but--and work our way on back up now that--a whole lot of people are removed from office seemingly down in Wilmington. It's kind of noted for that.

But our Supreme Court, in Spivey, said that because the General Assembly had enacted a statute which gave to the Superior Court judge the authority to remove, that that was sufficient to convey the sense of the people and the approval of the people for that process. And we've noted, I believe, the Hardy case and several other cases dealing with judicial impeachment.

My point is that in each of those instances where our Court, our Supreme Court, has upheld this removal power, it flows from the enactment of a statute by this General Assembly concurring with--concur--in concurrence with the

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Senate--and, of course, now signed and agreed to by the governor, but, of course, when these acts were enacted, the governor was not a part of the--of the equation--but that there had to be some specific, expressed power granted to allow for the discipline and removal of an elected official.

At no point in the history of North Carolina has this General Assembly acted to provide a similar provision dealing with the removal or disciplining of a state legislator, either a member of the House or a member of the Senate. And in the absence of that authorization, this General Assembly is without authority to do that.

Now, I mentioned the fact that there are more than thirty-six states that have provided and authorized the punishment of a member for disorderly or disrespectful conduct with the consent of two-thirds of its members. The United States Congress has a similar provision. And in the United States Congress, pursuant to the federal Constitution, there is an expressed provision which says that with two-thirds of the members of the House or the Senate, and upon a showing of disorderly or disrespectful behavior, a elected

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Congressional representative or an elected U.S. senator can be removed from office. And that has happened from time to time, and it has happened in other states from time to time. But in every instance, it is pursuant to expressed authorization either contained in the Constitution itself or by some statute.

This notion of inherent power--and our Supreme Court has spoken to that, as well--flows from a grant of power, a grant of power specifically given by the General Assembly to some other agency or institution, or to itself, because the General Assembly can--can--can do that. In the absence of that, the General Assembly can't just take up and do anything that it wants to do. And even where there is a grant of authority to do that, then that grant must satisfy both the federal and state notion of due process.

An arbitrary ad hoc committee being constituted and given the power to discipline or expel a legislator is contrary to both the North Carolina Constitution--it is contrary to the notion of due process. Due process speaks to this notion of fundamental fairness, fundamental fairness, in a

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process that is open and transparent, that allows for a person to present their case and to attack the case that's being presented against them. The Rules that I've seen established for this Committee does not provide that, and as such would run afoul of the Court's pronouncement in Spivey that where you have this grant of authority, that grant of authority must also satisfy the Court's notion of due process, which is something that is missing in the effort that we have here.

Now, as I understand it, Mr. Chairman, this Committee is--this House Select Committee has been authorized by the Speaker of the House. It is not a committee that is authorized by the General Assembly. And as the Speaker of the House, rather than the Dictator of the House, he has no power to convey a power to any committee to discipline or dismiss any legislator in this body. Now--

THE CHAIR: You understand, do you not, Professor Joyner, that the power of this Committee is limited to recommendations, and that this Committee does not discipline or expel any member on its own, it only has the power to recommend to the full House?

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PROF. JOYNER: I--I--I understand that, and that was my next--my next point.

You--you--you can't recommend to expel when the party that you are recommending it to doesn't have the power to do it. And--and--and it's clear there are some people who would like to do that. But in terms of the law as the law is established in this state, this General Assembly and its ad hoc Committee does not have the authority to--to go forward with an action to discipline or expel a legislator from this--from this body. I would certainly urge that this body consider--considers doing that and enacting appropriate legislation to do that.

And with that, I'll let the Attorney General's office come up and argue it--its inherent authority.

THE CHAIR: Let's see if we've got questions first for you, Professor Joyner, from any member of the Committee. The Chair has several.

Just so I'm clear on what the position is, do you argue that the House has no authority under the Constitution or statute to discipline in any manner any of its members for conduct in the

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House of Representatives?

PROF. JOYNER: That--that--that--that is what--what we're arguing.

THE CHAIR: So if someone was on the House floor and refused to sit down and to abide by the Speaker's ruling to be quiet and just kept talking, is it your view that the Speaker would have no ability under the Rules, because there is no statute or Constitutional provision, to ask the sergeant-at-arms to escort that person, as a matter of discipline, off the House floor?

PROF. JOYNER: There--there are rules of procedure, typically, for those sessions. Those rules and procedures have been adopted by the General Assembly, and where those rules and procedures have been adopted by the--by the General Assembly, then they are in action of the General Assembly. Those are rules in place prior to whatever misconduct you are--you're referring to.

But that--that's known, and that's--it's something that has been adopted by the General Assembly and is a grant of authority by the General Assembly to itself as a part of its internal operation and its internal proceeding. So yes, the

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Speaker would have the power in that instance to have the sergeant-at-arms to remove that person, which is significantly different than an action to discipline a legislator or to expel a legislator for that conduct.

THE CHAIR: Let's assume that the legislator--and--and for whatever reason--there isn't a criminal action pending, so let's not worry about any crime issues, but let's assume a legislator steals twenty-five times from legislative assistants' purses, simply goes around the building and takes money, no criminal charges brought. Would it be your position that because of the deficiency in the Constitution, as you suggest, and in the statute, that the House would have no capacity to discipline that legislator?

PROF. JOYNER: The House would have the authority to call the police in and have that person arrested and prosecuted for the crime for--which has been alleged, and that matter then be adjudicated in a--in a court of law. But in terms of--and I go back to the absence of this authority in the Constitution, and by statute, you've not given yourself that power to do that.

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THE CHAIR: So if--if--if the particular witnesses did not want to seek criminal charges, then the House would be, in your view, not able to invoke any internal ethics discipline on that legislator; it's simply a matter of the police having to deal with it, and if they don't, or if the witnesses don't want to proceed in a criminal court, then the House would have no authority to discipline its member--

PROF. JOYNER: Right.

THE CHAIR: --right now?

PROF. JOYNER: The discipline--and--and--and this is the framework in which both our federal Constitution and our state Constitution has been established. The legislator represents people, and they are the embodiment of the people. They've been sent by those people here to do the people's business, and the discipline and expulsion of that legislator rests uniquely within the body of people who sent that legislator there. And that is, as it stands now, the only authority in North Carolina that can discipline or expel a legislator, by simply not voting that person back into office the next time he runs. That's one of the reasons the

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legislator has to run every two years.

THE CHAIR: Well, let's assume instead--and let's take it out of the criminal context, so that there's no ability to call police. Let's assume that a legislator sexually harasses pages or other members, female members, of the staff, and does so in a repeated manner that's reported. There is no crime of sexual harassment. There's a certainly a civil action that might be available, but there's no--

PROF. JOYNER: Well, there's--there's a crime.

THE CHAIR: Well, there's a--

PROF. JOYNER: There's a crime.

THE CHAIR: There's not a crime of verbal sexual harassment. Assume we're not talking about physical touching, that we're talking about verbal issues, and it's repeated. And again, assume with me that it's not a criminal action, but maybe, if someone wanted to process it, civil actions.

Again, my question comes in. Are you suggesting that because of this deficiency in this--in--in the Constitution, that the House would have no capacity to discipline and potentially

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expel its member who repeatedly sexually harassed women if--and assuming, again, that there's not a criminal charge that's available, understanding there may be a civil prosecution available? I mean, is that your position?

PROF. JOYNER: Well, the--the--the--the authority wouldn't have been based on the action or the result of the--of the action. I mean, that is a--that is--verbal sexual harassment is a crime, as well. They call it assaultive behavior, because placing one in fear and apprehension, even where there's not a touching, is sufficient to make out assaultive conduct.

But the question that you raised, the answer is--is--is the same. No, this--this body would not, because this body has never given itself the authority to do that, nor does the Constitution give to this body the authority to do that.

And even if the legislator walked in here and shot somebody dead right here in front of everybody on the World Wide Web, this body would not, as presently constituted, have that authority. Now, if you went to California and did that, then the legislature could expel the person, because

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they have an expressed grant of authority in its Constitution that says, "Upon two-thirds' vote, we can expel this person for misconduct."

But that is not the situation in North Carolina, and I'm sorry to say that.

THE CHAIR: I--I understand your position. Thank you. Any other--now, questions. Representative Stam?

REP. STAM: Thank you. I have two. And I--I appreciate you saying that, because that is the consequence of your position.

About a dozen times, the House or the Senate of North Carolina has expelled a member. Are you aware of any case authority in North Carolina questioning that authority by our appellate courts?

PROF. JOYNER: It's not been raised, as far as I've been able to--to research. The--it's not been raised in the context of the House and the Senate. It's been raised in the context of judicial officials--

REP. STAM: Well, that was my question, expelling a member of a House or Senate.

PROF. JOYNER: Right. No. It has

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never--it's never--it's never--it's never been raised.

REP. STAM: Okay. If I--

PROF. JOYNER: Now, when you talk about the expulsions, with the exception of one, they--they occurred prior to 1900.

REP. STAM: But let me ask you this on that, because I think I heard you saying that cases before 1868 were inadmissible because they were too old--did--

PROF. JOYNER: Well, that wasn't--that wasn't--I mean, I said that, but that wasn't the reason that I said it.

REP. STAM: Did the Constitution before 1868--there was one in 1835. There was one in about 1776. There was one from the Lord's Proprietors in the 1600s. Did any of those Constitutions under which the dozen or more expulsions occurred have an explicit grant of authority to expel a member?

PROF. JOYNER: I'm--I'm not sure. I've not sure. I've not seen--I've not seen--I just know that from 1868, which is the base year of the Constitution that we're dealing with now, which

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brought in significant changes to the Constitution of--of North Carolina, that has not--

REP. STAM: But on that item it didn't change. There wasn't an expressed grant before, there wasn't an expressed grant afterwards--is my question. And--

PROF. JOYNER: Well, before--

REP. STAM: --I guess the answer is you don't know.

PROF. JOYNER: Yeah, I--I don't know. I've not seen that.

THE CHAIR: All right. Other questions, members of the Committee? Representative Wiley? I'm sorry.

THE CHAIR: All right. For now, thank you, Professor Joyner. We may--may have some more after Mr. Hart--or--is it Mr. Hart or Mr. Peters going to argue? Mr. Hart.

MR. HART: Good morning, Mr. Chairman and members of the Committee.

THE CHAIR: Good morning.

MR. HART: Mr. Joyner and I have a fundamental difference of opinion on the law of what the General Assembly has the authority to do

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regarding anything in the State of North Carolina. Mr. Joyner believes that just like the United States Constitution, the North Carolina Constitution is a grant of authority to this body, the General Assembly, and without a specific grant of authority of the Constitution, that this body has no authority to act. That is not the law.

The law, as interpreted by the North Carolina Supreme Court, has specifically stated that the Constitution of North Carolina is a limitation of authority of the General Assembly, not a grant of authority of--and it is unlike the U.S. Constitution.

The United States is made up of fifty states. In order to provide for that joinder of states, the states wanted to have states' rights. They wanted certain rights left to the states, and they were willing to grant certain authority to the United States government. So the United States Constitution is a specific grant of authority to the Congress. And without a specific grant in the Constitution, Congress is limited and cannot pass statutes that affect the people of the United States.

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However, the General Assembly of North Carolina, just like any other state in the union, has the authority of the people to do the people's business. Again, the North Carolina Supreme Court has said this in countless cases over the last hundred years. You have the authority to do what is--whatever is necessary to conduct the business of the people of the State of North Carolina, and the only limitation you have is if there is a specific provision in the Constitution that prohibits it, or unless this body, the General Assembly, has passed a specific statute limiting it. That is necessary.

In the same way, the courts have been held to have inherent authority to do the business of the courts. The courts, by Constitution of North Carolina, have been granted certain authority, but the U.S.--the North Carolina Supreme Court and the North Carolina Court of Appeals have both said over the years in countless cases that the courts have inherent authority to conduct the business of the courts and to enforce its judgments. And so it does have limited authority to do certain things, even if there is not a

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specific provision.

That is the same kind of authority that this body has. It has the authority of the people to do what is necessary to conduct the business of the people. There is no limitation in the North Carolina Constitution. Article I, Section 2 of the North Carolina Constitution says, "All political power vested in and derived from the people is granted to the General Assembly."

Article II, Section 20 provides the General Assembly has the authority to judge the qualifications of its members. Now, there's been an argument in the Respondent's brief that that is limited to simply what qualifications are necessary to file for and to be elected as a member of the legislature. Unfortunately, that argument does not account for Article VI, Section 8 of the North Carolina Constitution, which adds an additional disqualification as a member--as a public official.

Article VI, Section 8 provides that any public official, any elected official can be disqualified from office based on certain grounds, and amongst those are in a judgment of being guilty of a criminal offense. But the North Carolina

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Supreme Court has said that that is not to be interpreted strictly, that there are times when a public official can be adjudicated as having been involved in inappropriate conduct that does not amount to necessarily a criminal offense and can be disqualified from public office.

In the case of In Re: Peoples that is noted in the Special Counsel's brief, the North Carolina Supreme Court, in deciding the case of a superior court judge, found that the due-process provisions of the Judicial Standards Commission and recommendation to the North Carolina Supreme Court that a judge had engaged in willful misconduct, and the finding by the North Carolina Supreme Court that those findings were appropriate and that that punishment was appropriate, that that expulsion fit within Article VI, Section 8 of the North Carolina Constitution. We argue to you that in the same way this body, with its inherent authority to do the people's business, can make similar adjudications of misconduct of its members.

I've noted that there's no limitation in the Constitution. I would also argue to you that there is no limitation by statute.

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In Respondent's brief, there are a number of arguments raised about limitations provided by the Legislative Ethics Act, the creation of the Legislative Ethics Committee. I would argue to you that that passage of the Legislative Ethics Act and the creation of the Legislative Ethics Committee did not in any way limit the authority of the House of Representatives or the Senate to discipline or expel its members. And I specifically point you to Statute 120-103.1, Subsection M, by which in the Legislative Ethics Act this body, the General Assembly, specifically stated that it was--the Legislative Ethics Act was not intended to limit the authority of the General Assembly to discipline or expel its members.

One of the arguments that Mr. Joyner made regarding the constitutions of the United States and the Constitution of other states was that there are specific provisions both in the constitutions and in statutes that no member of the legislature could be removed without a two-thirds majority vote. And I would argue to you that those are limitations, and that if--if the General Assembly chose to, it could pass a limitation that this body

could not discipline or expel a member without a two-thirds majority vote. That would be a limitation. That would--is not a grant of authority.

Also, Mr. Joyner cited to specific statutes and specific provisions in constitutions of other states that involve certain conduct as being inappropriate and subject to discipline or expulsion. Again, I would argue to you that those are limitations, not grants, of authority. Similar to North Carolina, every state has the inherent authority to discipline its members.

In fact, the General Assembly, as noted in a question by Representative Stam, and as you've, Members of Committee, heard on January 9th with a presentation by staff--heard that the General Assembly, and the House in particular, has chosen to discipline or expel numerous members in its history.

Mr. Peters and I have tried to, to the best that we have been able to so far, determine whether there was any provision in any constitutions that North Carolina has ever had that in any way did any more to provide specifically for

conduct of legislators and methods by which the General Assembly may discipline or expel its members. And we have not been able to find any provision in any Constitution that--that we have been able to locate. We have--we have not exhausted our--our research, but at least at this point we have not found that previous constitutions did have that authority in--in any way specifically laid out as opposed to our current Constitution.

In pursuit of the inherent authority that the General Assembly has, it also has the ability to delegate investigation and fact-finding to a committee. And there are specific statutory provisions in G.S. 120-14, G.S. 120-19.1, and those--those have been cited in State v. Curtis, which is on Page 4 of the State's brief--and that is that a committee which is specifically delegated authority to find facts and to make recommendations--that that is within the power of the General Assembly or either of its houses.

And that's what this committee's role is. It has been designated to simply investigate, to make findings, and to make a recommendation to the House. That is within the authority of the

statutes and the House rules, and it is within the authority of the House to so delegate to the Committee in pursuit of its authority to discipline or expel its members.

Again, I'd like to specifically point out that the General Assembly specifically, in passing the Legislative Ethics Act, retained its inherent authority to discipline or expel its members by specifically including the provision in G.S. 120-103.1, Subsection M.

THE CHAIR: Anything further, Mr. Hart?

MR. HART: Just a couple--just a couple points--

THE CHAIR: Certainly.

MR. HART: --Mr. Chair.

I listened carefully to Mr. Joyner's argument, and at several points in his argument he seemed to tell you that this legislature has never taken the opportunity to enact a statute to cover a situation like this. He spoke about the provisions of the Legislative Ethic--Ethics Act, which authorized certain actions that can be taken by the legislature, by the General Assembly. And he seemed to concede that the General Assembly had the

authority to do that. That counters his argument that there is no inherent authority of the General Assembly to take this kind of action. If it has no authority, then it can't delegate to itself by statute the authority to take action.

If Mr. Joyner is correct that the General Assembly has no authority to discipline or expel its members, then the Legislative Ethics Act is unconstitutional, and that's just not the case. Again, there--there is an inherent authority that's been recognized for hundreds of years for state legislatures to discipline or expel its members.

THE CHAIR: Questions for Mr. Hart from any member of the Committee? Representative Stam.

REP. STAM: I--I would say the--the interesting question is whether that inherent authority is in the Assembly, or is it in the individual houses? And I wonder if you've come across any authority from other states that say that it has to be--that it has to be the Assembly as a whole rather than the individual houses. I would think the common law would be to allow any body to discipline its own members, but I don't know.

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MR. HART: And it--I--I want to be careful, because it's been a few weeks since I read the two cases that I cited. But I believe that the actions that were taken in the French case and the Hiss versus Bartlett case involved specific houses of the general assembly of--of those states. And I--and I believe that the same argument would hold for the entire body as it would for a specific house. As--as--as you say, Representative Stam, it would seem that--and the courts have held that--that any particular body seems to have the inherent authority to discipline or expel its members.

REP. STAM: Well, if I could--one follow-up: Certainly in North Carolina the custom is for one house to do it. We know that. I was just wondering if you had found anything in the writings around the country that made that distinction.

MR. HART: I have not found that distinction.

THE CHAIR: Other questions by any member of the Committee? Thank you, Mr. Hart.

And rebuttal from Mr. Joyner--Professor Joyner, and then any final questions.

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PROF. JOYNER: In--in response to--in response to what Mr. Hart has--has said, let me see if I can't frame this a little differently.

My argument and my reading of the law is not that this General Assembly is without the power to enact legislation that will allow for a legislator to be disciplined or expelled. That's not the position that I took, and it's not what I said. What I said was that this General Assembly had not done it. And because it has not enacted a law, like the Judicial Standards Commission, similar to the laws allowing for the removal of a district attorney from his or her position--that's a grant of authority. The General Assembly can do that. The General Assembly has the power to do that. And in those instances, the General Assembly did, in fact, do that. And in those instances, the Court upheld the exclusion of members from the judiciary and from the district attorney based on those acts.

And that is what is called doing the people's business, because the General Assembly is a legislative body, and it convenes for the purpose of enacting legislation. And in enacting

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legislation, they speak for the people. And in those instances, it spoke. And it is from those enactments that the inherent power of those bodies to act as they did was created.

Now, let me just go to the Spivey case. And this is the North Carolina Supreme Court in the case of Jerry Spivey. The Court said--and this is also in response to Representative Stam's question--the 1868 Constitution was unusual among the states because it did not list either the officers subject to impeachment or the proper grounds for impeachment. That's what it said. North Carolina was unusual. It was unusual with respect to the removal of district attorneys from office, and it's unusual with respect to the removal of or in discipline of state legislators from office.

I've already outlined for you--and there's no dispute about it--that the provisions are different in other states.

Then our Supreme Court went on to say prior to our Constitution of 1868, however, no such omissions were found in our state Constitution, Representative Stam. The omission dates from the

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1868 Constitution--"the omissions date from." This inability to remove dates back to 1868.

Our Supreme Court said the 1835 Constitution, which in this respect simply elaborated the original language, listed both the offices subject to impeachment--governor, supreme court justice--supreme court justices, superior court justice--judges, and all other officers of this state--and the grounds were willful violation of the Constitution, maladministration, and corruption.

Now, our Supreme Court recognized that the 1835 Constitution did allow for the General Assembly to impeach or remove officers as listed in the Constitution from office. It says it right here, and it--and--and I'm reading it. I'm not making this up. But they recognized that the 1868 Constitution was deficient in that regard and did not give or provide the same authorization.

And that's why in Spivey the Court said "notwithstanding this omission," because the General Assembly has now enacted a statute which provides for the removal of a district attorney, then that speaks for the people, and the General

Assembly had the inherent power to enact that legislation calling for that removal or providing for that removal, as long as those acts were consistent with due process. Now, that--now, that's what--that's what the case said.

So in 1868 the deficiency was created, and that deficiency in the power of this legislature to act continues. It continues not because it's not in the Constitution, but because this body has never enacted a statute which allows this body to discipline its members. Now, that's probably on purpose. It's probably not an oversight. I mean, it's probably not an oversight, because people want to protect their power.

They made--took pains to provide for the removal of judges. They took pains to provide for the removal of district attorneys. Don't you think that if they took powers--pains to provide for the removal of those elected officials, that the decision not to include legislators in that was on purpose, it was not an oversight? But our Supreme Court recognized that that's what happened in--in Spivey.

Now, in addition to that, Mr. Hart was

talking about, you know, this--this discon-- disconnect between the federal Constitution and what the federal Constitution mandates and what the state Constitution mandates, and tries to prick up this states' rights argument. Our Constitution is also unique in the sense that it says, "Every citizen of this state"--

THE CHAIR: What provision are you looking at? I'm sorry.

PROF. JOYNER: Article I, Section 5.

THE CHAIR: Thank you.

PROF. JOYNER: Article I, Section 5: "Every citizen of this state owes paramount allegiance to the Constitution and government of the United States," not paramount allegiance to the Constitution of North Carolina, but paramount allegiance to the Constitution and government of the United States, "and no law or ordinance of the state in contravention or subversion thereof can have any binding force."

I didn't write this. I didn't write this. I didn't write this. These were people in 1868 who said that. And that would certainly belie this notion of this supreme states' rights argument

that the Attorney General's office is making at--at this point.

In In Re: Peoples--and I've--I've read that case several times, forty-one-page opinion. And what the Court said in In Re: Peoples is no different than what the Court said in Spivey, in that this General Assembly created a Judicial Standards Commission to look at the conduct of judges, and in looking at the conduct of judges, when they find willful misconduct, it need not constitute a crime, but that body, based on what the General Assembly has provided to them, has the authority to remove that person from office. And that is all that happened in In Re: Peoples. And it happened in In Re: Peoples because the first step of that process was that this body, the General Assembly, passed a statute which authorized that to happen.

And the argument that I'm making to you, which is supported by the law, is that in the absence of that statute, in the absence of this body taking some positive and affirmative action to give to itself that grant of power, that grant of power does not exist so that it can be used willy-

nilly from legislative session to legislative session. It doesn't happen that way. Due process--due process and fundamental fairness would argue against that.

And that's the position that we're taking, and not that this body does not have the authority to enact legislation, but in the absence of this body actually enacting legislation, then it doesn't have the authority that it now claims to have.

THE CHAIR: Thank you, Professor. Any final comments, Mr. Hart? All right. Any final questions from any Committee member for counsel? If not, the Chair will rule.

The specifics--rules that we operate under require me to enter into the record my ruling in as much detail as I can so that the Committee can then determine whether they want to proceed on that basis. I'm going to ask the Committee for a little leeway in that I'm issuing oral rulings. I will follow up with confirmatory written rulings that won't change the tenor of my ruling but may change a line or--grammatically or citation to--to apply. So I will do my best to give you the full

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breadth of what I intend to rule so that you can move on that.

All right. Number 1. This matter is before the Chair and the Committee on motion from Representative Wright to dismiss all counts pending before the House Select Committee generally for lack of jurisdiction. The issue has been expertly briefed by both sides and argued orally today. This motion is now ripe for disposition.

Number 2. The issue is whether the House Committee has jurisdiction to proceed to consider disciplinary action against Representative Wright on the counts that are pending before the Committee.

Number 3. Representative Wright's argument is essentially that no Constitutional provision exists to allow the General Assembly to discipline or expel a member from this body, nor has the legislature passed any statute allowing such action. Thus, there is no inherent power of the General Assembly available and no explicit or statutory or Constitutional authority available to proceed and provide a basis for jurisdiction to act today. Further, Counsel argues that an inherent

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power can only flow from an expressed power, and that since there is no expressed grant of such authority in the North Carolina Constitution or exercised by the General Assembly, no inherent authority can exist; in the absence of legislation, this Committee is without authority to do so.

Number 3 [sic]. Committee counsel argues instead that the North Carolina Constitution is, unlike the United States Constitution, a limitation on the General Assembly's authority, not a grant of that authority, and that no specific Constitutional power must exist to allow the General Assembly to exercise inherent powers necessary and proper to proceed under the Constitution or statutes of the state. Specifically, Mr. Hart also argues that there is no specific Constitutional provision limiting nor is there any statute limiting jurisdiction in the case today.

Number 5. For background, since we are dealing with inherent-authority issues, background of how we came to this position through the practice of Parliament, the practice of the common law, the practice of this state previously must be reviewed.

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The House of Commons and English Parliamentary practice had the exclusive right to control its own proceedings, including the power to discipline its members. Criminal conduct and noncriminal conduct warranted expulsion. Members were expelled when they had been convicted of a crime or when their actions were viewed as criminal by the House, and specifically in the areas of corruption in office or bribery. Take a look at-- or see the case of John Trevor in 1621, the case of Edward Lord Howard in 1632, the case of Robert Walpole in 1712, the case of Thomas Vernon in 1721.

In addition, members were expelled for conduct which was essentially private in nature and which merely reflected upon the member's character as a whole, including private torts and fraudulent business practices. Again, take a look at the case of John Lord Barrington in 1723, the case of John Driffon [phonetic] in 1642 as examples.

In sum, the scope of Parliament's power to expel its members was not confined by statute or rule, and the practice strongly suggests that Parliament recognized no substantive limit on that power.

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The--next number. The practice in the colonial legislatures assumed as broad a discretion to expel members as had the English Parliament. The colonial assemblies expelled for whatever they considered misconduct of sufficiently grave proportions, including at least one hundred persons who were expelled from assemblies in the Continental colonies. As was true in England, the basis of expulsion was not defined by statute or rule, and in practice, the grounds for expulsion ranged from crime to religious preference. Thus, colonial legislatures adopted unquestionably the Parliamentary view of the power to expel as a matter within the absolute discretion of the legislative body, without scrupulous regard to freedom of opinion, I might add.

Next number. The colonial legislatures also exercised the power to expel members even though the power was not enumerated in their charters. For example, the charters of Massachusetts and Virginia contain no reference to the power to expel, yet the legislatures of those colonies freely and repeatedly expelled offending members.

Next number. When it came to the Congress, Congress has also held, under the United States Constitution, that criminal conduct that has not yet led to conviction does not preclude expulsion or disciplinary action. Congress has assumed that the power to expel is not limited to punishing misconduct in office, and Congress has proceeded, as well, in a number of instances to discipline and censure members under the United States Constitution and under its statutory powers.

Next number. The practice in other states includes states that do not have a provision providing for disciplinary action for their members and do not have a two-thirds voting provision, and yet those states have, in fact, enacted discipline on their members, including, most recently, censure in Hawaii in 1989 of a member, and in 1983, the resignation of a member in the state of New York following committee recommendations for disciplinary proceedings.

Furthermore, in the most recent case available, the case of Gray versus Gienapp--G-I-E-N-A-P-P--at 727 Northwest Second 808 from South Dakota Supreme Court, January 18, 2007--a

state senator who was facing disciplinary proceedings in the state applied for a writ of prohibition seeking to order the senate to refrain from holding any hearings and disciplining the senator regarding alleged sexual misconduct with a senate page. The Supreme Court of South Dakota declared consistent with the exact argument made by Mr. Hart and Mr. Peters today, and I quote as follows: "The South Dakota Constitution, unlike the Constitution of the United States, does not constitute a grant of a legislative power. Instead, our Constitution is but a limitation upon the legislative power, and the legislature may exercise that power in any manner not expressly or inferentially proscribed by the federal or state Constitutions. Thus, accept as limited by the state or federal Constitutions, the legislative power of the state legislature is unlimited. What the representatives of the people have not been forbidden to do by the organic law, they may do."

And in that case, the Supreme Court held that the trial court had no jurisdiction to halt the legislative disciplinary process nor any authority to preclude disclosure of that process.

Next number. In North Carolina, there have been a number of members expelled from the House and the Senate. They are listed in the brief of Mr. Hart: James Carter in 1757; Francis Brown in 1758; Hermon Husband in 1770; William Gilbert in 1779; Edward Clay in 1784; Henry Montfort in 1786; John Bonds in 1787; John Roberts in 1816; Robert Porter in 1835; and importantly, following the 1868 Constitutional change, J. William Thorne in 1875, and a censure that occurred followed by expulsion of Josiah Turner in 1880, both of those cases following the 1868 Constitution.

Most recently, this body has determined it had the capacity and jurisdiction to proceed to discipline a member in 1996 when it censured Representative Ken Miller.

Thus, North Carolina practice makes clear that the North Carolina legislature has always considered, under any of the Constitutional enactments that we have, that the power exists for the House and the Senate to discipline its members.

Furthermore, the legislature understood that in passing the Legislative Ethics Act, and specifically reserved in North Carolina General

Statute 120-104(m), "any action or lack of action by the Committee"--meaning the LEC--"under this Section shall not limit the right of each house of the General Assembly to discipline or expel its members." Clearly the legislature understood when it passed this bill in 2006 that the right to discipline or expel its members was part of the process that existed under the law of the State of North Carolina.

Finally, it is my conclusion as a result of that information and those cases that the North Carolina courts have held that an inherent power exists for the legislature to do all things that are reasonably necessary for the proper administration of justice, and legislative bodies have the implied and inherent authority under that to investigate and discipline their members, similarly to the holdings in California and in Massachusetts.

Accordingly, I find that the North Carolina House of Representatives has the inherent authority to investigate and discipline, including the right to expel, one of its members. That authority has not been limited by the Constitution

of the State of North Carolina nor by any state statute. The motion, therefore, is denied.

Professor Joyner, exception to my ruling is noted. And now I turn to the members of the Committee. Does any member of the Committee seek to overrule the motion and decision of the Chair?

REP. STAM: Not--

THE CHAIR: Representative Stam.

REP. STAM: Not for that purpose, but if I could just say why I don't--

THE CHAIR: That'd be fine.

REP. STAM: Since we last referred to the Constitution of 1835 or 1776, staff has gotten a copy of it, and I can't find in a quick read where there's any expressed power to either House or Senate to exclude members. And since a dozen of our precedences [phonetic] occurred during those Constitutions, it must not be required.

THE CHAIR: All right. We've been at it for an hour and a half, and although we've only handled one motion, it was an important motion. So I am going to suggest that we give the court reporter and the rest of us a ten-minute break, and we will reconvene in ten minutes. Thank you all

very much.

(FIFTEEN-MINUTE RECESS)

THE CHAIR: Representative Warren is back, and weÆll--we'll head to our next motion in a moment. I want to add two findings to the ruling of the Chair, just to add in. The first is that the House has the capacity under House Rule--or House has the capacity to create its own rules of procedure. House Rule 26 specifically allows that the Speaker shall have the exclusive right and authority to establish select committees.

The second finding is that Luther Cushing, who is one of the preeminent commentators on the law and practice of legislative assemblies, specifically states that the power to expel a member is, quote, "naturally and even necessarily incidental to all aggregate and especially all legislative bodies, which without such power could not exist honorably and fulfill the object of their creation."

Those two additions are made. Does that cause any member of the Committee to have any

concern? Seeing none--and again the exception to the additions is noted. All right.

We're moving to the second motion. This is a motion to dismiss Count 1. I think I'm right. Is that how we've got it, motion to dismiss Count 1 as not alleging criminal or unethical conduct?

UNKNOWN SPEAKER: No.

THE CHAIR: No, that's not right. Sorry. I got a wrong sheet.

The second motion is the motion to dismiss all counts on statute-of-limitations grounds and in violation of N.C.G.S. 120-102(a)(7). Mr. Harris or Professor Joyner? Dr. Joyner. Okay.

PROF. JOYNER: Mr. Chairman, it seems to me that if we--if this Committee is not proceeding under General Statute 120 exec [phonetic] those provisions relating to the Legislative Ethics Committee, that an argument dealing with those is not proper--dealing with those provisions would not be appropriate before this Committee.

THE CHAIR: All right. Do--do you just withdraw the part of the argument on the statutory ground--

PROF. JOYNER: Well, I with--withdraw the

portion dealing with anything referring to the Legislative Ethics Committee.

THE CHAIR: I understand. All right. That is withdrawn, and we'll--

PROF. JOYNER: And--and without--

THE CHAIR: --go forward with the motion to dismiss on statute-of-limitations grounds generally. Thank you.

PROF. JOYNER: This motion is supported mainly--and I use as--I guess our predicate cases for that is the Adam Clayton Powell versus McCormack, U.S. Supreme Court case--and that's cited in our memorandum to you--and Julian Bond versus Sloppy Floyd, U.S. Supreme Court case, in the one instance, the U.S. Supreme Court case with Adam Clayton Powell dealing with exclusion from Congress, and Julian Bond versus Sloppy Floyd dealing with the exclusion from a state legislature and the applicability of the federal Constitution to those actions. And in both of those actions, in both of those cases, one in 1966, the other in 1969, we look at this notion of how far back can the alleged action be considered by the Committee.

THE CHAIR: I'm--Dr. Joyner, I just want

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to interrupt you so I'm clear, because we've got listed--and that was unclear in the response, so I wanted to be--when I set this, I wanted to be sure. But Number 11, the motion which you specifically had later in your response, was to dismiss the counts on grounds that the legislature is not empowered to investigate, prosecute, or discipline conduct committed in past legislative sessions. So is this--are we--is this the same argument, or is there an independent SOL argument that we need to deal with?

PROF. JOYNER: No. No, I think all of them, each of those, if you look at 2, 3, and 11, they're essentially the same thing, whether this body, this General Assembly, whenever it meets can go back and consider conduct which allegedly occurred in past legislative sessions.

THE CHAIR: So would it be your preference to consolidate for argument Motions 2, 3, and 11?

PROF. JOYNER: If that's what you want to do, Mr. Chair--

THE CHAIR: Well, if it's the same argument, I'm inclined to do that.

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PROF. JOYNER: It's--it's essentially the same argument.

THE CHAIR: All right. Let me ask--Mr. Hart, any objection, Mr. Peters, to doing that?

MR. HART: No, sir.

THE CHAIR: All right. Let's go ahead and do that. So we're really hearing Motions 2, 3, and 11 consolidated. All right. I'm sorry. Go ahead.

PROF. JOYNER: All right. In--in the Bond and Powell cases, the U.S. Supreme Court talked about the ability of those legislative bodies to go back and to look at conduct from prior sessions. And legislative sessions are a little different than most other administrative proceedings. Every legislation--every legislative session has a beginning and an end. And that end, in North Carolina, covers a two-year frame, each legislative session. So you start out at the beginning of the session. At the end of the session, actions taken by the body during that time are dead. That's the end of it. They--they reach a conclusion.

We have in our laws citizens who vote every two years to create a new legislative body, and that new legislative body comes in fresh to deal with new matters which accrue or are presented to that body at that time.

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In this situation, the claims raised against Representative Wright goes back as far as five--four or five legislative session--sessions ago. We're talking about conduct which is alleged to have occurred from 2000 to 2006. None of the claims deal with conduct which is alleged to have occurred during this legislative session.

Assuming that a court upholds your finding about being able to go forward, we question whether this Committee can now, consistent with the constitutions--and that question has not been one that's been raised in North Carolina, so there are no North Carolina cases on this point, although all of the actions against the legislators that Representative Stam identified occurred during session and not during past sessions.

It's a dangerous precedent that's being established for a future legislative body to look back on conduct that occurred or allegedly occurred in past sessions, in this instance, past sessions

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where some of the alleged conduct was perfectly proper during that time, but has recently been deemed to be improper.

Under this new Legislative Ethics Act that's been created last session, conduct--and I--and let's say specifically campaign contributions. I'll just use that as an example. There are things that you can do with campaign contributions--that you can't do with campaign contributions now as a result of the new law that was passed that you could do with campaign contributions in prior sessions, because those acts were perfectly legal. Although some people may not agree with them, they were perfectly legal within the North Carolina system. And some of the other allegations follow the same vein.

So we question whether this Committee or the legislature has the power to go back and make now unethical and/or criminal conduct which was not deemed to be unethical or criminal during the time that it is alleged to have occurred. And we think that to do so is in violation of the U.S. Supreme Court decisions in both Adam Clayton Powell and--and Julian Bond.

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And I'm going to stop right there, because I know that much of this has already been determined. But we'll make that--those comments for--for the record and let Mr. Hart make his argument.

THE CHAIR: All right. We may have questions, but we'll go ahead--are there questions from the Committee, any Committee members? I will have some when we finish, but I want to hear Mr. Hart--let me hear--let's hear Mr. Hart first, and then we'll go ahead. Mr. Hart?

MR. HART: Thank you, Mr. Chairman. First of all, the--Motion Number 2 deals with the statute of limitations, and that's exactly what it--it says, and that is a statute of limitations. There is no statute or Constitutional provision or House rule that limits the inquiry of this Committee or the inquiry of--of the House into the conduct of Representative Wright. The--the argument before--this Committee has the inherent authority to investigate and determine the conduct of Representative Wright, and there is no statute limiting that authority.

As far as laches, that really deals with

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unreasonable delay in taking action. And if--if the Committee goes back and looks at the history of how this was dealt with, the Board of Elections had a hearing on May 15th of 2007. Out of the hearing came information that was--became--that the--that was referred to the Legislative Ethics Committee. Staff did an analysis and presented on June 6th, 2007, a memo to the Chairs of the Legislative Ethics Committee.

Senator Clodfelter made a request to the Attorney General to have Special Counsel appointed on June 7th. The SBI began conducting an investigation pursuant to the request of the district attorney of the 10th Prosecutorial District, and this--the Legislative Ethics Committee, unfortunately, had to wait during that time period until that was--that was done.

However, there were three meetings, September 11th, October 4th, and December 18th, if--I believe I'm correct, where the Legislative Ethics Committee did try to deal with these matters and--and track the progress of the SBI investigation and the efforts of Special Counsel and staff. And finally, on December 18th, there

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was a referral to the House, and on January 9th this Committee met and--and investigated and made certain determinations of probable cause.

I think it's clear from that timetable that once the General Assembly became aware of the allegations of unethical and improper and criminal conduct by Representative Wright, it took all reasonable action it could take in as--in a reasonable manner of time. Although there was some delay, I think that was necessary delay, and I certainly see no basis for a finding that there was unreasonable delay in the action that either this Committee or the Legislative Ethics Committee took. And so I don't believe there could be any finding of--of laches.

As far as the Powell case that Mr. Joyner discusses, Powell was a U.S. Supreme Court case that dealt with provisions of the U.S. Constitution, statutes that had been passed by Congress, and Congressional rules. Ultimately, that case dealt with the fact that Mr. Powell was excluded as a member of Congress, and there was a specific finding by the Court--by the Supreme Court in Powell that he was not expelled from the

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Congress. So the discussion of expulsion was actually dicta in that case. And even so, what it dealt with was interpretation of Constitutional provisions--U.S. Constitutional provisions, U.S. statutes, and rules of the Congress, not anything to do with North Carolina law.

The actions by Representative Wright that are alleged in the charges that have been brought by this Committee involve unethical and improper and criminal conduct, certainly conduct that is not appropriate for a member of the House, if--if these allegations are true. And certainly, this Committee has the authority under the authority of the House to make appropriate investigation and to make appropriate recommendations regarding that conduct, even if that conduct occurred prior to the current session.

The conduct involved is the kind of conduct that would make Representative Wright unfit to continue to be a member of the House of Representatives of North Carolina. And for that reason, the arguments involving statute of limitations and laches is simply not appropriate.

THE CHAIR: Questions of Mr. Hart?

Representative Stam.
REP. STAM: This applies to arguments of laches and--and the other: How can a person who's concealed his conduct claim laches?
MR. HART: I don't--I don't think he can. I--again, I think this--the General Assembly and all of its committees that have dealt with this have acted in a perfectly reasonable and appropriate way once the conduct was discovered. It was only in May of last year that anybody became aware that these allegations were out there, and I think that since then all appropriate, deliberate speed has been taken to--to deal with this.
THE CHAIR: Other questions by any member? I just have--and not for you, Mr. Hart, right now, but Professor Joyner, I do have a question. And I--because I understand the argument, and I--and I do worry about the political ramifications of someone wanting to use this tool to go back in time to oust a political opponent. And I think that is a concern about how this is done if it's to be done here, so I recognize the problem.
But here's my--my question. Assume that

we don't find out about conduct--and I'm going to change the type of conduct. But assume that the conduct occurred two years ago. It's hidden conduct. It simply becomes known through, let's just say, an anonymous complaint two years later. An investigation is done that verifies the conduct occurred.
Is your claim that even with conduct that was concealed, that the rule ought to be that if you've gone through one election cycle, that that obviates or--not obviates--eliminates the ability of the current House or current Senate to do anything about the prior conduct of which, with reasonable diligence, it wouldn't have known but has just become aware?
PROF. JOYNER: Well, first of all, Mr. Chairman and Mr. Vice-chair, I'm going to object to the conclusion that you both make and articulate here that someone has concealed some conduct. That goes to the heart of what these hearings are all about. And if you've already concluded that Representative Wright has concealed his conduct, then why are we going through a hearing to determine what the facts are if you've

already concluded what the facts are?
THE CHAIR: Dr. Joyner, I think that's not a correct interpretation of my question.
PROF. JOYNER: Well--
THE CHAIR: My question didn't assume anything. It was a hypothetical that said I'm concerned about how we deal with an issue, and my hypothetical was if someone concealed conduct that just came about to be known by a House, is it your view that that's the same circumstance as conduct, for example, in Powell, which was known and the voters still decided they wanted to re-elect Adam Clayton Powell? And I'm trying to find for precedential purposes where that dividing line is.
PROF. JOYNER: Well, I was responding to the comments that you made and the question that Representative Stam made previously. And they seemed to follow the same view that--somehow that Representative Wright had concealed, which implies to me some deliberate action to hide. Now, when you talk about the failure to discover, that's a different issue, and that's a different point. But when you start talking about somebody concealing something, that raises a conclusion about a

person's actions. And notwithstanding your fact--that you raised the question in a hypothetical format, it leads us to the same place.
Now, in response to the--to the question, the Adam Clayton Powell case--and the Court discussed specifically whether the Congressional action taken by Congress at that time to exclude Adam Clayton Powell after he had been re-elected was an act based on the exclusion or the past conduct that was alleged to have occur--have occurred but not proven to have occurred in the immediately prior session of--of Congress. And the Court basically held that if we were looking back at that, then that would be outside of the scope of Congress' power at that point.
But a question as to Powell's qualifications and credentials to serve in the present or the session that was beginning at that point was an appropriate one for the general--for the Congress to make, but that he satisfied all of those prerequisites, and therefore the actions to exclude him was unconstitutional.
Now, there seems to be some argument here that North Carolina is so great that the

Constitution of the United States makes no difference and that decisions made by the U.S. Supreme Court have no meaning in--in North Carolina. I beg to differ, because I've read too many opinions which says--and our own Constitution says that the Supreme Court Constitution--or the U.S. Constitution and its interpretation are supreme, even here in--in North Carolina. So to that extent, the decision in Powell does have meaning to what you're seeking to do here in this action.

Now, in this case, we're not talking about last legislative session. We're talking about, in Count 1, March 2002. In Count 2, we're talking about April 2002. That is, according to my count, about six years ago. And in Count 3, we're talking about December 2003. And in Count 4, we're talking about 2004; Count 5, 2004; Count 6, 2001.

THE CHAIR: Dr. Joyner, does--under your argument, does it matter how far back? That is, isn't the argument that you're making that back even a session, let alone two, three, or four sessions, you reach the same conclusion?

PROF. JOYNER: That's correct. That is

correct. But I--my point is that here we're not simply talking about alleged conduct from the last legislative session; we're talking about now going back three and four legislative sessions to try to make conduct at that point--and some of the things here deal with matters that were perfectly legal in those past sessions but now have been deemed to be improper--

THE CHAIR: Well, let me ask--

PROF. JOYNER: --during this legislative session.

THE CHAIR: Let me ask this question: Do you believe that it was proper in 2000 through 2006 if this occurred--but obviously we're at a probable--post-probable-cause stage--but do you believe it was legal for a House member not to report substantial contributions made during those periods of time?

PROF. JOYNER: Well, that's--that's not the issue. I mean--

THE CHAIR: Well, I think it is an issue. I think you've just raised it.

PROF. JOYNER: No, that's an issue--that's an issue for you. The--the issue is whether

this Committee, based on Powell and Bond, has the right to go back four or five different--I don't--I don't care what you decide.

THE CHAIR: Well--

PROF. JOYNER: What--what I'm saying is that the question is, do you have the authority to go back in past sessions, sessions that have ended, sessions that have concluded all of the business, and now dredge that past history up? It falls under a notion at least that I've heard about in the Constitution or in our laws called ex post facto.

THE CHAIR: I'm going to again ask the question. My question is, do you believe that the law of the state from 2000 to 2006 is different in the sense that it didn't require reporting contributions when received--has that fundamental premise changed from 2000 through 2006 to now?

PROF. JOYNER: I'm--I'm not prepared to answer that question.

THE CHAIR: All right. Well, let me ask a second question.

PROF. JOYNER: I'm prepared to answer--answer questions dealing with the procedural

matters--

THE CHAIR: Well, I think it--

PROF. JOYNER: --and not drawing judgments about--

THE CHAIR: I'm not drawing judgments, Dr. Joyner.

PROF. JOYNER: [inaudible]

THE CHAIR: Dr. Joyner, I'm not drawing judgments, but you've raised an issue, and I'm going to ask the questions to try to get to my understanding of the issue, because I think it dramatically affects the issue. And that is, if there was an obligation then to report, and if there is an obligation now to report, do you believe there is no continuing obligation to correct mistakes from the past reports?

PROF. JOYNER: Let me--let me--let me answer it this way, if I may.

THE CHAIR: Sure.

PROF. JOYNER: In the Powell case, the U.S. Supreme Court looked at allegations that Adam Clayton Powell had misappropriated funds, federal funds, for travel, expenses, putting his wife on salary, a number of other things, conduct which

most people would conclude would have been a violation of the law. In its analysis of whether they could go forward with an action to expel Representative Powell--Congressman Powell, that was not something that was at issue. Whether the conduct occurred, whether it was legal or not was irrelevant--

THE CHAIR: Was it known?

PROF. JOYNER: --to the Cons--to the Supreme Court's analysis of whether Congress had the power to go back and look at that.

THE CHAIR: Was the conduct--

PROF. JOYNER: And I would say that the same thing applies in this case.

THE CHAIR: Was the conduct in Adam Clayton Powell--prior to his re-election, it seems to me, the conduct was clearly known. In fact, there were pending proceedings in the prior session with regard to that conduct. And then while those proceedings were pending, the re-election occurred, we moved to the new session, and instead of trying to expel him, we now moved to an exclusion. But the conduct that formed the basis of the exclusion in Powell was known in the prior session.

The question I have, and what goes to the heart here of why I think there's an argument about Powell, is not that Powell may have no applicability in a general sense; it's that on its specific facts, Powell dealt with a case where the public knew the prior misconduct but still voted him in. There's no information that's before me, at least, on this motion that the public knew of any of the alleged prior misconduct before the 2006 election. And so we're not in the same situation as Powell, are we?

PROF. JOYNER: We are. We are, because the action taken by Congress was initially an action to expel, not an action to exclude. And the Court held that an action to exclude was improper. And the only thing left was an action to exclude [sic], because he had been re-elected. And on that basis--and on that basis, they did--there was no--there was nothing in the record that would support the decision to exclude. But the action to expel was the focus of the Congressional action. Even though there was an action started or an investigation started--because that's all that happened, was an investigation began in the prior

session. It did not conclude. So when they had the--the vote, it was to expel and not to exclude. So to that extent, it applies in this case.

And in that analysis, my--my point was simply that the U.S. Supreme Court didn't look at whether he did or didn't commit these acts that he was alleged to have committed, and this was from the immediate prior session. I think that it is certainly applicable to this situation, where what we have now is going back three, four different legislative sessions to bring up conduct that is alleged to have been committed by--by Representative Wright.

THE CHAIR: Do the Chair's questions cause any questions from any Committee member? Representative Stam.

REP. STAM: Let me try this hypothetical. We had a--a former speaker who is in prison for giving and accepting bribes. Now I'll give--that's a fact. Hypothetically, suppose a news release was given today by--this is pure hypothetical--that Representative So-and-So had cooperated in that investigation, they'd given him immunity, but he had taken or received bribes. Is it your position

that that--I understand your position now is that although we never knew about that, we could not expel that member, although it was demonstrated through transcripts before the grand jury that this person had taken or received bribes. Is that your position, really?

PROF. JOYNER: I mean, obviously, you don't want that to be my position, the way--

REP. STAM: I just want--

PROF. JOYNER: --that you phrased the question.

REP. STAM: --to know what your position is.

PROF. JOYNER: My--my--my position is that if it was conduct which occurred in a prior session, then this session, which is a new session, cannot look back at that conduct. And I think that that is consistent with both the--with the Supreme Court decisions in--in the Adam Clayton Powell case and in the Julian Bond case. And that's--that's the position that I take.

Now, whether it was--you know, when we look at this notion of laches, in--in our--in our laws today, there is an exception made for conduct

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that was concealed as opposed to conduct that was not discovered. You've both used the term "concealed." You have regular record--reporting, as far as I know, requirements for campaign contributions. And the fact that something wasn't discovered doesn't mean that it wasn't--that it was concealed and that there was some intent to conceal it. And laches has never drawn as an exception this notion of late discovery of some conduct which you allege to be improper.

THE CHAIR: All right.

PROF. JOYNER: Anything else?

THE CHAIR: No. Any further questions? Any further comment by Mr. Hart or Mr. Peters? All right. Give the Chair a minute to get his thoughts together.

All right. This matter--Number 1. This matter is before the Chair and the Committee on three consolidated motions to dismiss all counts on statute-of-limitations grounds, on grounds of laches, and on grounds that the legislature is not Constitutionally empowered to investigate, prosecute, and discipline for conduct committed in past legislative sessions, and therefore it

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violates state law and federal and state Constitutional provisions.

Number 2. The issue, thus, is whether the counts before the Committee are barred on either laches, statutes of limitations, or Constitutional grounds, and would therefore deprive us of any jurisdiction to proceed.

Number 3. The position of Representative Wright is that if conduct was committed in a previous session, this session of the legislature may not look back to that conduct committed in previous sessions and whether or not that is--excuse me--let's stop there--strike that--and that that position is grounded, says Representative Wright, on the Adam Clayton Powell and Julian Bond cases with Constitutional overtones, as well as on general grounds of laches and a general premise behind the statute-of-limitations defenses.

Number 4. The Committee's counsel's position is that there is no statute of limitations that has--exists in state or--Constitution or statute that bars proceeding, that the doctrine of laches is not available as an equitable doctrine in this case, and that Powell is fully distinguishable

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and does not bar or control these proceedings.

Number 5. I find that there is no statute of limitations that has been argued under the Constitution or state law by Representative Wright in his brief or orally, and thus no statute of limitations which is a creature directly of statute exists that would prohibit this action.

Number 6. The doctrine of laches is an affirmative defense in the civil law. It has been pled in this case. It is the burden on the moving party always to establish that laches exists. Laches is simply a doctrine that would bar proceeding as a result of unreasonable delay in prosecuting a particular claim such that it prejudices the defendant in the case.

In this matter--next number. Laches is a doctrine based on equitable circumstances and requires that the asserter of the doctrine come to the doctrine with clean hands, next, that the doctrine of laches also requires, for it to be used, that the presenter of the doctrine show that he is prejudiced either in the fact that witnesses no longer exist, memories have faded, documents are lost, or somehow he is unable to defend the claim

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against him in order for the doctrine to be used.

Next number. In this case, there has been no claim, let alone any evidentiary presentation, of any prejudice to Representative Wright under the doctrine of laches in terms of any lost witness, lost document, expired witness, or faded memory, and thus the doctrine is not available.

In addition, at this point in the proceedings, every institution that has reviewed the facts such as they are of this case has made the determination that there is probable cause to believe that there have been crimes that include fraudulent conduct at issue. That is not a proven fact in this case, but it is where we are at the motions hearing. For purposes of motions to dismiss, the facts as asserted by the governing body or the State are presumed to be true under the law for jurisdictional and motions purposes. At this point, since the charges include grounds of fraud, they would bar as an equitable matter the doctrine of laches proceeding, particularly where there is no evidence of prejudice.

Finally--next number--the Adam Clayton

Powell case has been argued as a basis to proceed to a holding that a future legislature may not look back to a prior--to prior misconduct committed before that legislative session. For a number of reasons, I find the Powell case fully distinguishable.

First, in Powell, Adam Clayton Powell had been regularly elected as a congressman from New York City's 18th Congressional District since 1945 and was destined to continue in his position as Chairman of the House Committee on Education and Labor. Powell completed his service to the 89th session of Congress and was returning to be sworn for the 90th session following his re-election.

During the 89th session, claims arose and were presented in Congress that Powell had inappropriately used Congressional funds for travel and salary for his wife during that session. Based upon that alleged conduct, an effort to prevent Powell existed in the new session from being sworn in to the 90th session. It is that issue of exclusion that created the action in federal court which ended up in the United States Supreme Court.

Powell is distinguishable first because

it dealt with and solely dealt with the issue of exclusion of a member in a following session, not expulsion of a member, which is at issue in this case.

Second, the Powell case dealt with an interpretation of the United States Constitutional provisions with regard to Congress and the rules of Congress, not an attempt to set for state legislatures federal Constitutional principles as to an interpretation of state law and state constitutional provisions.

Third, the discussion in the Powell case about the power of Congress to expel extending to conduct during previous sessions was in the context of interpretation of authority granted under the United States House Rules and was fully dicta, with the Court not having to determine that action since the action was one of exclusion and not expulsion.

Next number. As a policy matter, it seems to me that many of the claims alleged in the counts are ones that have a continuing duty, a continuing duty to report and a continuing duty to correct erroneous reports. And thus the conduct, to that extent, is a continuing misconduct if it is

found by clear and convincing evidence that there has been an attempt to not report in a pattern-and-practice manner of campaign violations.

Next number. The Torlen Wade count is alleged to be a count where there was an active attempt to conduct a transaction where there was an understanding from the beginning that money being sought was not legally available, that money being sought was going to an organization that did not have legal viability, for a purpose that it was not intended to be used, and from an official who had no authority to issue the letter.

Again, for purposes of motions, we must assume for the motions that the allegations found at probable cause are true. To that extent, those allegations suggest, as do the campaign-law violations, that this is conduct that without--that was conduct that would constitute potential fraud and is further conduct that, even with reasonable diligence, would not have been known to the House of Representatives.

Next point. In fact, this conduct was not made public on any of the counts until after re-election in 2006, and therefore, the first

action that could be taken has been taken in this session of the House of Representatives.

In addition, the electorate in Representative Wright's district have not had an opportunity to determine how they viewed the misconduct, and thus Powell is fully distinguishable, because Adam Clayton Powell's district knew of his misconduct and re-elected him. Representative Wright is not in that same position at this time, and thus Powell is distinguishable on that basis, as well.

For these reasons, I'm going to deny the motion to dismiss on grounds of statute of limitations, on grounds of laches, and on grounds the legislature is not Constitutionally empowered to investigate, prosecute, and discipline for conduct committed in past legislative sessions.

And I make this distinction, and will in the written order: I agree with Representative Wright's counsel that if conduct is known, not concealed, and with reasonable diligence could have been found and should have been found, that there are potential Constitutional issues in a legislature going back to that conduct.

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But in a case where conduct is concealed, not disclosed when the law requires full disclosure, when that is the genesis of the crime or the count, that in that case, the Constitution, neither federal or state, would prohibit the legislature from acting once it has made with reasonable diligence its efforts to know and to proceed promptly after that point.

Your exception to the rulings on all three motions is noted. Do my rulings cause any member of the Committee to seek to override the ruling of the Chair?

Seeing none--all right. We are about, I hope, close to halfway through the motions, and everyone needs to get a little something to eat. And I don't want our court reporter keeling over over there. So we're going to take a lunch break, but make it short, and we're going to be breaking for half an hour. We'll be back, hopefully, to finish the motions fairly quickly thereafter, but as much time as needed, and then to--if counts remain, to look at discovery issues.

We'll be back in a half an hour. Thank you.

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(LUNCH RECESS)
(1:30 P.M. - 2:09 P.M.)

THE CHAIR: All right. We are back in session. Thank you all, and I hope everyone had at least an opportunity to get something to eat.

That'll move us to the fourth motion, motion to dismiss Count Number 1 as not alleging criminal or unethical conduct. Dr. Joyner? Mr. Harris? Dr. Joyner. Okay.

PROF. JOYNER: Mr. Chairman, I think that in your prior rulings you've really kind of already read that anyway.

THE CHAIR: All right. So there's no independent basis to--to move, other than that which you've already discussed?

PROF. JOYNER: No, no. Well--yeah. Okay. Let me--

THE CHAIR: All right. We're on motion to dismiss Count 1 as not alleging criminal or unethical conduct. Okay.

PROF. JOYNER: Mr. Chairman, members of the Committee, obviously, you've already found

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probable cause on these, and now you sit as the judge of our motions. But Count 1 deals with obtaining a letter from Torlen Wade and--that was allegedly supposed to be used to obtain a hundred-and-fifty-thousand-dollar loan. And I'm not aware of any law which says that obtaining a letter which contains truthful or untruthful information is a criminal violation or an ethical violation.

To the extent that Count 1 intersects with Count 2, I would think that if there is--if you have some evidence that a person has obtained a letter and used it in a fraudulent matter, that that might state a criminal violation, if believed. But merely soliciting a letter is not a crime, at least in anything I've seen in North Carolina law or United States law, under the federal system. And so we would move on that grounds to dismiss Count 1 of--of this indictment.

I'm not dealing with the conclusory matters in the--in the count, which obviously speak to a finding of fact that you're supposed to make, but now to the raw request or solicitation of a--of a letter from Torlen Wade by Representative Wright.

THE CHAIR: Questions from any member of

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the Committee for Dr. Joyner? Representative Stam.

REP. STAM: Well, yes, the motion is not alleging criminal or unethical conduct. Could you address--you've hypothetically convinced me it doesn't allege criminal conduct. Are you saying that it's ethical to solicit a letter from an acting head of a department over whom--whose budget you have jurisdiction on a committee, knowing both--and this is what it alleges--"where both Thomas E. Wright and Torlen L. Wade knew that Thomas E. Wright would use the letter in seeking to fraudulently obtain funding for Community Health Foundation from other sources"? Is your contention that that is also ethical?

PROF. JOYNER: Representative Stam, you--you interjected facts and conclusions that's not a part of Count 1.

REP. STAM: I--I was reading--

PROF. JOYNER: There--there--

REP. STAM: --straight from Count 1.

PROF. JOYNER: Well, there's nothing in Count 1, unless I misread it, that said that--that alleged that Representative Wright had budgetary control over someone that they were soliciting a

letter from--I--I--
REP. STAM: Well, that was--
PROF. JOYNER: --I don't--I don't--I don't--I don't see that.
REP. STAM: All right. Well, let's leave that--
PROF. JOYNER: That may be the conclusion that you--that you've reached.
REP. STAM: That was in the evidence we had. But leave that part of it to the side. Let's--
PROF. JOYNER: Well, I'm--I'm just talking about the count.
REP. STAM: All right. Just the count itself alleges--
PROF. JOYNER: And the count is--
REP. STAM: --that both of them knew that Thomas E. Wright would use the letter in seeking to fraudulently obtain funding for the Community Health Foundation from other sources such as financial institutions, and that these other organizations that make grants and that--and that--would believe and rely on the false representation in the letter.

Is--you--are you telling us that that is not unethical?
PROF. JOYNER: No, I was saying, first of all, that there is some overlap in the allegations in Count 1 and Count 2. One (1) speaks to obtaining a letter. The other parts of it is really the same thing as in Count 2. The only difference is--between Count 1 and Count 2 is that this letter was used to obtain a--a loan for a hundred and fifty thousand dollars ($150,000).
And my position was that merely obtaining a letter which contains truthful or untruthful info is not a criminal violation nor an unethical violation.
REP. STAM: Well, if I could follow up one--one last time--
THE CHAIR: Follow-up?
REP. STAM: All right. Assume that obtaining the letter--two people just concoct a crazy letter, that both of them know it's not true. That's--for whatever reason they did it, maybe it's not unethical. But the count charges that both of them knew that Thomas Wright was going to use that letter to try to get money from other people. Does

that not strike you as not a very ethical thing to do?
PROF. JOYNER: Well, Mister--Representative--
REP. STAM: That's the last part of the count.
PROF. JOYNER: Representative Stam, then there ought to be a merger, then, of Count 1 and Count 2 so there's one count, because the conduct would either have to be separated in terms of obtaining the letter and using the letter--the using the letter in a fraudulent way would go to the intent of obtaining the letter, if you had evidence to establish that. And obviously you have concluded that that is what occurred.
And I'm saying that either one or the other has to go, because it's duplicative as it's written at this point, because one part separates out--separates out the writing, and the other one separates out the use, and they ought to be either one--or--one ought to go, or they ought to be combined into one count.
THE CHAIR: Do--let me follow up on Representative Stam's question, Dr. Joyner.

Either, again, from a civil or criminal perspective, do you have any law that I need to look at talking about duplicative counts?
PROF. JOYNER: Well, no, I'm not prepared to present you with a case dealing with duplicative--as a lawyer, you're aware of the notion of prosecuting persons twice for the same conduct.
THE CHAIR: Certainly, from a jeopardy point of view, but that--I don't know that that--
PROF. JOYNER: I mean, so we've got two counts here that's alleging one half of the same thing.
THE CHAIR: I understand the argument. All right. Any other questions that members of the Committee have? Mr. Hart or Mr. Peters?
MR. HART: Thank you, Mr. Chairman. As--as to the--Counsel's not contending that this charge is a crime, a criminal offense. What--what--what we are--charged in--in the draft that we presented to the Committee and the Committee approved is that Representative Wright improperly, unethically, conduct unbecoming and unfitting a legislator, improperly solicited a letter falsely

stating a commitment of a hundred and fifty thousand for the purpose of submitting it to financial institutions to secure a loan. That is a fraudulent solicitation of a false document that, as the charge indicates, both parties knew was going to be used for an improper purpose, an illegal purpose.

I see that there's just no way to say that that is not unethical conduct, if proven. And we would submit that it is a proper charge and that there's no reason not to have that continue. It should not be dismissed.

THE CHAIR: Questions by members of the Committee? Thank you both. All right. Just give me one minute.

All right. As to Motion Number 4, this matter is before the Committee and the Chair in a motion to dismiss Count 1 as not alleging criminal or unethical conduct. The matter has been argued and briefed and is now ripe for disposition.

Number 2. The defendant--Representative Wright's position is, number one, that the allegations in Count Number 1 and Count Number 2 overlap and are duplicative; number two, that a

letter which contains even untruthful information may not be criminal--may not constitute a criminal violation or unethical conduct; and number three, that Counts 1 and 2 ought to be merged.

Next number. The Special Counsel for the Committee's position is that Count Number 1 does not allege a crime but alleges unethical conduct in that it alleges Representative Wright improperly solicited a letter falsely stating that the agency could commit one hundred and fifty thousand dollars ($150,000) to a project knowing that the letter contained false information and knowing that the letter would then be used at a later time to seek additional funding for that project.

I find first that the Count Number 1 alleges specifically the fraudulent solicitation of the letter, while Count Number 2, which is criminal in nature, alleges then the use of the letter to obtain essentially the loan by false pretenses, and that they're alleging two entirely separate and distinct acts, in that Count 2 did not have to occur as a result of Count 1, but did, independently; that is, it was then used to obtain, or allegedly to obtain, the hundred and fifty

thousand dollars ($150,000) from the bank. That is the allegation contained in Count 2. As such, on a motion to dismiss the counts, the counts on their merits, as written, do not overlap and are not duplicative.

The next finding is that it--if Count 1 is proven, should be true by clear and convincing evidence, it is painfully obvious that that constitutes unethical and fraudulent conduct, if proved.

Number 3 finding on my part is that for reasons that the counts stand on their own merits independently, allege independent acts, they are not duplicative and should not be merged.

Accordingly, the motion to dismiss Count Number 1 is denied. Any--an exception by Dr. Joyner and Representative Wright is noted. Any motion by any member of the Committee to overrule the ruling of the Chair? All right.

We'll move, then, to the fifth motion, which is a motion to dismiss Count 7 as vague, overbroad, and a violation of due process of law as well as state Constitutional provisions.

And before we proceed, I do want to

indicate in preliminarily reviewing the briefs in this I have concerns as well about the count, and have asked in a way to perhaps handle this motion before we have to argue it--I'm--you can certainly argue the motion, Dr. Joyner, but I would grant the bill of particulars, essentially, for this motion, and would ask that a motion be made by the panel to amend the count so that it is very clear that it only applies to the specific contributions of a hundred and eighty-five thousand dollars ($185,000) listed in the report made of probable cause by Special Counsel Peters, and that is the only contributions that may apply.

And with that, before--so before we move into any argument, I'm going to seek a motion from a member of the Committee to that effect. And if we could distribute the potential language to everybody, please--we'll be at ease until that's distributed.

(DISCUSSION OFF RECORD)

THE CHAIR: All right. First, to get this on our floor, is there a motion to amend Count 7 by any member? Representative McGee is recognized.

REP. McGEE: I move that Count 7 of the charges of unethical conduct by Representative Wright adopted by the Committee at its meeting on January 9, 2008, be amended by adding the following additional sentence to read: "The contributions that are subject of this count are set out in Exhibit 9 of the presentation by William P. Hart, Outside Committee Co-counsel, dated January 9, 2008, and incorporated into this count by reference," closed quote.

THE CHAIR: Representative McGee so moves. Is there a second? Representative Warren seconds. All right. Discussion and debate on the motion? I assume, Representative McGee, what this sentence is attempting to do is to incorporate that and make it specific that the count only relates to the specific allegations set out in Exhibit 9 and that this--your motion is to add that sentence at the end of Count 7. Is that correct?

REP. MCGEE: That is correct, Mr. Chairman.

THE CHAIR: Thank you. Any further discussion or debate?

All right. Seeing none, the question

before the Committee is an amendment--a motion to amend Count Number 7 to add the sentence you have in front of you that reads as a last sentence to Count 7: "The contributions that are subject of this count are set out in Exhibit 9 of the presentation by William P. Hart, outside Committee co-counsel, dated January 9, 2008, and incorporated into this count by reference."

All those in favor will vote "aye." All those opposed will vote "no." The clerk will call the role.

THE CLERK: Chairman Glazier?

THE CHAIR: Aye.

THE CLERK: Vice-chairman Stam?

REP. STAM: Aye.

THE CLERK: Representative Lucas?

REP. LUCAS: Aye.

THE CLERK: Representative McGee?

REP. MCGEE: Aye.

THE CLERK: Representative Warren?

REP. WARREN: Aye.

THE CLERK: Representative Wiley?

REP. WILEY: Aye.

THE CHAIR: All right. That amendment

has been adopted unanimously. And now I'll turn Dr. Joyner, to your argument. Does that limitation on the count, which seems to get at your motion that you had to make it clear that it is limited only to those matters that were looked at in probable cause--does that solve the motion, or do you still have a motion to dismiss that count as vague, overbroad, and a violation of due process?

PROF. JOYNER: Yes, Mr. Chairman. I don't think this cures the problem. My recollection--I--I have seen something that I assume is Exhibit 9. I don't know. I don't have it before me. But if what I've seen, which I assume to be Exhibit 9--it contains something in the neighborhood of thirty or forty different items--

THE CHAIR: Well, let's hold for a minute to make sure you have Exhibit 9 and--and that your table has Exhibit 9. So we're--we're on hold until you get that. Members, in your notebooks it is Exhibit Number 9 on the "January 9, 2008" tab, near the end of the--next to the back. And it is a chart that lists the name of the contribution, the contributor, the bank account, the amount, the

deposit date and the report contribution--that it should have appeared in but did not.

PROF. JOYNER: Right. Now--

THE CHAIR: Dr. Joyner?

PROF. JOYNER: Right. Now, it--this is--this is the document that I saw. And it has considerably more items than I had recalled, something like--

THE CHAIR: It's about three hundred and ninety-five of them.

PROF. JOYNER: Yeah, three hundred--about four hundred items. Now, is it this Committee's contention that proof of one or all is necessary to satisfy Count 7, or do you have to have proof of fifty percent of them, or thirty percent of them?

These are all separate items, so you--you're putting us to the task of having to defend against four hundred different items which we've just received information about. So is it your intent that we be prepared to respond to each and every one, and that if there is a failure of proof as to any of them, that this count is not set out? Or is this like the machine-gun approach, where you allege everything under the sun that you can think

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of and require that--that we respond to everything under the sun? Because we have items here starting in 2000 and going up through 2006, and you are scheduling a hearing where you are ostensibly supposed to conclude facts about this thing in a couple of weeks, seemingly an impossible burden. So we--we object to that. And I don't think that this amendment cures the--the vagueness issue that we presented.

THE CHAIR: Mr. Peters? Mr. Hart? Actually, before I do that, questions for Dr. Joyner from any member of the panel? All right. Seeing none, Mr. Hart?

MR. HART: First of all, Mr. Chairman, I'd like to note for the record that although Counsel and Representative Wright were not present at the January 9th hearing, they were invited to attend, they were provided with all materials that were presented, and one of the documents that--that was provided to them was this particular document, Exhibit 9. Also, the same document has been provided to them in discovery by the District Attorney of the 10th Prosecutorial District, Colon Willoughby, as that is the document that is the

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subject of one of the indictments that has been pending against Mr. Wright for some substantial period of time.

The provision of--of this Exhibit 9 as an addendum to the charge by motion of the Committee is no different than in criminal court where the defendant asks for a bill of particulars and the State is required to provide the substance of--of the factual allegations that--that would be the basis of the charge.

Similar to an embezzlement count where the--a--a defendant might be charged with embezzling three hundred different items, whether they be three hundred checks or three hundred--three hundred different bonds or anything of that nature, this charge is an all-encompassing charge. And if--if--I would submit to the Committee that if--if Representative Wright is found to have not reported any of these contributions, that would be--that would be sufficient.

Conceivably, he could have been charged with three hundred or four hundred different counts. But the fact is, if he has intentionally engaged in--in not reporting his campaign

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contributions, then--then he is answerable to that.

I do have today a copy--a CD which has on it the digital copy of the chart that is Exhibit Number 9 and also has all of the permutations of that that Mr. Peters referenced in his presentation before the Committee on January 9th by which he presented what the different quarters and years showed as far as the campaign contributions. And those are all present on this, and I'm going to provide that to Counsel right now.

THE CHAIR: Any questions for Mr. Hart?

REP. STAM: May I ask just one quick question?

THE CHAIR: Yes, Representative Stam.

REP. STAM: And this is not directly appropriate to this motion, but just very briefly, have you made any success in finding out the source of the ones that are listed from Thomas E. Wright himself, these cashiers' checks?

MR. HART: We have--we have not yet. We're still in discussions with Kim Strach from the Board of Elections, but we have--we have not yet determined that.

THE CHAIR: Any further questions for

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Mr. Hart? Dr. Joyner, in rebuttal?

MR. HARRIS: I was curious to know--before Mr. Hart leaves, I was curious to know--

THE CHAIR: I'm sorry. Okay. Mister--I'm sorry. Mr. Harris?

MR. HARRIS: I was curious to know how he happens to know what was or was not provided by--by Colon Willoughby to myself and to Mister--and to Representative Wright, and I'm curious to know if--if the prosecution of this matter is being coordinated with Colon Willoughby.

THE CHAIR: Okay. Mr. Harris, I'm assuming that you're asking that through the Chair, since we're--

MR. HARRIS: I am.

THE CHAIR: --at a Committee meeting. Is that--

MR. HARRIS: I am.

THE CHAIR: All right. And--and at this point--we will be talking about discovery matters at the end of the motions, and we'll be talking potentially, if the counts survive, at a pretrial--pre-hearing conference. So let's hold that for that point, and let's stay on this motion.

Dr. Joyner?

PROF. JOYNER: It's strange, really. Now we're going to criminal stan--standards for--in criminal court, you would have three hundred and ninety-five counts. You wouldn't have an omnibus claim involving three hundred and ninety-five different items. And then you're talking about here a failure to report that covers four different reporting cycles of the State Board of Elections, four different--

THE CHAIR: Actually, just so you know, it covers twenty-two reporting cycles over a four-year election--four--

PROF. JOYNER: Okay. Well--

THE CHAIR: --election periods.

PROF. JOYNER: Well, twelve--well, I meant four different terms. And--and--and you're right, Mr. Chairman, that we're talking about--and so what you're doing is that you're--you're putting us in a impossible position of having to deal with all of these matters in--in one count without--not--without being able to specify what particular one we will be responding to.

In addition to that, and more of--and--I

did receive a packet of information last week from--from this Committee. And in that packet of information, there was this chart. At that time, there was no reference to that chart and this count. It was just now that the significance of this chart became apparent to me--that this was--that these were all of the items here that you were dealing--now, I could make some assumptions, but this is the first time that this matter has been properly calendared here.

It certainly still puts us in a position that we're having now to go out in a couple of weeks and deal with the preparation of a defense to three hundred and ninety-five different charges, because that's what you are providing us with here. That's three hundred and ninety-five charges, and it's not one charge. And that's an onerous burden for us to have to bear.

And--and, too--and I know you are already on schedule to move this thing on, and I know what--that the design is already set. But I just want to note our objection that you--you're putting us, with respect to this one, in an impossible--impossible position to properly investigate and

prepare this--this matter for this body.

Now, Attorney Harris may have gotten whatever he got from the D.A.'s office. I'm not connected with the D.A.'s office. You know, that--that's not--I haven't looked at that. I'm looking at what I have. And what I have was something that was received either the first part of last week or the latter part of the week before that. So this is an unfair burden that's being posed--presented to us at the last minute.

THE CHAIR: I understand the argument. Any questions from--Representative Stam.

REP. STAM: Yes. Professor Joyner, isn't--aren't these the same hundred and eighty-five thousand dollars ($185,000) in contributions that the State Board of Elections itemized to your client last May?

PROF. JOYNER: I--I don't know.

REP. STAM: Have you asked him?

PROF. JOYNER: I don't know. No. I'm just seeing it for the first time. No, I haven't asked him. You just present me to this--present this to me now, and then you ask me if I've asked him about it? No, I haven't asked him about it.

Maybe if we had a five-minute recess, I might. I was not involved in the State Board of Election hearing.

THE CHAIR: The Committee is in recess for five minutes--

PROF. JOYNER: So I'm dealing--you know, I'm dealing with--

THE CHAIR: --so that you may consult with your client.

PROF. JOYNER: --with what I'm dealing with here, and not what somebody else dealt with--

THE CHAIR: Thank you, Dr. Joyner. The Committee is in recess for five minutes. We'll allow Dr. Joyner to consult with his client and then respond to Representative Stam's question. We're in recess for five minutes.

(SEVEN-MINUTE RECESS)

THE CHAIR: I forgot to do this. I do want to thank, and I know I extend the thanks of everyone in the room, to the sergeant-at-arms who are here today, to Mr. Brandon, Mr. Sills, Mr. Fingers, Mr. Rossi, and Mr. Perry. We really

appreciate it very, very much. Thank you.
Now, I know that--I hope that was enough time to at least have a minute with your client. And, Dr. Joyner, I think Representative Stam's question was related to you, and you needed a moment to talk to your client about that.
PROF. JOYNER: The--the answer to the question is no. This is the first time Representative Wright has seen this list.
It appears--I don't know when this exhibit was prepared, but it was not presented at the State Board of Elections, nor were these individual checks, alleged checks, three hundred and ninety-five checks, presented at the State Board of Elections, nor is--my understanding is, was there any finding from the State Board of Elections regarding these three hundred and ninety-five checks individually or by identification or anything like that.
The--the date that I see on this exhibit is January 9th. I don't know if that was the date that this was assembled, or if that was the date that this document was presented to you for your--for your deliberation. But this is the first

time that we have seen this document and these listings--this listing of checks that you have here.
But, you know, having answered that, I'm sure it's not going to change anything about the decision.
THE CHAIR: Well, I appreciate the answer very much, and--Mr. Peters, a question for you: The document that was Exhibit 9 is what I understood that you created as a work product to consolidate the information and present it at the probable-cause hearing. Was the information that is contained in Exhibit 9 presented at the State Board of Elections hearing?
MR. PETERS: The--the document that's Exhibit 9 itself, I did not create. I received that from Kim Strach at the State Board of Elections hearing. The other permutations of that that are on the CD that we've provided to Representative Wright's counsel, those are the ones that I created using the information from the original docu--document that Ms. Strach did.
I'm trying to recall from the transcript of the hearing whether the document itself was

presented. I know Ms. Strach presented testimony regarding the contributions that were not reported during the time period, and actually identified more than a hundred and eighty-five thousand dollars ($185,000) in contributions at the time of the hearing. I was not present at the hearing, but my memory of the transcript and from conversations with Ms. Strach is that it was presented at that time. But that's based on my memory of that.
THE CHAIR: Thank you. Are you--well, let me ask a follow-up. But you are clear that in the testimony Ms. Strach presented to the Board of Elections that she presented evidence showing more than a hundred and eighty-five thousand dollars ($185,000) in non-reported contributions?
MR. PETERS: That's my recollection of the transcript.
THE CHAIR: All right. All right. Thank you. All right. Any--does that create any further questions by any member of the Committee? All right.
PROF. JOYNER: Mister--Mr. Chair?
THE CHAIR: Dr. Joyner?
PROF. JOYNER: My objection was to each

of these individual items. Each item was not presented at the State Board of Elections. There may have been a summary conclusion regarding an amount of money that--involving checks that were not reported, but--and Mr. Peters can speak to this--the transcript would not itemize these checks, these three hundred and ninety-five checks or more that we have here in this--in this exhibit, nor was this exhibit, as I understand it, presented as--as evidence, other than in summary form by somebody who testified about an amount of money that was not reported.
THE CHAIR: Mr. Peters?
MR. PETERS: Again, my memory of the transcript--and the last time I read the transcript was on Friday--there was not--in the testimony, Ms. Strach did not go through each of the examples that are listed in what is Exhibit 9. Excuse me. She did give a general overview and, I believe, gave some illustrative examples of contributions that were in there, and then the totals that were involved.
THE CHAIR: Were there--well, let me ask two questions. Was Representative Wright allowed

to participate and be at that hearing?
MR. PETERS: Again, not having been present at the hearing, my understanding--I know he was present, and my understanding, he was allowed to participate or able to participate.
THE CHAIR: All right. My next question is--
PROF. JOYNER: Before--before you do, let me--let me just--
THE CHAIR: Well, let--let me finish--let the Chair finish his questions, and then we'll go back and forth, as opposed to counsel talking to each other.
My next question is: The data that you--or that is contained in Exhibit 9 was--had to, obviously, come from the Board of Elections; is that accurate?
MR. PETERS: That is correct.
THE CHAIR: So the data was accumulated by the Board of Elections in looking at all of the transactions and the reports?
MR. PETERS: That's correct. It was--
THE CHAIR: All right. Well, let me--let me--and--and each of those reports was filed--the

reports themselves were filed by Representative Wright or his treasurer or campaign organization; is that correct?
MR. PETERS: That's correct.
THE CHAIR: All right. And the--how did the Board of Elections, as far as you understand the transcript, determine that the contributions of at least the hundred and eighty-five thousand dollars ($185,000), in their mind, were accepted but not reported? What was the process of doing that?
MR. PETERS: My understanding is Kim Strach and her staff examined not only the disclosure reports that were filed during the period in question, but that they also examined the bank accounts, and they looked at basically every check that had been deposited into the bank account, compared those with the disclosure reports, making an effort as best they could to determine which checks were made for a contribution purpose and which ones may not have been.
THE CHAIR: All right. My next question, then: When you say "the bank accounts," are you talking about the bank accounts of Representative

Wright or his campaign committee, bank accounts within his control?
MR. PETERS: Yes. That's correct.
THE CHAIR: And so the Exhibit 9 is simply a work product that accumulates the discrepancies--alleged discrepancies between what's contained in Representative Wright's bank accounts and what was disclosed on the campaign contribution forms; is that correct?
MR. PETERS: That is correct.
THE CHAIR: All right. Thank you. Now, Dr. Joyner?
PROF. JOYNER: Well, see, my--my information is that during that hearing there was a claim made of some amount of money that had not been reported and that at that time, Representative Wright, who was present and was represented by another--by another attorney, did request information detailing the origin of that--that conclusion and has not been provided with anything, was not provided then with anything by the people at the State Board of Elections, nor, subsequent to that, have I received anything until I got this thing in the mail within the last week or so. And

so that's--you know, that's--that's--you know--
THE CHAIR: Thank--thank you.
PROF. JOYNER: Obviously, it's, well--
THE CHAIR: I appreciate the point. Now, the Chair has another question for Committee counsel staff. My recollection is that immediately following the probable-cause hearing on January the 9th, and by that I mean within forty-eight hours, the documents that were admitted on January the 9th were transmitted to counsel for Representative Wright. Is that accurate?
MR. REAGAN: Mr. Chairman, that's our recollection. We've asked Denise to check that for us. We have a transmittal letter that should have been dated and signed, and she's in the process of checking that. But that would be our understanding from what her recollection was.
THE CHAIR: All right. We're going to be on hold for a minute until I get that--to see that that transmittal letter occurred. All right. Thank you.
(DISCUSSION OFF RECORD)
THE CHAIR: All right. Let's come back into session. I know. I've got it. Thank you.

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All right. I'm ready to rule on this motion.
Number 1. This matter is before the Committee and the Committee Chair on motion to dismiss Count 7 as vague, overbroad, and a violation of due process of law and the state Constitution. The matter has been briefed by both sides and argued and is ripe for disposition.
Number 2. The argument by Representative Wright is two-fold, first, that the count as originally stated was vague, overbroad, and insufficient--provided insufficient notice to Representative Wright of what was being alleged to--to--that--to--what was alleged that he had violated; secondly, that once the count was amended that--to include the three hundred and--approximately three hundred and ninety-five specific allegations of a failure to report contained in Exhibit 9 at the probable-cause hearing, that then the count required an exceptional burden on the defense to investigate three hundred and ninety-five specific, independent violations of which there was no significant prior notice. For the reasons that follow, I'm going to deny the motion to dismiss Count 7.

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Next number. As to the issue of vagueness, that issue was resolved sufficiently by the amendment to Count 7, which now specifically limits that count and the evidence related to it to the matters alleged with specificity and particularity in Exhibit Number 9. That exhibit contains the last name and first name of the alleged contributor, the bank account that it was found in, the amount of the check, the deposit date of the check, and when it should have appeared but allegedly did not appear as a reported contribution by Representative Wright.
That is a significant amount of information as to each specific check. Do not--and the Chair does not know what else could be provided to make that less vague. Therefore, I find that the count is, in fact, not vague, is not overbroad, in fact, is very specific and defined, and does not violate due process of law or any state Constitutional provision.
As to the issue of notice, Exhibit 9 contains simply information fully available for many, many, many months to Representative Wright on information accessible by simply looking at his

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personal and campaign accounts and the campaign contribution reports he filed. There is simply no independent evidence contained in the counts or in the Exhibit 9, and the Exhibit 9, in fact, is a work product that should make it easier to defend as opposed to more difficult.
Second, that information in its pure form was available for the Board of Elections hearings process, which Representative Wright was able to attend.
Number 3--or next number. The information contained in Exhibit 9 was presented in open hearing to which Representative Wright and his counsel were invited on January 9th and did not have to attend and chose not to. But that information was presented in open at that time. In addition, the next day Counsel was informed that they would be given copies of all of the material that was introduced at the January 9th probable-cause hearing.
And, in fact--next number--on January the 14th, 2008, at three-thirty-eight P.M., an e-mail was sent to Representative Wright, to Mr. Joyner at ijoyner@nccu.edu, and to

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dharris@triad.rr.com--this is January 14th, three-thirty-eight P.M.--containing a number of exhibits included--including the packet of materials, exhibits numbered 1 through 11 from Committee counsel Bill Hart and Alex Peters. That was sent by mail, as well, to Counsel.
Number--next numbered document--or next numbered finding. In addition, the information contained in Exhibit 9 is the subject, just as Count Number 7 is the subject, of a criminal count in the Wake County Superior Court for which Representative Wright stands trial. That count almost identically mirrors the criminal count, and therefore the information is not new information to Representative Wright and his counsel, since that information would have been contained within the discovery disclosed by the district attorney's office.
Next number. In the end, there should be absolutely no confusion at all over what the hundred and eighty-five thousand dollars ($185,000) refers to in the count and to which checks it applies.
Next number. However, the Chair does

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disagree with Committee counsel's statement that even if one of the three hundred and ninety-five checks were to have been unreported, it would meet the language of Count 7.

Count 7 was drafted by the Committee in an effort to be totally consistent with due process of law for Representative Wright and to not engage in a parsing of single counts, and specifically says that the count is violated only if Thomas E. Wright did improperly, fraudulently, and unethically engage in a pattern of conduct. The pattern of conduct would certainly suggest there has be some showing of continuity and pervasiveness. The extent to which that occurs we'll leave for any motions that need to be heard during the trial of the evidence on the merits.

That being said, the motion to dismiss Count 7 as vague, overbroad, a violation of due process of law and the state Constitution is denied. Exception by Representative Wright and his counsel is noted.

Does anyone seek to overrule the Chair's ruling?

Seeing none, we move to Count Number--or

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the next motion. The motion now is to dismiss all counts on jurisdictional grounds and that the investigation is not authorized under G.S. 120-102(a)(5)(7)--(a)(5) and (a)(7).

And, Dr. Joyner, is this motion still viable given--

PROF. JOYNER: No.

THE CHAIR: --that it's not an LEC matter?

PROF. JOYNER: I was under the impression that we had pulled that--

THE CHAIR: Okay.

PROF. JOYNER: --and that we would go to--I believe, it's 8.

THE CHAIR: All right. So Motion Number 6 is withdrawn? Is that--am I correct?

PROF. JOYNER: It's not withdrawn. It's--it's--it's not appropriate before this Committee, because this is for the Legislative Ethics Committee.

THE CHAIR: Well, again--but since this is just the House Select Committee, for our purposes, I'm assuming you're withdrawing it from our consideration as the House Select Committee.

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We're not act--we don't act as the LEC. So you ca- certainly file that before the LEC, but for our purposes, the House Select Committee is not the LEC. Are--is the motion still up for our decision, or is it withdrawn from our consideration?

PROF. JOYNER: No. I had indicated--I was under the impression that we had made it clear that we were withdrawing anything that had to do with the Legislative Ethics Committee.

THE CHAIR: Okay. That--that's all my question is, is it withdrawn as to this Committee, and the answer is yes. All right. The motion is withdrawn as to this Committee.

Okay. And--and, Dr. Joyner, the court reporter has asked if you can speak up just a little bit, because she could not hear what you were saying earlier.

Okay. Number 7, motion to dismiss all counts for lack of jurisdiction on grounds the conduct was not committed in Representative Wright's law-making capacity. Dr. Joyner?

PROF. JOYNER: This, I guess, goes to the notion of scope of review, or the scope of this Committee's responsibility.

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There are--as to Count Number 3, Count Number 4, Number 5, and Number 6, and Number 7--that the conduct alleged there, at best, deals with actions that Representative Wright is alleged to have taken in dealing with the Community Health Foundation, which is resident in Wilmington and has absolutely nothing to do with his duties or responsibility as a legislator, nor is the--nor are the allegations that--that these acts were committed as a part of his responsibilities or duties or using his position as a legislator. And we would think that it is outside of the scope of this General Assembly's work.

THE CHAIR: Questions by any member of the Committee by Dr. Joyner? All right. Mr. Hart? Mr. Peters?

MR. HART: Thank you, Mr. Chairman. The argument as to this particular motion is similar to what we have already been arguing, and that is that the--this Committee and the House of Representatives have inherent authority to inquire into, investigate the conduct of Representative Wright, regardless of whether it's in his official lawmaking capacity. Although the Legislative

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Ethics Committee is bound by the specific provisions of the Legislative Ethics Act, this Committee is not. The House of Representatives is not. And you can inquire into activity that would make him unfit to be a legislator and may act in accordance with your inherent authority.

THE CHAIR: Specific questions by any member of the Committee? All right. Thank you, Mr. Hart. All right. The Chair is ready to rule on this motion. Well, he thinks he is.

All right. This matter is before the Committee and the Chair on a motion to dismiss all count--well, I'm sorry--motion to dismiss Counts 3, 4, 5, 6 and 7 for lack of jurisdiction on the ground that the conduct alleged was not committed in Representative Wright's lawmaking capacity. The matter has been briefed and argued and is now ripe for disposition.

Number 2. Number 2, the argument by Representative Wright is that Counts 3, 4, 5, 6, and 7 involve conduct that deal with actions by Representative Wright in his work with the Community Health Foundation in Wilmington and not directly in his lawmaking capacity, and therefore

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exceed the scope of the jurisdiction allowed for the House Select Committee.

Next number. Mr. Hart argues, as Select Committee counsel, that the inherent authority of the House Select Committee is to investigate conduct--to investigate misconduct regardless of whether it is misconduct directly in the lawmaker's official capacity.

In reviewing what has occurred both at the Parliamentary level in England, at the colonies level, post-colonization in the United States, Congress, as well as in the states, it is clear that in every jurisdiction that has engaged in any discussion of the issue of legislative misconduct, that legislators have been disciplined by assemblies for private misconduct, fraud, corruption, criminal misconduct unrelated to their office, but criminal conduct nonetheless. And I will include in the final order that I sign for the Committee a citation to a number of those states and cases but will not include that in our discussion now.

The motion is denied.

All right. The next motion to be

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heard--I'm sorry. Exception to my ruling is noted by Representative Wright and Counsel. Does any member of the Committee wish to overrule the ruling of the Chair?

Seeing none, the next motion to be heard is the motion to dismiss all counts on the grounds that the creation of the House Select Committee and its actions generally violate due process and equal protection of the law. Dr. Joyner?

PROF. JOYNER: Mr. Chairman, we--this motion deals with the actions and procedures, not the creation of the House Select Committee, but more particularly, with the procedures that are set up to adjudicate this--this claim.

More specifically, we--we would object, on looking at the Rules of the House Select Committee adopted on December 18th and amended on January the 9th by someone--and it's not clear who adopted them or who amended them--but specifically to Item 14, which, as I read it, imposes for the first time in American history a requirement that a person who is charged with an offense has the burden of proving by a preponderance of the evidence that he should be exonerated of the

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charges. That provision flies in the face of the due-process clauses of the federal Constitution, the North Carolina Constitution, and every law and procedure anywhere in this country that I'm aware of. And again North Carolina has become the unusual instrument to now require a sitting legislator faced with a claim--that he has to come before this body and prove his innocence by a preponderance of the evidence rather than the traditional legal standard that the--this Committee, who serves now as the prosecutor, the grand jury, and the jury, find it by clear and convincing evidence that these allegations are true.

So we would certainly think that--I mean, not only are we having to go forward now before a committee who is involved in the instigation of these claims and the prosecution of these claims, and then we'll decide whether clear and convincing evidence exists to justify what they've already decided, but now the impossible burden of requiring the legislator to present evidence to prove that he's not guilty--that's--that's just unheard of.

REP. STAM: Mr. Chairman?

THE CHAIR: Questions, Representative Stam?

REP. STAM: Yes, I have a question. Professor Joyner, is your objection to Subsection 3 of 14 and also to 15(1), the sentence at the bottom of the page that carries over to the next page?

PROF. JOYNER: That's--that--that would be it, yes.

REP. STAM: A couple of follow-up questions, and I--I'm going to--

THE CHAIR: Follow-up?

REP. STAM: --tell you that that was my idea. And I would be willing to take those sentences out, and so move, as long as you understand the consequence of that.

With those out of there--of course, he has no burden to prove anything to anybody. Those are in there so if a--if an accused legislator actually wants to be exonerated and let that exoneration be known, there's a way for that to accomplish it. We could take that out, and then there's no way that your client could ever say, if it was dismissed prior to the hearing, "I was innocent." That was put in there for the

protection of the innocent legislator. But if you really think that's a real problem, I will move to take it out.

PROF. JOYNER: Mr. Vice-chair, you--I mean, you can do what you want. You're going to do what you want to do, anyway. I'm saying that this--these provisions are not supported by any procedure in America, that a person accused of an offense has the obligation of coming before anybody anywhere, not even in church, and--to prove that they're not guilty of what they've been charged with. In other words, I don't see this as something that's going to help somebody. I see this as an unnecessary and illegal burden that this legislature is imposing on a elected member of--of this body.

THE CHAIR: Further questions by any member of the Committee? Mr. Hart? I'll--I'll--let me--

REP. STAM: Yeah.

THE CHAIR: --and then we'll get back to it. Thanks. Mr. Hart?

MR. HART: Thank you, Mr. Chairman. My reading of Rules 14 and 15 of the

Committee significantly differs from Mr. Joyner's. In criminal court, a defendant can either be found guilty beyond a reasonable doubt or found not guilty. There is no exoneration. Although many defendants leave court after being found not guilty and claim to have been exonerated or found to be innocent, there is no finding of innocence or exoneration in a not-guilty verdict.

What the Committee has done in its rules is clearly what Representative Stam has indicated, and that is create a third possible verdict for the Committee on each charge, that is, he is guilty by clear and convincing evidence of the charge, he is not--the charge is not proven, or the representative is exonerated.

And there's no indication in the Rules that the burden is on the representative to prove, be it by a preponderance of the evidence; it's simply if the Committee finds by a preponderance of the evidence that--the representative has been exonerated, it should so find.

So I don't find any violation of due process. I've indicated so in--in the brief that Mr. Peters and I presented to the Committee. And--

and I certainly see no due-process issue here. I think it's fine--if the Committee chooses to leave it, I don't see any problem in--in doing so. If the Committee chooses to take it out because the Representative is--is uncomfortable with it, I think it will still be fine either way.

THE CHAIR: Thank you, Mr. Hart. Any questions by any member of the Committee? If not, Representative Stam is recognized. Representative, do you wish to make a motion?

REP. STAM: I would, if he were the only person these would apply to. But since these apply to a hundred and sixty-nine other people who might want the opportunity for an exoneration, I will not make that motion unless Mister--Professor Joyner specifically asks us to do that.

THE CHAIR: All right. And I will just ask, for the record to be clear, are--Professor Joyner, do you ask the Committee to remove from the Rules those two sentences creating the exoneration option?

PROF. JOYNER: Mister--Mr. Chairman, you know--(pauses)--

MR. STAM: I'll withdraw the request if

he doesn't want to--

PROF. JOYNER: Criminal--criminal--criminal court is no different than any other court. Civil court has the same procedure that if a person can't prove their claim, if they can't prove by a preponderance of the evidence in civil court--in criminal court it's by proof beyond a reasonable doubt--then the claim doesn't stand.

Now, it is--the U.S. Supreme Court, the North Carolina Supreme Court have all said you can't shift the burden on someone who is a defendant, or respondent in this case, to come forward to rebut or to prove their innocence. And that's the only position that we're taking on this.

THE CHAIR: Then I understand--

PROF. JOYNER: And that is--

THE CHAIR: --the argument.

PROF. JOYNER: --and that is unconstitutional as a violation of due process, even if somebody magnanimously feels that it's a gift. And it's not.

THE CHAIR: All right. Thank you. I understand the arguments. I'm going to make a comment as a member first, and then I'll rule as

the Chair.

I think, Dr. Joyner, you're entirely accurate that In Re: Winship and the cases would clearly provide that when someone is accused, whether it's of a crime--well, let's just use the criminal context, with Winship, that if they're accused of a crime, due process would require that the burden of proof is on the charging party to prove beyond a reasonable doubt every element of the crime.

That having been said, I think you're fundamentally--fundamentally misreading this rule that's in the House Rules, and I think Mr. Hart is absolutely right that there is--there is--there is no--it's simply void of any argument that could reasonably be made, looking at these rules, that there's a shifting of the burden.

But as a defense lawyer who's represented criminal defendants in many, many cases, and as one who represented Lesley Jean, who, as you know, was a man imprisoned for eight and a half years for a crime he did not commit, and who got out of prison when the writ of habeas corpus issued, but--he got out of prison because the case was dismissed by the

district attorney whenever it issued, but he was hardly exonerated. He was not guilty, but he was not an innocent man in the eyes of the law. He, in fact, spent the next eight and a half years trying to prove his innocence in order to get his back pay done through the military, in order to get his record cleared, in order to be able to find a job, because he was viewed as having gotten off because the State failed to meet its burden of proof. But he was not an exonerated man.

This provision was put in here predominantly by the lawyers in the Committee, but all of us voting on it, in an effort to make sure that even if the Committee finds that it fails to--to prove by clear and convincing evidence that a representative or senator has committed a wrong, that in order to make sure that if that representative wanted more than simply being found not guilty, if he wanted and could prove by affirmative evidence that he was completely innocent, that there was a mechanism for him to be able to do that, or her, to fully clear their name so that they wouldn't have to suffer any collateral consequences--that is the purpose of the provision.

That's my comment as a sole, individual legislator. That being said, it will follow and come as no surprise my ruling on the motion.

The motion to dismiss--the matter--Number 1. This matter is before the Committee and the Committee Chair on a motion to dismiss all counts on grounds that Rule 14 and Rule 15 of the Rules of the House Select Committee investigating Representative Wright violate due process of law. This matter has been briefed by counsel and the subject of oral argument and is ripe for disposition.

Number 2. Rule Number 14 of the House Rules states, and I quote, "After hearing evidence on the substantive issues of the alleged unethical or unlawful conduct by the accused legislator, the Committee shall address the following issues: Number 1, whether by clear and convincing evidence one or more of the charges against the accused legislator is true; Number 2, if so, what action will be taken by the Committee; and Number 3, whether by the preponderance of the evidence, the accused legislator should be exonerated of the charges."

Rule 15 of the disposition--disposition of cases--Rule 15 of the Rules of the House Select Committee investigating Representative Wright, entitled "Disposition of Cases," reads, in part, as follows: "When the Committee has concluded its inquiries into alleged violations, the Committee, by majority vote of those present and voting, shall do one of the following: Number 1, if the Committee fails to find the alleged violations are established by clear and convincing evidence, the Committee shall report this to the House of Representatives and the accused legislator." It further reads, "If the Committee finds by preponderance of the evidence the accused should be exonerated of the charges, the Chair shall transmit that finding to the accused legislator and the House of Representatives."

Next number. The Rules clearly provide that the burden of proof by clear and convincing evidence to show that the accused legislator has committed any unethical or unlawful conduct lies with the Committee and its counsel. There is no burden of proof placed on the charged representative.

Next number. There is no shifting on the burden of proof and, therefore, no violation of due process of law.

Final finding. The particular subparagraphs concerned and argued by Dr. Joyner simply provide a further option to allow and exonerate--to allow a legislator to seek full exoneration beyond simply being found not guilty of a charge because the Committee failed to meet its burden of proof. In that sense, this simply adds an additional layer, and a substantial one, of protection for the legislator and the legislator's representation. Accordingly, the motion is denied.

Exception to the motion ruling is noted. Does any member of the Committee seek to overrule the Chair? All right.

We're moving on to the ninth motion--only a couple more to go--motion to dismiss all counts on grounds the creation of the House Select Committee and its actions generally violate Article II, Section 20 of the North Carolina Constitution. Dr. Joyner?

PROF. JOYNER: We will withdraw--

THE CHAIR: All right.

PROF. JOYNER: --the--

THE CHAIR: I'm sorry. If you--if you can speak into the mike so the court reporter can--

PROF. JOYNER: We would withdraw any other motions which are still pending, except the motion to continue.

THE CHAIR: Okay. Then Motion Number 9 and Motion Number 10 are withdrawn. Motion Number 11 has already been ruled on in consolidation with Motions Number 2 and 3.

PROF. JOYNER: Mr. Chairman, let me just--

THE CHAIR: Go ahead, Dr. Joyner.

PROF. JOYNER: The substance of these two have already been dealt with--

THE CHAIR: Okay.

PROF. JOYNER: --in essence, so there's no point in just--

THE CHAIR: Rehash--

PROF. JOYNER: --beating a dead horse.

THE CHAIR: All right. That leaves us to Motion Number 12, and that is the motion to continue or hold in abeyance any hearing in this matter where the failure to do so would possibly

prejudice Representative Wright's rights to a fair criminal trial and prejudice the possible jury pool. Dr. Joyner or Mr. Harris? All right.

MR. HARRIS: Mr. Chairman, members of the Committee, I am Doug Harris. I'm the attorney--

THE CHAIR: Mr. Harris, we're having a hard time, 'cause that mike's not picking you up.

MR. HARRIS: All right.

(DISCUSSION OFF RECORD)

MR. HARRIS: All right. Mr. Chairman, members of the Committee, I'm Doug Harris. I'm the attorney who's going to be trying the criminal case. The criminal case will be tried about four blocks south of where we sit right now, and it will be--it will consist of jurors who have been selected from this very county where you're holding this hearing. And that is my--that is my concern here.

I would like to cite a rather unusual example as to why you don't want to do this at this particular time. And that example is Dr. Richard Kimball, he of the Harrison Ford movie The Fugitive, the TV series, et cetera. Dr. Richard Kimball, you'll remember, was falsely convicted

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by--by a jury, and it turned out the one-armed man had really done it. But what a lot of people don't realize is that Dr. Richard Kimball was, in fact, based on an actual famous case, Dr. Sam Sheppard.

Both of them were doctors. Dr. Kimball was a doctor in Chicago. The real doctor, Dr. Sheppard, was a doctor in Ohio. Both of them were accused of killing of their wife. Both of them got convicted of killing their wife. But here the reality diverges from the fiction.

In the fiction, you'll remember, the one-armed man did it, and it was a big plot as to why he did it, that sort of thing. In the real case, the real Dr. Sam Sheppard, it was public officials who caused the problem. Public officials went out in the papers, and they said that Dr. Kimball did it, Dr. Kimball obviously killed his wife, Dr. Kimball was--was guilty, Doc--or rather, Dr. Sheppard had--had really killed his wife. This appeared on the front pages of paper, even as Representative Wright is appearing on the front page of the paper now. This appeared on the--this appeared on the TV news, even as Representative Wright is appearing on the TV news

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now.

And--and what happened was Dr. Sheppard was convicted. And--and we now know that he didn't do the crime. They--since there have been DNA tests, it turns out he didn't do the crime. But here's how it came out. This case went to the United States Supreme Court, and F. Lee Bailey of the O.J. Simpson case and many others--F. Lee Bailey represented Dr. Sheppard, and he successfully argued to the United States Supreme Court that the jury pool had been fatally polluted by--by--by the publicity, all the public officials--all the public officials talking about the case, all the public officials saying that he was guilty, all the public officials saying that he did the crime. By the time they finally had a jury pool, there was no jury in the whole area that could have possibly rendered a fair verdict.

And I respectfully say to you that that's pretty much what you're doing here, because it's been--has been said repeatedly here today these counts are the same as the criminal counts down the street. These counts that you're considering are exactly the same as what I'm going to have to argue

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to a jury a month, two months, three months down the road. I'm going to have to find twelve unbiased people who haven't made up their mind to sit in that jury and decide whether it's true or not true. And how am I going to do that with a bunch of public officials down here at the legislature saying my client's guilty?

Now, one of the first questions I ask when I seat a jury pool--when I'm trying to pick the jurors, I say, "Have you already made up your mind on the case?" Well, none of you could honestly say no, because you already have made up your mind on the case. I don't mean that as a criticism. I mean to say that you've already hold a hear--you've already held a hearing in the Legislative Ethics Committee, and you've already concluded that there was probable cause to believe that Representative Wright did something wrong. In--in other words, you've formed an opinion on the case, and that's fine. But that's not fine for a jury.

And I think what Dr. Joyner was getting at earlier when he talked about due-process problems, it's a due-process problem when

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somebody's already made up their mind and then they decide to hear the facts of the case. That's a due-process problem, because, after all, which one of you would like to hear people were hearing your case that already decided that you probably did it?

Now, I'd like to quote from what the Chairman said earlier. He said, "Every institution has concluded there is probable cause of the existence of fraud." That's what the Chairman said in this hearing just--just before lunch.

Well, you know, one of the institutions he's talking about is the Legislative Ethics Committee, of which you all are members. You all have committed--you all have concluded that there's probable cause to believe there's an existence of fraud. And now you're getting ready to hold a hearing as to whether or not there is fraud.

I respectfully suggest that what the--what the Speaker of the House should have done, rather than--rather than take the very same people off the Committee that had already reached conclusions meeting together with the Senate, and just stripped away the senators and then composed this Committee--what the Speaker should have done

was composed a brand-new committee of legislators who had not heard it, who had not reached conclusions, and then held a hearing on these facts, because, unfortunately, you folks have polluted yourselves.

I know you didn't mean to. I know you--all you did was listen, which is what you're supposed to do. But you've obviously already reached some conclusions when you say there's probable cause.

In the--in the sheet that was passed out to you that was prepared by your staff, you were given the civil-law definition of probable cause. And what it says is--and this is from your staff, not from me--"a reasonable belief--"probable cause is a reasonable belief in existence of facts on which a claim is based and in the legal validity of the claim itself."

And that means, I presume, that you have already concluded, because you found probable cause, that there already exists facts upon which a claim is based, and there already is legal validity in the claim itself. How else--how else could it mean? And--and now--and now you're getting ready

to make a whole lot of public pronouncements, and, indeed, the Chairman is already making public pronouncements, that--that my client probably did commit fraud; my client--which we vehemently deny, by the way--and my client--my client probably did commit violations of law, which we also vehemently deny. And the problem is, you see, this is polluting my jury pool.

I can't try a case like that. I can't go down there and pick a fair and unbiased jury with the legislature pounding the drum, saying, "He's guilty. He's guilty. He's guilty. We"--you know, "We've already made up our mind. Here's our conclusion." You can see where I couldn't. You wouldn't want to be in that position, either.

Now, it so happens that the Sam Sheppard case I was talking about earlier is studied in every law school in America. Professor Joyner and his colleagues teach it. Every law school in America studies how the public officials of Ohio screwed up that case and made it impossible for Sam Sheppard to get a fair trial, even though it turned out he was innocent.

And, ladies and gentlemen, unless you

want to be studied by every law school in America, you ought to be cautious as to what you're doing here, because how would you like every law school in America to be studying the General Assembly about a hearing it conducted just before a criminal trial and how it polluted--how it polluted a trial so that a fair trial could not be had in Wake County on the criminal charges? How would you like every law professor in the United States that teaches Constitutional law talking about you the way they've been talking about Sam Sheppard and the way they've been talking the Ohio officials for the last forty-five years. How would you like that?

And this is not a casual thing. This is an important thing. I would suggest to you that we are gradually melding together the three branches of government here in an improper way that you, as legislators, ought to respect. Here we have members of the executive branch who also do prosecutions, and who also do the same kind of work as the district attorney in here in the legislature helping the legislature prosecute one of its own, where we've got a case going on in the judicial branch in which Representative Wright is going to

have to stand up to criminal charges, and we're--and we've--we've picked those charges out of there, and we've stuck them in the legislative process. And we've got all three of these things all mixed in together now. Whatever happened to the balance of power?

What would be the harm, after all, in letting a jury decide this, letting it go to a jury and letting twelve people who are unbiased, who haven't made up their mind, decide this case for better or worse? And then if you want to revisit it after the jury, depending on what happens, revisit it. There'll be time enough. After all, these things come from 2001, 2002, 2003. You've heard that. What would be the ultimate danger if this is done--if you take your action, shall we say, in July or August of 2008 instead of March of 2008? What would be the ultimate harm, as opposed to the almost sure harm you will do to the criminal process if you forge ahead now?

Because this will be headlines every day. What you say will be quoted, just like what the Chairman said today will be quoted. And--and in the end, we'll have a jury pool that can't possibly

consider this case, can't possibly give Representative Wright a fair trial, which he's entitled to under law.

So this is not--as some of the hypotheticals have said, this is not a matter that has not come to the attention of the courts. This is not a matter that won't be dealt with if you don't deal with it. This is a matter that is being dealt with by--by no less than the Wake County district attorney. Let him deal with it. Let the Justice Department deal with it. Let the--let the system of justice--let the courts deal with it. Don't embroil yourself in it, because if you do, you're going to create an impossible morass and mess.

And, lastly, I want you to think, too, about what would happen if your--if your decision is contrary to the jury. We must consider the possibility that you might vote that Representative Wright is guilty of one or more of these things and a jury might say that he's not guilty of one or more of these things. Who would have the most say-so? Surely the jury would have the last word on who's guilty and who's not guilty. Then

wouldn't all of you look like fools? Wouldn't all of you be subject to embarrassment? Wouldn't all of you be subject to charges you'd--you'd acted prematurely and done something you should not have done?

So what I'm asking here for is not for you to say that Representative Wright did no wrong, not for you to say you have no suspicions, not for you to say you're going to sit on your hands and do nothing. I'm asking for you to simply defer this for a few months, long enough for me to try my case. That's all I'm asking.

Thank you very much.

THE CHAIR: Questions for Mr. Harris by members of the Committee? Representative Stam.

REP. STAM: Yes. Mr. Harris, I appreciate your thoughts. This motion actually interests me, maybe for different reasons. And I've heard you and Professor Joyner say several times that the Chair and I have made up our minds. As I understand it, we found probable cause, which is the same thing that the grand jury of Wake County did, a group of twelve people.

MR. HARRIS: Uh-huh (yes).

REP. STAM: If the finding of probable cause by a group of twelve people in Wake County pollutes the jury pool, then obviously all indictments pollute criminal trials, which is nonsensical.

Are you aware that the clear-and-convincing-evidence standard is higher than probable cause?

MR. HARRIS: I would ask you if you're aware that all grand jurors are disqualified from sitting on the regular jury, because nobody could reach their--nobody could make up their mind to a degree that a grand jury makes up its mind and then sit around and judge the case. So all of you would be--if--if you sat as a grand jury, which you just did--

REP. STAM: Let me--let me just--

MR. HARRIS: --all of you would be disqualified.

REP. STAM: Let me ask you the question again.

MR. HARRIS: Yes.

REP. STAM: Are you aware that the clear-and-convincing standard is higher than the

probable-cause standard?

MR. HARRIS: Certainly. I'm aware that--I'm aware that there's a number of different standards, among them, beyond a reasonable doubt--

REP. STAM: Right.

MR. HARRIS: --is the criminal standard.

REP. STAM: And the second question, if I might, why should you not make this argument to the superior court, that that case be held in abeyance so that those proceedings don't pollute the deliberations of the House?

MR. HARRIS: The--

REP. STAM: Why--why should the--why should the superior-court action take precedence over the actions of the House of Representatives?

MR. HARRIS: The statutes that you passed establish precedence. And precedence is the first case--the first case in order is--is the U.S. Supreme Court. The next case in order is the federal courts, on down the line. The next court--case in order is the North Carolina Supreme Court, the Court of Appeals. The next case in line is criminal superior. The next case in line is civil superior. You, sir--

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REP. STAM: But we're not--
MR. HARRIS: --you, sir--
REP. STAM: Let me--
MR. HARRIS: --are way on down the line--
REP. STAM: The U.S. House is--
MR. HARRIS: --in superiority.
REP. STAM: The U.S. House is not in that--I mean, the North Carolina House is--those are court proceedings you're talking about. And I--you're talking about the Rules of Practice?
MR. HARRIS: Well, this is surely a civil proceeding, and a civil proceeding is ranked below, by you, by--by the legislature, below all criminal proceedings, all.
REP. STAM: All right.
MR. HARRIS: Even if I were to be in North Carolina District Court today, and I also had to be here, my duty would be in the North Carolina District Court. So there is no question that--that Wake County Superior Court is superior to your proceedings here, and that's by the laws that you have passed.
THE CHAIR: Let me ask a question, and this is a practical one. I understand that Judge

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Hight has scheduled the criminal trial for March the 3rd, the same day that we're scheduled for. Is it your understanding that that trial date is firm and that you will proceed either by plea or by trial, absent some extraordinary circumstance, on that date?
MR. HARRIS: I--I wish to inform you that I have made a motion to continue that case off that date. And my reasons are that we are considering a large volume of evidence, you know, about eight thousand pages, and dozens of witnesses and things that the State had to consider over about a year and we've had about two months, I guess, now. And I have represented to the Court that we simply need more time. In truth, that applies in this hearing, as well, as Dr. Joyner alluded earlier. It's--it's an extraordinary volume of evidence and witnesses.
I--I--I don't think that Dr. Joyner and myself--I don't think that Dr. Joyner and myself aided by the Dream Team out in California or any group of attor--attorneys could prepare properly this case in this short amount of time.
THE CHAIR: Has the--has the State responded to that motion to continue yet?

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MR. HARRIS: They have not. I have not seen a formal response.
THE CHAIR: Do you have that motion scheduled for argument?
MR. HARRIS: Yes. It's scheduled on February 25th, along with some other motions.
THE CHAIR: Is that your motions deadline date for--
MR. HARRIS: That's correct. I've already filed that motion along with some motions to dismiss and some other motions.
THE CHAIR: All right.
MR. HARRIS: And that, along with Mr. Willoughby's motion to consolidate, are all on the 25th.
THE CHAIR: If the criminal trial does go on--
MR. HARRIS: Yes.
THE CHAIR: --the 3rd, then that--and--and--and, obviously, if we're both scheduled on the 3rd, that clearly--and I agree with your point--
MR. HARRIS: Yes.
THE CHAIR: --takes precedence, and you and--and Representative Wright would need to be in

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the criminal trial.
MR. HARRIS: That's right.
THE CHAIR: That would effectively moot the issue we're facing if that happens. Correct?
MR. HARRIS: That's true.
THE CHAIR: All right. Thank you.
MR. HARRIS: All right.
THE CHAIR: All right. Mr. Hart?
MR. HART: Mr. Chairman, I have spoken with Colon Willoughby, the district attorney of the 10th Prosecutorial District. The--what--much of what Mr. Harris just said is what Colon Willoughby also told me. In fact, I believe it was--last Friday was the deadline for filing motions. I was not aware of what motions had been filed, but he told me that the motions will be heard on February 25th before Judge Hight, who was also the judge who was set to try the case on March 3rd.
Mr. Willoughby informed me last week that his intention is to proceed forward with trial on March 3rd, and will be urging the trial court to do so. He indicated to me also that he had provided discovery to Representative Wright back on the 1st of January, I believe, or just--right--right during

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that time period. And so they are--as far as the State--that is, the district attorney is concerned, he is--he is ready to proceed to trial on March 3rd.

I would say one thing that is--that I believe I disagree with Mr. Harris about, and that is that regardless what a jury does, this Committee still has valid charges before it. And even if a jury were to fail to find beyond a reasonable doubt that Representative Wright is guilty of the charges, that does not mean that this Committee could not find by clear and convincing evidence, a lesser burden, that--that Representative Wright is guilty of unethical conduct involving the same conduct alleged in--in the indictments.

And so the--the fact that a jury were to find him not guilty either before or after this Committee takes--takes action is simply irrelevant.

THE CHAIR: All right. Thank you. Questions for Mr. Hart from any member of the Committee? All right. I understand the motion and--and the position of the lawyers and the parties.

All right. This matter is before the

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Chair and the Committee on a motion to continue and to hold in abeyance the ethics proceedings with regard to Representative Wright. The issue has been briefed and argued by counsel and is ready for disposition in large part today.

Number 2. It is the Chair's understanding that the current criminal trial is scheduled by Superior Court Judge Hight for March 3rd. Further, my understanding is that there are motions to be heard on February 25th in the Wake County Superior Court, with one of those motions having been filed by Representative Wright to continue the trial date due to the large volume of evidence in the case.

Next numbered paragraph. The rights at issue in the ethics proceeding are complex. There are absolutely the rights of Representative Wright to a fair hearing and full due process of law. Likewise, there is the significant interest in the public to an assurance that all of the legislators in the House and the Senate are conducting the affairs of their office and are conducting their time in office in an ethical manner, that the perception of the public that any legislator may

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be--or series of legislators may be unethical can very quickly destroy the confidence of the public in the institution of government. And that is a substantial right at issue in any ethics proceeding.

Yet another interest are the interests of the constituents in Representative Wright's district to have a representative who does not have over his head ongoing ethics charges of which there is a question of whether or not he committed any violation so that they can have the full effort of that legislator to represent that district.

All of these rights are at issue in the balancing--and I think that's what it is--the balancing of how to proceed in these cases.

Next numbered paragraph. The history of this ethics proceeding is not one that has moved at anything other than a very deliberate rate of speed in order to protect all of the rights involved and most particularly and supremely that of Representative Wright. The ethics--the ethics proceedings began, as you alluded to, Mr. Harris, in the Legislative Ethics Committee, and the Legislative Ethics Committee determined--after

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withholding any movement in the ethics case for a number of months to allow the criminal prosecution to make its determination of whether to proceed, the Legislative Ethics Committee determined that there was--there were grounds to refer this matter to the House of Representatives for disciplinary considerations in December of 2007, and withheld judgment on one count that it retained jurisdiction over.

This matter came to the House, and the Speaker appointed this Committee in December of 2007. The Committee then met to establish its rules in two thousand--December of 2007, and a probable-cause hearing was scheduled and held on January 9th, 2008.

The Rules that have been established by the House Select Committee detail a time frame for the exchange of witnesses, the exchange of a summary of their testimony, the exchange of documents, the subpoenaing of witnesses, and the time to prepare for any hearing. Those rules are consistent with or more generous in every respect than nearly every set of state ethics rules that we could find in the United States of America.

Next numbered paragraph. If the criminal case is in trial or plea on March the 3rd, this case--the motion will be granted to that extent, and this case would be continued in the ethics committee on a week-to-week basis to be rescheduled on Monday, March the 10th, and again, if you were still in trial or in plea on that date, the following Monday.

If, however, the criminal trial is continued or for matters unrelated does not take place on March the 3rd and this issue is still pending, the motion to continue the ethics hearing on that date is denied. I believe that, number one, the protection of the criminal case can be assured, as it is in many cases with publicity, by change of venue, by curative or limiting jury instructions, by individual voir dire, and by continuation which would have occurred, obviously, by definition of the trial date.

There has been no evidence at all presented to this Committee beyond argument and pure conjecture and speculation that any holding by this body would in any way affect the criminal trial. We do not even have before us, other than

our own individual knowledge, the press that has occurred in this area, which would be a minimum showing required to even look at this motion in the criminal context.

Finally, my concern on this is to agree with this motion in a vacuum and to say essentially that we will continue the ethics hearing, and then to have the criminal case continued and not to have any proceedings that try to get at what occurred here in March on a matter that was first brought to the attention of the State Board of Elections almost a year ago and that has been pending in multiple forums for the better part of that year, creates a perverse policy to me, that the more egregious the alleged misconduct, the more that it verges on criminal conduct, the more control the alleged actor has over the ethics process and its timing.

That is, if we had no criminal charges pending, there would be no argument that the House could proceed to its ethics hearing.

The fact, however, that the conduct is alleged to have criminal possibilities suggests in your argument that the person who has a criminal

case pending therefore gets to delay in the ethics process simply because the criminal charges are pending, and therefore, the more dilatory tactics that might be taken to extend out each process circularly extends the other. I do not think--I believe that that policy is as unsound in practice as it would be unwise and unnecessary.

I believe that the balancing of the rights that must occur here include not only the rights of Representative Wright to a fair trial and a fair hearing in this jurisdiction, but the rights of the institution, the rights of the public, and the rights of the constituents in Representative Wright's district.

So because this matter has been pending for many months, counsel could have been retained many, many months ago. I feel for the amount of work that has been done. I have been there. But I am not going to continue this hearing unless Representative Wright is in trial or in plea. But one way or another, he will be one of those two places on March the 3rd. The motion is denied.

Exception is noted. Does any member of the Committee seek to overrule the decision of the

Chair?

REP. STAM: Mr. Chair?

THE CHAIR: Representative Wright--or Representative Stam.

REP. STAM: I didn't know how you would handle this, but I think you've hit exactly the right resolution, and I have no motion.

THE CHAIR: All right. Thank you. All right. That is, at this point, all the motions I have pending at the Chair. Let me ask--and I'm going to kind of circle--Mr. Peters, Mr. Hart--I know we've got discovery matters that we've got to deal with. Are there any other motions outside the discovery pending that you're aware of?

MR. HART: No.

THE CHAIR: Professor--Dr. Joyner, Mr. Harris, are there other motions besides the discovery ones, which we're going to deal with after a short recess, to get those resolved--are there any other motions that I have neglected to cover?

PROF. JOYNER: No, there's not--there are no motions that you've neglected. We would make an additional motion that--that--that the House

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appoint a different fact-finding committee to review the factual allegations in this matter, in the sense that those persons who have engaged in the grand-jury process, those people who have already reached conclusions regarding probable cause are not impartial jurors to determine what the facts are, particularly in the next phase of this matter, or in the alternative, that--that Representative Wright be allowed to make his claim and present his evidence before the full House of Representatives, since they are to be the ones that will determine whether he is to be disciplined or expelled from this body.

THE CHAIR: I understand the motion. Questions by any member of the Committee to Dr. Joyner? Mr. Hart? Mr. Peters? And since this a new motion, do you need a moment to respond for any reason?

MR. HART: No. No reason for a response. I'll leave it up to the Committee to decide.

THE CHAIR: All right.

REP. STAM: Well, he said he--

THE CHAIR: Representative Stam.

REP. STAM: He said he will make a--he's

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not making that motion now, is he? Or he--

THE CHAIR: No, I understood it to be a motion.

REP. STAM: Oh. Well, I would like to hear a response--

THE CHAIR: I'm sorry. Mr. Hart?

MR. HART: One thing that has occurred to Mr. Peters and myself is that--is that this Committee and this--and the Chair may not be the appropriate person to address this motion to. It may be that--that the motion can only be properly addressed to Representative Hackney, the Speaker of the House.

THE CHAIR: I think that the Chair is going to address the motion today, and then I'm going to refer it--the Committee's ruling by letter to the Speaker to see if he is inclined to hear it independently. But I think he would want at least a ruling by us and a decision, and may choose under the circumstances not to.

I think, again, ultimately any House committee as appointed by the Speaker is under the Speaker's direction, and the Speaker can certainly decide to change and to listen to that motion and

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to come to a different result. But I'm going to go ahead and rule on it, Mr. Hart.

MR. HART: In that case, I would like to just respond briefly.

THE CHAIR: Yes, sir.

MR. HART: There have been a lot of allegations thrown at the Committee by Mr. Joyner and Mr. Harris today about the fairness issue. And I think there have been mischaracterizations made about the role of the Committee and what it has done so far.

As special counsel, Mr. Peters and I have been involved in--in this case all along, and we have seen, as the Chair noted, that it--it has proceeded at a very deliberate pace. Both the LEC and the House Select Committee have done everything possible to await the outcome of the SBI investigation and the action by the district attorney, have been very careful to make sure that due-process provisions were put into the Rules, and that time was appropriately set out to deal with every aspect of the hearings before this Committee.

As--everything that has been done is--has been afforded the same kind of protections as have

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been afforded a criminal defendant in--in criminal court, and we see no reason that this Committee should not move forward.

As was noted earlier, the only thing that this Committee has done is make a finding of probable cause. This Committee has not reviewed all of the evidence that will presented at the hearing. It has simply made a preliminary probable-cause determination.

THE CHAIR: All right. And--

PROF. JOYNER: Mr. Chairman, may I now respond?

THE CHAIR: Yes, Dr. Joyner, you may.

PROF. JOYNER: I know it's been a while since Mr. Hart's been in criminal court, so he may have forgotten some of the procedure over there.

This--this Committee, this House Select Committee is--has been in charge of the prosecution of this matter, the Attorney General's staff is assigned to this Committee to be the prosecutor. Members of this Committee have served as the grand jury to find probable cause. And there is simply no way that they could have been engaged in these roles without reaching some conclusion about the

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probable guilt of--of Representative Wright.
Now, this same Committee that is prosecuting it, that serves as grand jurors, will now sit as petit jurors where they will then make a finding of fact, a definitive finding of fact, which can either include or exclude any information that we provide or we present as evidence. And it is that finding of fact which will go before the full body for them to make a determination with any recommendations which they made.
Now, Stevie Wonder can see that there is a little problem with that. It is not a far stretch to conclude that the skids are already greased and the outcome--outcome of this matter is predetermined.
THE CHAIR: Dr. Joyner--
PROF. JOYNER: And we--we would think that the--fair--fairness would allow us, if nothing else, to present our evidence before an impartial body or to the full House of Representatives, since the full House of Representatives will make a decision about this matter upon recommendation from this Committee. As the Rules are now established, this--this side of the aisle is precluded from ever

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making any type of presentation to the House of--to the full House of Representatives as to whether any disciplinary actions should be taken or Representative Wright should be expelled. And that is a clear violation of every rule of--that I know of under the federal and the state Constitution.
Now, if you want to call it fair, you can call it anything you want to. But the public will see it is not fair.
THE CHAIR: Dr. Joyner, my question--and I understand the eloquence of the argument. My question is, do you have any evidence today that you wish to present that you have any evidence that any member of this Committee is biased, prejudiced or has otherwise made a final decision with respect to your client and is impaired from doing so?
And my question is evidence. I'm not talking about the fact that we may have heard probable cause. I'm asking so that I know is there a piece of evidence that you have that you want to present that members of the Committee, individually or combined, are prejudiced, biased, or otherwise impaired in their judgment with respect to the merits of this action?

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PROF. JOYNER: Mr. Chairman, I've presented the procedural history, the involvemen of members of this Committee in bringing us to where we are now, and I think that that evidence speaks for itself. I don't need to present anything else.
THE CHAIR: That's not my question, Dr. Joyner. My question--
PROF. JOYNER: Now, just--
THE CHAIR: --to you--no--no, sir. My question is yes or no, do you have any evidence that a member of the Committee is biased, prejudiced, or substantially impaired--I understand the legal argument. My question is whether there is a piece of evidence, because if there is, we need to consider that.
PROF. JOYNER: And I just said that the fact that these members of this Committee, including yourself, have sat through all of these proceedings and listened to all of these allegations and reached the conclusion--that that is evidence in and of itself. No, we do not have anything else to present, but I don't think we need to present anything else.

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THE CHAIR: All right. I appreciate that.
MR. HARRIS: I'd like to speak to that, Mr. Chairman, if I may.
THE CHAIR: Well, now, I'm trying to--oh, Mr. Harris, I'm sorry. And then I'll get with Mr. Hart.
MR. HARRIS: Oh, pardon me, Mr. Hart. Mr. Chairman, I wanted to make it clear to all the members that I am in--since I was the one quoted, I am in no way, shape, or form impugning the integrity or the good intentions of anyone on this Committee. That's--I wouldn't want anyone to think that that was anything that I was saying.
What I was saying was merely this, that if you were now sitting in a jury box, potentially to be selected in a jury, and you were asked the question that every defense attorney asks, "Have you reached some conclusions about this case? Do you have some opinions about this case," all of you, I presume, would have to say yes, and that conclusion is that probably--just as the Chairman said earlier, probably some fraud has been committed here, probably there has been some

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wrongdoing here. In the words of the--Black's legal dictionary, probably there is some foundation of fact and some--some reason to believe that this--this does exist. That doesn't render you a bad person, any more than it renders a member of a--of a grand jury a bad person. That is the grand jury's honest opinion. That is your honest opinion.

The question before you now is quite different. It is whether having reached your conclusions--your preliminary conclusions, could you honestly reply that you don't have an opinion on this matter. I presume you could not say that. You would have to hold up your hand and say, "I'm sorry, Your Honor, I actually do have some conclusions." And at that point, the superior court judge would say, "Well, thank you very much for being so honest. You're excused for having an opinion." And that's where we are.

The fault does not lie with this Committee or any member. The fault lies--and I mean it in no mean way, but the fault lies with Speaker Hackney, because when he let the Joint Legislative Committee on Ethics investigate this

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matter--and you are all members of it--and then when it came time the Joint Legislative Committee said they had no jurisdiction to go any further on this, then what should have happened was instead of selecting a subgroup of that committee, of which you are, and all the very same members who had already voted and already reached conclusions--instead of selecting that subgroup, he should have selected a brand-new group out of the House that were unbiased, had not heard--had heard nothing and had reached no conclusions. So that is the point I'm making.

I hope no member of this Committee, including the Chair, thinks that I'm suggesting you're--that you are, you know, acting in some unethical or improper way. And I mean it in no improper way, but simply that all of you, including the Chair, have obviously reached certain conclusions. And the Chairman actually said so. So that's where we are. Thank you.

THE CHAIR: Thank you, Mr. Harris. Mr. Hart?

MR. HART: Thank you, Mr. Chairman. First of all, I want to set the record straight on

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something. Mr. Joyner has indicated that the special--that the House Select Committee is prosecuting Representative Wright. That's not my understanding of the process. At the request of the Committee, the Attorney General has assigned Mr. Peters and myself to prosecute the matter for the--for the House Select Committee.

And I want to also state for the record that we are--have not been under your direction. In fact, there are many--been many times where we said we couldn't do some of the things that you wanted to do by the times you wanted to do them. We--we have been operating independently as special counsel, and it's my understanding that we are the ones who are prosecuting this case, not the Committee.

Second of all, Mr. Harris' point about jurors--there are many jurors who come into jury box having formed opinions. That's not the issue. The issue that the superior court judge must delve into is whether or not jurors can set aside opinions--any opinions that they have formed and make a decision based on the facts presented in the case. That's the ultimate determination. That's

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what this Committee must do, and I believe that this Committee can do that.

The procedure that's involved in the hearings in this Committee is the same as--as it is in the Judicial Standards Commission. The Judicial Standards Commission takes complaints from the public involving judges, makes a determination as to whether there's some probable cause to proceed with an investigation and charging, and then sits as a investigatory and fact-finding body to make decisions about whether or not facts have been proved, then makes its recommendations to the North Carolina Supreme Court. And the Supreme Court either adopts the findings or makes new findings and takes appropriate action, but it only does so based on the recommendations of the Judicial Standards Commission.

THE CHAIR: Thank you. All right. I think I understand the arguments. The Chair is ready to rule on the motion.

The motion that is now before the Chair and the Committee is to request that a different group of legislators be appointed to hear the merits of the evidentiary hearing in this case or

that the process be bypassed and that the full evidentiary hearing be presented to the full House of Representatives. That is the motion, as I understand it, and the position of Representative Wright.

The response to the motion, now having been argued by Mr. Hart, is that the Attorney General's office, through the appointment of Mr. Hart and Mr. Peters, has been asked to prosecute the case, that the Committee function is to be a fact-finder in this process and make its determination of fact and recommendations to the House, and third, that the question is not whether or not any Committee member has an opinion, but whether they can make a decision based on all of the facts as presented at the hearing, such that their judgment can be fair, impartial, and not impaired by matters outside of the proceeding.

All right. The Chair denies the motion for the following reasons. First, the Attorney General's--Deputy Attorney General Mr. Hart is correct: The role of this Committee, as set out in the Rules, is a fact-finding and investigative role that has multiple levels of fact-finding in order

to protect the charged representative; to ensure, first, that no charge proceeds past a private discussion if there is not probable cause; and second, once probable cause may be determined, to set in place an evidentiary hearing to look at all of the evidence, much of which, of course, is not presented necessarily at the probable-cause hearing.

Second, the recommendations of the Committee are simply that. The full transcript, all of the evidence presented, all of the documents, if there is a finding by the Committee adverse in any manner to Representative Wright, will go to the full House of Representatives. The full House of Representatives makes the determination in this case and is the judge and jury in this case, not the fact-finding committee.

Third, this process mirrors the Judicial Standards Commission and, in fact, was created to effectively mirror the Judicial Standards Commission, who acts in exactly the same role on its recommendation to the North Carolina Supreme Court.

Next, I know of no evidence, none has

been presented, and Representative Wright's counsel concedes that they have no evidence that any mem of the Committee is biased, prejudiced, or otherwise impaired, other than their concern that the Committee members have already heard some evidence of probable cause and formed the probable-cause opinion at that stage of the proceedings. That in and of itself is hardly insufficient--or hardly sufficient to create a substantial impairment of legislators hearing this matter.

Finally, this process of the Committee fact-finding is mirrored in the process of at least forty other states and the United States Congress. It is not my understanding that any of those states--and you have not and Representative Wright has not pointed to any state or any other institution where the fact-finding committee changes simply because there's a probable-cause first step before the final evidentiary determination. If it is good enough in all of those other states, in Congress, and during the history of the United States, it is sufficient for the process to be fair here in North Carolina.

And finally, a personal note in the--in

this: I understand fully the legal argument, and I do not take it that you made any personal--I understand completely. But I make this observation. I have dealt now with these five other members, and I have--and across partisan bounds--there are three Republicans and three Democrats who represent various geographic areas of the state--and the goal here--and I cannot state it enough--has been to create a process that is as fair as it could possibly be to Representative Wright, or to any charged representative, but to Representative Wright, and to assure that this Committee will act deliberately and fairly and thoroughly in its decision-making, however long that takes for us to do. The goal here is to restore public confidence across the board in whatever our decision and in the decision-making process, and this Committee intends to fulfill that responsibility.

The motion is denied. Exception is noted.

Do the Chair's comments or ruling seek to suggest to any member they wish to overrule the Chair? There is none.

I will, however, refer this motion as well as our finding immediately to the Speaker's office, should he decide to act independently on your motion. And I think that should be done.

All right. Now, I'm going to suggest that we take about just a five-minute, stand-up-and-get-something-to-drink break and come back. We have the discovery request to deal with and a few definite [phonetic] matters that we want to take up on the discovery request to finish up today.

Thank you. We'll be back in five minutes.

(TEN-MINUTE RECESS)

THE CHAIR: All right. We are back in--in session, and I appreciate everyone coming back quickly.

The remaining matter that we have for this that I'm aware of, other than an announcement of sort of the timelines at the end, is consideration of the discovery requests. And just so I'm clear, Dr. Joyner has filed the discovery requests, and there are seven discovery requests.

I'm going to suggest--just the way it breaks up in terms of who's kind of got material, going to ask--I guess the easiest thing is Bill and Alec, if you're prepared to respond to Requests 1 through 4, because I had previously directed Staff to be prepared to respond to Requests 5 through 7, since that material's really within their reach--so if you would start by responding to requests and go through them 1 through 4, please--that would be helpful. Just--thanks.

MR. HART: I had previously talked with Walker about this--

THE CHAIR: The discovery request is attached to Representative Wright's response in your--after--after the motion--after the motion to continue in your notebook. Thank you. I'm sorry, Mr. Hart. Go ahead.

MR. HART: Thank you, Mr. Chairman. I had previously spoken with Walker Reagan about the discovery request, and we had--had discussed that Alec and I would be the best ones to talk about 1 through 4, and that the staff would really be more appropriate for 5 through 7.

As I have informed this Committee before,

this is an unusual situation for me in that Representative Wright, Mr. Harris, and Professor Joyner have more discovery material than--than I have, and I actually ought to be here asking for discovery from them. And I'd be happy to make whatever provisions necessary to go and get their seven thousand pages of documents and make the copies at--at our expense. But they--they have more than we do. I haven't talked to Mr. Harris about this, but I have talked to Professor Joyner on the phone about this.

As--as I informed the Committee on January 9th, we do not have what the district attorney of Wake County has. We do not have the SBI investigation. We do not have what was turned over to the defense.

What we do have--we--we have had an opportunity to look at some of the interviews contained in the SBI investigation. We do have some documents that we requested and were turned over to us. And certainly we will be providing any documents that we intend to introduce at the hearing. Even though they already have copies of those, we will provide additional copies of--of

whatever we do have and intend to introduce.

The interviews, we do not have copies of. They do. What we will be providing tomorrow is--my understanding of the timeline--we will be mailing to them and e-mailing each attorney a copy of our witness list and a summary of what we understand the testimony of that witness is likely to be. And that's based, again, upon our reading of some interviews and discussions with investigators and discussions with Colon Willoughby. But we do not have copies of those interviews, so we cannot provide them to them. As I said, though, my understanding is that all of that has been provided to--to Representative Wright.

Through a newspaper account, I saw that Mr. Harris said that he read those over January 1st. I can't remember what he said he was eating and drinking at the time, but there was a comment in the paper that he had had a day on January 1st where he had been reviewing some seven thousand pages of documents.

Again, we don't--we don't have interviews to turn over. We do have copies of the same things they do, that is, the Board of Elections report

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that was included in the discovery that they had--we also had the DHHS audit, which was part of the discovery materials that were turned over to them. And so they already have everything that we have and more.

But we certainly will be providing a--a witness list and summary of our witnesses tomorrow. And we will provide them--I believe it's on--the deadline is on the 22nd of February--we will be providing them copies of any documents that we have that we'll be introducing.

THE CHAIR: Just so I'm clear, then, for Number 1 on the discovery request, that, I think, tracks exactly what you're required to disclose under the Committee rules. And so you will be disclosing--

MR. HART: We will be complying with that.

THE CHAIR: You will be complying with Number 1. Number 2 also tracks essentially what is in the Committee rules, and you would--and--and would therefore be turning over to Representative Wright any information that a reasonable person might believe would exculpate him on any of the

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counts.

MR. HART: Yes, sir. So far we have not found any such information. And again, to the extent that there may be some of that type information in the SBI report that we have not examined, we assume that they have that, and so--so they--that would be available to them.

THE CHAIR: I understand.

MR. HART: But we--we do not have anything at this point.

THE CHAIR: All right. And as to Number 3, as to any--you have not interviewed any individuals as Committee counsel that you've got statements to turn over to Representative Wright's counsel?

MR. HART: We have--we have not.

THE CHAIR: All right.

MR. HART: We have discussed the matter with investigators. We have discussed it with Mr. Willoughby. We have, again, read some interview notes, but that's--those are the only folks that we have--have spoken with.

THE CHAIR: All right. And Number 4, you would certainly--again, to the extent that you had

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any interviews or you had statements for anyone who was going to be either testifying here or where the statement could be in any way thought to be exculpatory, you would have to turn that over. But there have been none to this point; is that what I understand?

MR. HART: Right. No question as to anything exculpatory. The--my understanding of Number 4 is that it actually exceeds the Rules, that if--that is, if we should talk to a witness and that witness simply gives us an oral statement and we don't prepare a report, I don't believe we have any obligation under the Rules to turn that over. To the extent that there's anything exculpatory, however, we certainly would do that.

THE CHAIR: All right. All right. Now let me turn to Dr. Joyner and--and Mr. Harris. You've obviously had conversation with Mr. Hart and heard his responses. Is there anything that I need to rule on on Numbers 1 through 4 that he hasn't either replied to or that you have concerns about?

PROF. JOYNER: Well, let me just say Mr. Hart's very generous in terms of what I've received. I've not received--Mr. Harris has

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received some information that's part of the criminal case. I have not received that information, nor have I reviewed it, so I'm trying to get the information that has been--that serves as the basis for these claims--the claims that have been made in--before this body. And Mr. Hart has, indeed, sent some information to me.

The exhibit--or the documents that was just handed out today with the Exhibit 9 in it--and I believe there was another document, as well--but we would certainly want that to be a continuing obligation on them to provide to me this information that will be specifically used and introduced in these proceedings to--to the extent that--and I'm not hung up with what's going to be presented in the criminal proceeding--

THE CHAIR: Right.

PROF. JOYNER: --you know, because they may not be the same.

I just need to know and receive that information that is--that serves as a basis for these claims and that will be introduced in--in these proceedings.

THE CHAIR: All right. I don't--

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MR. HART: My response--
THE CHAIR: Mr. Hart?
MR. HART: --Mr. Chairman, is this.
And that is if they want to play some kind of a Chinese wall game where Mr. Joyner says he doesn't have what Mr. Harris has, then I say that's not correct. The--the State of North Carolina, through Mr. Willoughby, has served Representative Wright with seven thousand pages of documents of what's in an SBI report, the Board of Elections, DHHS. If Mr. Joyner chooses not to avail himself of that to prepare for this hearing, I can't help that.
THE CHAIR: Well, I do agree that--that--and I want to be understood. I mean, both of you are Representative Wright's counsel. It's Representative Wright that the obligation is owed to to turn over the evidence, not to a specific attorney, but to Representative Wright. You both have functioned as his counsel here today.
I assume that when documents are sent to Mr. Harris, that Mr. Harris will share them with Dr. Joyner, and vice versa, since you are his counsel across the board and certainly have

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represented yourself in documents here and in the proceedings today.
PROF. JOYNER: Mr. Chair--
THE CHAIR: So I'm at a--I do agree with Mr. Hart on that point. Dr. Joyner?
PROF. JOYNER: Let me--let me--let me be clear. There are items included in these protocol for proceedings in terms of the discovery items that we have requested, and we're asking that those items be turned over, irrespective of what Colon Willoughby has provided. That has nothing to do with this. The--you know, Colon Willoughby is not responding to the protocol for the House Select Committee. We are asking for the documents that buttress the claims here, not that buttress the claims in--in criminal court.
THE CHAIR: Sure.
PROF. JOYNER: So those two things are different. And so we--we're not trying to confuse them or get them mixed up or play Chinese wall games or anything like that. We're--if the protocols say that we are entitled to receive it, whether it's duplicatous [phonetic] or not, we ought to receive it, and that's what we're asking

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for.
THE CHAIR: Well, I--I understand. And again, I'm going to reiterate--the Chair understands that the--that the Rules--and I think, Mr. Hart, you understand that the Chair intends for the Rules to be explicitly complied with. But the--that--that compliance occurs when the documents, the witness list, the information, is disclosed to Representative Wright through his counsel. That is, the compliance is to Representative Wright.
So if those documents--and I've ordered from the beginning that they be--that things be sent--for example, e-mailing documents to both of you, so that there's not a--but if a set of documents is handed to you, one will assume if it is handed to you it is handed to Representative Wright, and that secondly, that information that you possess you possess as a team for Representative Wright. We can't do it any other way. You clearly both represent Representative Wright.
Nonetheless, in terms of the substance of what you're asking for, I don't disagree at all.

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And I understand--and again, I'm going to ask if there's anything to rule on, but I understand that as to Number 1 and Number 2, those are tracking the Committee rules and the requirements that you get that information, regardless of whether you have it from another source. Any document, statement, or recorded evidence that this Committee's counsel intends to introduce, you need to be notified of, and will. Any exculpatory information that they possess, they have a duty to turn it over to you in that regard.
And Number 3, to the extent that they've interviewed anyone--and they've indicated they've not, so there's nothing at this point for me to rule on. And Number 4, as to the copy of every written or--statement--again, since there hasn't been any, there is again nothing to rule on, but again, to the extent it is information to be presented, it is a witness to be presented, or it is exculpatory, you are entitled to it. Your client is entitled to it. And my understanding is that that is the rules that Committee counsel understand to be operating under. Am I correct?
MR. HART: That's correct.

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THE CHAIR: All right. So again, is there anything--given that, is there anything I have to rule on or the Committee has to rule on today on Numbers 1 through 4?

MR. HARRIS: Mr. Chairman--

THE CHAIR: Mr. Harris?

MR. HARRIS: --there is this point.

I heard several times Mr. Hart say that--that he assumed that Mr. Willoughby had--had given me certain things. And the difficulty in that would--would come about if--if it turned out that he assumed that and Mr. Willoughby hadn't.

And so I think what we're looking for here is independent assurances from--from Mr. Hart and from Mr. Peters that if they have come across something that fits in these categories, that they will supply it, because by its very nature, different opinion--different attorneys have different opinions. And it may be that Mr. Hart will look at something or Mr. Peters will look at something and he'll say, "Oh, that fits thus-and-so," and maybe Mr. Willoughby didn't. And so--

THE CHAIR: I understand.

MR. HARRIS: It--it--I think we'd get

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ourselves in a real mess here if--if we--if any of us assumed that something's been given by Mr. Willoughby when, in fact, it hasn't.

And so I'm--I--I don't know all the gentlemen, but they have excellent reputations. I know both of them do, and I'm not--I'm not looking for any intentional withholding, but I am looking for accidental withholding where they assume, just as Mr. Hart has said, that Mr. Willoughby had given it up. So I'd--I'd like the Chair to instruct both of the Special Counsel that should they run across things in preparing for this case, that fit these categories that they provide it and not assume that Mr. Willoughby has.

THE CHAIR: Well, and--and I think the instruction does exist that to the extent that you have information that meets the Committee rule requirements with regard to witnesses, documents, or exculpatory information that you view as exculpatory, regardless of whether the district attorney did, that that--that those all will be turned over consistent with the timeline. And I'm getting ready to set that timeline, as well, with those instructions. Okay.

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Now, as to Numbers--thank you. And as to Numbers 5, 6, and 7, I think those are materials that actually are better left to the Committee counsel. And I asked them to prepare responses for you, since they--we have that access at the General Assembly better than Mr. Peters and Mr. Hart. So I'm going to turn that response over to Mr. Reagan.

MR. REAGAN: Thank you, Mr. Chairman. Yes, at your request, we have put together a packet that we're prepared to give to Mr. Joyner and Mr. Harris today. As to Item Number 5, I would point out that there have been no rules of conduct adopted by either the General Assembly or the House or the Senate during the period of time 2001 through 2007. And this transmittal memo that we've got prepared to go with this information today will say that for them.

As to requests Number 6 and 7, it's a fairly broad request, asking for any information that any individual legislator has been given with regards to ethics information. I would point out that those are covered--many of those communications may be covered by legislative confidentiality as it relates to individual

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legislators, and we're not allowed to disclose that information unless the individual legislator themselves waives that or in the event that a court orders us to turn that over.

But what we are provided--able to provide to them today would be all public documents that we may have been able to identify that we can give to them with regards to those specific questions. And I think we've got a list of approximately twenty-four items that are documents that we're prepared to turn over today. Most of these are typical documents that we've given to legislators in the past, that we give as part of the ethics training. They include the ethical principles and guidelines that have been adopted by the LEC and the redacted versions of advisory opinions that have been handed out over the years since 1975-76, up to those that have been handed out through 2007.

Anyway, Mr. Chairman, that's the information we're prepared to turn over today.

THE CHAIR: All right. And if you would at this point, would you please pass out the packet to Representative Wright and his counsel? And if we--do we have copies?--excuse me? If we could go

ahead and--okay. Let's go ahead and do that and get those handed out, and then what I'm going to ask you to do for a minute is look at the response and make sure that it--it is what you are seeking, so that if there's anything else that isn't on there, we can resolve that as--at least as fast as we can.

(DISCUSSION OF RECORD)

THE CHAIR: And I know you obviously can't sit and look through all that material now, but if you'll just look at the transmittal letter for a moment, and--and make sure that that's getting at the generic items that you wanted, and--and so that we haven't missed anything.

PROF. JOYNER: Mr. Chairman, I understand that--from Attorney Walker that the individual opinion or advisory explanations provided to individual legislators is not included--are not included here because of confidentiality.

THE CHAIR: And under the requirement of statute, that's right. The advisory opinion only goes back to that legislator. And until it's redacted, it is not published. We are in the process of redacting now. The State Ethics

Commission has just finished redaction and has posted on their Web site those opinions they issued last year, and including some that we adopted. So those are on Web site and available to the extent they're redacted.

But there are--most of the advisory opinions issued this year are in the process of being redacted. They haven't issued, and therefore they're not guidance to anyone except that individual legislator until we get to that point.

PROF. JOYNER: Is--is there any way to list out the categories of those opinions over the time frame that we're requesting them?

THE CHAIR: Representative Stam? I'm sorry.

REP. STAM: Or would it violate anything if I were to inquire whether any of them have anything to do with anything remotely related to what Representative Wright is allegedly accused of doing?

THE CHAIR: Well, let's--let's just--first let me ask the predicate question that Dr. Joyner asked. Would it violate the confidentiality provision to give Representative

Wright the generic category of what advisory opinions were on? And I--I'm just asking that--

MR. REAGAN: No, I don't think it would. I think we can go through those--we have not done that, but we can certainly give him a list of those seven or eight that are waiting for redaction right now by title, 'cause I think the title of the opinion at this point is not identifying any particular person. And to the extent it does, we can redact that or the particular subject matter.

THE CHAIR: Then that's ordered, and we'll do that.

All right. Anything else that--that's--that you have a question about assessment a result of the--the list?

PROF. JOYNER: No, that's all.

THE CHAIR: Thank you. Then that--that resolves--and I appreciate the staff's work on that. That resolves Numbers 5, 6, and 7 of the discovery request. That does resolve the consideration of the discovery requests today.

The next thing that we need to take up for a moment is the announcement of timeline in preparation for the evidentiary hearing. Although

we're holding it--the lawyers will discuss a little bit afterwards some of the mechanics, but for public purposes, the date of the evidentiary hearing is scheduled--pending, again, being trumped by the--by the criminal proceeding, for March 3rd, and as needed, March 4th, 2008.

Based on that hearing date, under the Committee Rules, Mr. Hart, Mr. Peters, you've been asked to turn over to Representative Wright by tomorrow a list of all witnesses the Committee's Special Counsel will recommend that the Committee hear from, together with a summary of their expected testimony. Also, in accordance with the Rules, I'm directing that you--and I've already done that--that you provide Representative Wright a copy of all documents you plan to offer at the hearing no later than February 22nd.

In accordance, as well, with the Rules, Representative Wright, you have already received notice and are asked to turn over to the Committee no later than February 22nd the list of witnesses you would like to call to testify at the hearing.

In accordance with the Rules and statute, the Committee will then have to approve the

witnesses that will be called to testify. And I intend to do that--since we'll have to have another meeting--but I intend to do that by teleconference as opposed to having everybody have to reconvene here and interrupt schedules. So we'll try to make a convenient teleconference time, since that--that may be--I don't know, but hopefully will be a fairly formal matter to approve the witnesses. If we have a problem, we'll deal with it on the phone.

The names of all witnesses that need to be subpoenaed are to be turned over to the Committee by counsel no later than February 22nd. We have to do that to meet the requirements of law and particularly the requirement that any witness in the state's entitled to five days notice prior to being compelled to testify.

So those are the guidelines, and they're set out in the Rules, and they have already been sent to you both by--by notice earlier, no changes in any of that. All right.

PROF. JOYNER: Mr. Chairman?

THE CHAIR: Dr. Joyner.

PROF. JOYNER: We have--I would have a problem with that. In some--in some--some part,

our ability to identify and determine or decide on particular witnesses would have to be in response to the witnesses that the Committee lists as possible witnesses.

THE CHAIR: Uh-huh (yes).

PROF. JOYNER: Since we're not going to get that until sometime after the 22nd--

THE CHAIR: No, sir. No, sir. The witnesses--they must turn their witnesses over tomorrow to you. You don't have to identify your witnesses till ten days later, till the 22nd.

PROF. JOYNER: Okay. All right. All right. I misunderstood the Chair.

THE CHAIR: All right. With that, I'm going to ask the question with some trepidation: Is there any further business to come before the Committee from Mr. Harris or Dr. Joyner?

MR. HARRIS: No, not from me.

PROF. JOYNER: Mr. Chairman, I won't say anything else.

THE CHAIR: Thank you. The Chair appreciates that. Mr. Hart, Mr. Peters, anything further? Mr. Reagan?

MR. REAGAN: No, sir, Mr. Chairman.

You're good.

THE CHAIR: All right. Thank you. I appreciate everyone being here. This case was scheduled for March the 3rd. And thank you all very much. We're adjourned.

(WHEREUPON, THE PROCEEDINGS WERE CONCLUDED AT 4:56 P.M.)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

CERTIFICATE

I, Katherine M. Becker, a Notary Public in and for the State of North Carolina, duly commissioned and authorized to administer oaths and to take and certify hearings, do hereby certify that these proceedings were held before me at the time and place aforesaid, that all parties were present as hereinbefore stated, and that the record as set forth in the preceding Pages 2 through 204 represents a true and accurate transcription of the proceedings, to the best of my ability and understanding.

IN WITNESS WHEREOF, I have hereto set my hand this the 14th day of February, 2008.

Notary Public
Notary Public No. 20023570191

My Commission Expires 12-29-2012
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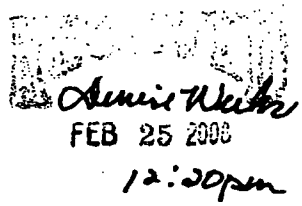
ALSO IN ATTENDANCE

Rep. Thomas E. Wright
Prof. Irving Joyner, Counsel to Rep. Wright
Mr. Douglas Harris, Counsel to Rep. Wright
Ms. Heather Rattelade, Counsel to Rep. Wright

Ms. Carin Savel, Committee Clerk

Mr. O. Walker Reagan, Staff Attorney
Ms. Kory Goldsmith, Staff Attorney
Mr. Brad Krehely, Staff Attorney
Ms. Heather Fennell, Staff Attorney
Ms. Denise Huntley, Research Assistant
Ms. Amanda Smith, Research Assistant

Mr. William Hart, Counsel to the Committee
Mr. Alexander Peters, Counsel to the Committee



North Carolina House of Representatives

House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright

REPRESENTATIVE RICK GLAZIER, CHAIR
REPRESENTATIVE PAUL STAM, VICE-CHAIR
REPRESENTATIVE MARVIN LUCAS

REPRESENTATIVE BILL MCGEE
REPRESENTATIVE EDITH WARREN
REPRESENTATIVE LAURA WILEY

February 25, 2008

Rulings of the Chair on Representative Wright's Dispositive Motions

Representative Wright, by and through his legal counsel, filed and made various dispositive motions with the Committee in response to the Notice of Charges of Unethical Conduct by Representative Thomas E. Wright adopted by the Committee on January 9, 2008. Counsel for Representative Wright and Outside Legal Counsel for the Committee (Committee Counsel) were asked to and did file legal briefs with regard to most of the motions. Oral arguments on the motions were heard by the Chair and the Committee on February 11, 2008. After reviewing the briefs and hearing oral arguments, the Chair has ruled on all outstanding motions not otherwise consolidated or withdrawn by Representative Wright. This document sets out the Chair's findings, conclusions of law, and dispositions on all outstanding dispositive motions.

MOTION 1

MOTION TO DISMISS ALL COUNTS GENERALLY FOR LACK OF JURISDICTION

Findings

1. This matter is properly before the Chair and the Committee on motion by Representative Wright to dismiss all counts pending before the Committee generally for lack of jurisdiction. The issue has been expertly briefed by attorneys for both sides and argued orally. The motion is ripe for disposition.
2. The issue is whether the Committee has jurisdiction to consider disciplinary action against Representative Wright on the eight counts pending before the Committee.
3. Representative Wright's argues that no constitutional provision or statute allows the General Assembly to discipline or expel a member. He argues that no inherent power of the General Assembly exists, and no explicit statutory or constitutional authority is available to authorize the General Assembly to proceed or to provide a basis for jurisdiction to act.

4. Representative Wright argues an inherent power can only flow from an express power, and since there is no express grant of such authority in the North Carolina Constitution or exercised by the General Assembly, no inherent authority can exist. He argues that in the absence of legislation, this Committee and the House of Representatives is without authority to discipline him.
5. Committee Counsel argues that the North Carolina Constitution, unlike the United States Constitution, is a limitation on the General Assembly's authority, not a grant of that authority, and therefore no specific constitutional power needs to exist to allow the General Assembly to exercise those implied or inherent powers necessary and proper to govern under the Constitution or statutes of the State. Specifically, Committee Counsel argues there is no constitutional provision or statute limiting jurisdiction in this matter.
6. The inherent authority of legislative bodies to discipline their members requires a review of the historical practice of the English Parliament, the practice of the common law in the United States, and the practice of this State previously.
7. The House of Commons, under the English parliamentary practice, always had the exclusive right to control its own proceedings, including the power to discipline its members. Criminal conduct and noncriminal conduct warranted expulsion. See Bowman and Bowman, Article I, Section 5: Congress' Power to Expel, 29 Syracuse Law Review 1072, 1073-76 (1978). No statute defined the circumstances in which expulsion was appropriate, and Parliament enacted no rules defining the acts which warranted expulsion. "The only limit to the exercise of the power to expel was Parliament's discretion." Id. at 1075. Several hundred members of Parliament were expelled in a 200-year period between 1581 and 1781. Members were expelled when they had been convicted of a crime or when their actions were viewed as criminal by the House of Commons, and specifically in the areas of corruption in office or bribery. See the cases of John Trevor, 1621, John Hungerford, 1621, Edward Lord Howard, 1632, John Ashburnham, 1667, Robert Walpole, 1712, Adam Cardonell, 1712, Thomas Vernon, 1721, and Robert Sutton, 1732. In addition, members of Parliament were expelled for conduct which was private in nature and which merely reflected upon the member's character as a whole, including private torts and fraudulent business practices. See the cases of John Lord Barrington, 1723, and John Griffin, 1642. The scope of Parliament's power to expel its members was not confined by statute or rule. Parliament recognized no substantive limit on that power.
8. Colonial legislatures had broad discretion to expel members as had the English Parliament. The colonial legislatures expelled for whatever they considered misconduct of sufficiently grave proportions, including at least one hundred persons who were expelled from legislatures in the Continental colonies. See M. Clarke, Parliamentary Privilege in the American Colonies, pg. 195, note 58 (1943). As was true in England, the basis of expulsion was not defined by statute or rule, and in practice, the grounds for expulsion ranged from commission of a crime to religious

preference. Colonial legislatures adopted the parliamentary view of the power to expel as a matter within the absolute discretion of the legislative body without regard to freedom of opinion. See 29 Syracuse Law Review at 1083-85.

9. The colonial legislatures also exercised the power to expel members even though the power was not enumerated in their charters. The charters of Massachusetts and Virginia, for example, contain no reference to the power to expel, yet the legislatures of those colonies freely and repeatedly expelled offending members. See 3 F. Thorpe, Federal and State Constitutions 1827 (1909).
10. Furthermore, the Framers of the U.S. Constitution clearly "accepted the traditional assumption of Parliament and the colonial legislatures that a legislature's inherent power to expel its own is wholly discretionary and that the determination of what conduct justifies imposition of this severe sanction is to be made by the legislature itself." 29 Syracuse Law Review at 1090. See also T. Cooley, The General Principles of Constitutional Law 55 (4th ed. 1931); McLaughlin, Congressional Self-Discipline: The Power to Expel, to Exclude and to Punish, 41 Fordham Law Review 43 (1972).
11. The U.S. Congress has held that criminal conduct that has not yet led to conviction did not preclude expulsion or disciplinary action. Congress has assumed that the power to expel is not limited to punishing misconduct in office, and Congress has proceeded in a number of instances to discipline and censure members under the United States Constitution and its statutory powers. 29 Syracuse Law Review at 1100-1101.
12. The practice in states that do not have a constitutional provision providing for disciplinary action for their members and do not have a two-thirds voting provision has been to discipline their members, including recently, censure in Hawaii in 1989 of a member, and in 1983, the resignation of a member in the State of New York following committee recommendations for disciplinary proceedings.
13. In the most recent case available, Gray v. Gienapp, 727 NW 2nd 808 (2007) from the South Dakota Supreme Court, a state senator, who was facing disciplinary proceedings in the State applied for a writ of prohibition seeking to order the Senate to refrain from holding any hearings and disciplining the senator regarding alleged sexual misconduct with a Senate page. The Supreme Court of South Dakota declared, consistent with the exact argument made by Committee Counsel, that "[t]he South Dakota Constitution, unlike the Constitution of the United States, does not constitute a grant of a legislative power. Instead, our Constitution is but a limitation upon the legislative power, and the legislature may exercise that power in any manner not expressly or inferentially proscribed by the federal or state Constitutions. Thus, except as limited by the state or federal Constitutions, the legislative power of the state legislature is unlimited. What the representatives of the people have not been forbidden to do by the organic law, they may do." Gray, 727 SW 2nd at 813. In that case, the Supreme Court held the trial court had no jurisdiction to halt the legislative disciplinary process or any authority to preclude disclosure of that process.

14. In North Carolina there have been a number of members expelled from the House and the Senate. They are listed in the brief of Committee Counsel and include James Carter, 1757, Francis Brown, 1758, Hermon Husband, 1770, William Gilbert, 1779, Edward Clay, 1784, Henry Montfort, 1786, John Bonds, 1787, John Roberts, 1816, Robert Porter, 1835, and importantly, J. William Thorne, 1875, and a censure that occurred followed by expulsion of Josiah Turner in 1880, both following ratification of the 1868 Constitution.
15. In 1996, the North Carolina House of Representatives determined it had the capacity and jurisdiction to discipline one of its members when it censured Representative Ken Miller.
16. North Carolina practice makes clear the General Assembly has always considered, under any of our constitutions enacted, that the power exists for the House and the Senate to discipline its respective members, including the right to expel a legislator.
17. Decisions of the North Carolina Supreme Court establish "[a]n act of the General Assembly is legal unless the Constitution contains a prohibition against it." Plemmer v. Matthewson, 281 N.C. 722, 726, 190 SE 2d 207 (1972). See also In re Spivey, 345 N.C. 404, 413, 480 SE 2d 693, 698 (1997). This is consistent with Article I, Section 2 of the North Carolina Constitution which provides, in pertinent part, "[a]ll political power is vested in and derived from the people...."
18. Similarly, courts in other states have held that legislative bodies have implied and inherent authority to investigate and discipline members. E.g., French v. Senate, 146 Cal. 604, 606, 80 P2d 1031, 1032 (1905) and Hiss v. Bartlett, 69 Mass. 468, 473, 3 Gray 468, 473 (1855). See also Justice Joseph Story, Commentaries on the Constitution of the United States, Vol. II, Section 835 (1833); Cushing, The Law and Practice of Legislative Assemblies, Section 625, pages 250-51 (1874) ("[t]he power to expel a member is naturally and even necessarily incidental to all aggregate, and especially all legislative bodies; which without such power, could not exist honorably, and fulfill the object of their creation").
19. The General Assembly further acknowledged its inherent power to discipline its members in the enactment of Article 14 of Chapter 120 of the General Statutes, the Legislative Ethics Act, wherein G.S. 120-103.1(m), in spelling out the investigative authority of the Legislative Ethics Committee, the General Assembly specifically said "[a]ny action or lack of action by the Committee under this section shall not limit the right of each house of the General Assembly to discipline or expel its members." Clearly the legislature understood when it first enacted the Legislative Ethics Act in 1975 that the right to discipline or expel its members was part of the process that existed under the law of the State of North Carolina. Moreover, G.S. 120-103.1(m) provides a statutory basis for allowing each house of the General Assembly to discipline or expel its members.

Conclusions of Law

1. An inherit power exists for the legislature to do all things that are reasonably necessary for the proper administration of justice.
2. Legislative bodies have the inherent authority to investigate and discipline their members, similar to the holdings in California, Massachusetts and South Dakota, decisions of Parliament, colonial legislatures, and as evidenced by the practice of the General Assembly and the passage of the Legislative Ethics Act.
3. The North Carolina House of Representatives has the inherent authority to investigate and discipline, including the right to expel from the body, one of its members for unethical, criminal or corrupt behavior.
4. Neither the North Carolina Constitution nor state statutes limit the authority of the House of Representatives to discipline its members consistent with the constitutional rights to due process.
5. G.S, 120-103.1(m) provides a statutory basis for allowing each house of the General Assembly to discipline or expel its members.

Disposition

Motion 1 to dismiss all counts generally for lack of jurisdiction is DENIED.

MOTION 2

MOTION TO DISMISS ALL COUNTS AS BARRED BY THE STATUTE OF LIMITATIONS, LACHES, AND THE DUE PROCESS PROHIBITION AGAINST THIS GENERAL ASSEMBLY INVESTIGATING AND ACTING ON CONDUCT THAT OCCURRED IN A PRIOR GENERAL ASSEMBLY

Findings

1. This matter is properly before the Chair and the Committee on three separate, yet intertwined motions by Representative Wright to dismiss all counts pending before the Committee generally on grounds the statute of limitations has run, the doctrine of laches precludes these proceedings, and the General Assembly is not constitutionally empowered to investigate, prosecute, and discipline a legislator for conduct committed while a member of a previous General Assembly. The issue has been expertly briefed by attorneys for both sides and argued orally. The motion is ripe for disposition.
2. The issue is whether the counts before the Committee are barred by the statute of limitation, laches, or constitutional grounds, and would therefore deprive the Committee or the House of Representatives of any jurisdiction to proceed.
3. Representative Wright argues that the General Assembly may not look back to conduct committed by a member during a previous General Assembly. He relies primarily on the Supreme Court's decision in Powell v. McCormack, 395 U.S. 486 (1969).

4. Committee Counsel argues that no State or federal statute of limitations applies that bars proceeding, that the doctrine of laches is not available as an equitable doctrine in this case, and that Powell is fully distinguishable and does not bar or control these proceedings.
5. Adam Clayton Powell had been regularly elected as a congressman from New York's 18th Congressional District and had been Chairman of the House Committee on Education and Labor. Powell, 395 U.S. at 495. Powell completed his service to the 89th Congress and was returning to be sworn for the 90th Congress following his re-election. Id. at 490. During the 89th Congress, claims arose regarding illegal salary payments to his wife and inappropriate use of congressional funds for travel by Powell's staff. Id. Based upon that alleged conduct, hearings were conducted in the 89th Congress to expel Powell, but they were not completed. Subsequently, there was an effort within the 90th Congress to prevent Powell from being sworn in. Id. at 491. That exclusion by the U.S. House of Representatives gave rise to the action in federal court that was then decided by the United States Supreme Court. Id. at 493.
6. Powell is distinguishable from this case for at least four reasons; first, it solely dealt with the issue of exclusion of a member in a subsequent session, not expulsion of a member in the present session in which the investigation arose, which is the issue in this case. Second, Powell dealt with an interpretation of the United States Constitution regarding Congress and congressional rules. It did not attempt to apply federal constitutional principles to state legislatures to interpret state law and state constitutional provisions. Third, the discussion in Powell regarding whether Congress' expulsion powers extend to conduct committed by a member during previous sessions interpreted authority granted under the rules of the United States House of Representatives, not state law or federal constitutional principles to be applied to state law, and was dicta in that the Court did not have to address that issue because the action before the Court was one of exclusion and not expulsion. Fourth, the conduct that is the subject of this Committee's investigation was not made public on any of the counts until after Representative Wright's re-election in 2006. Therefore, the first action that could be taken would have been by this General Assembly and action has been promptly taken in this session.
7. The electorate in Representative Wright's district has not had an opportunity to determine how it views the facts that are the subject of the alleged misconduct. Adam Clayton Powell's constituents knew of his misconduct and re-elected him. Representative Wright is not in that same position at this time. Therefore, Powell is fully distinguishable.
8. Many of the claims alleged in the counts are ones that have a continuing duty, such as a continuing duty to report campaign contributions and a continuing duty to correct erroneous campaign reports. If it is found by clear and convincing evidence that there has been a pattern-and-practice of not reporting campaign contributions, the failure to properly report would constitute continuing misconduct.
9. Count 1 alleges an active attempt to conduct a transaction where there was an understanding from the beginning that the money being sought was not legally available, would be going to an organization that did not

have legal viability, would be used for a purpose that it was not intended to be used, and was being solicited from a State official who had no authority to issue the letter.

10. For purposes of motions, the allegations found at the probable cause hearing are assumed to be true. Those allegations suggest that the conduct would constitute fraud and is conduct that, even with reasonable diligence, would not have been known sooner by this House of Representatives.
11. No statute of limitations has been cited nor argued by Representative Wright and the Chair finds none exist under the North Carolina Constitution or statute which would bar this proceeding.
12. The doctrine of laches is an equitable defense that precludes an action if a party is meaningfully prejudiced from defending against the action because of the significant passage of time. The goal of the doctrine is to discourage stale claims.
13. Representative Wright has not shown that he has been prejudiced by any lost witness, lost document, expired witness, or faded memory.
14. Disciplinary actions have occurred in a number of states, and previously in North Carolina, against legislators for acts committed during prior sessions or before taking office. E.g., Alzo Riddick (reprimand by Florida House in 1997 for 6 years of violations of financial disclosure laws); Frederick Lippman (admonishment by Florida House in 1991 for failure to supervise staff of a committee, violating statute prohibiting outside employment of a full time staff, and improper behavior with a House staff member from 1983-86); Arnold Ragas (reprimand by Georgia House in 2000 for 4 years of failure to file mandatory campaign finance reports indicating personal wealth and campaign contributions and ignoring fines by the State Ethics Committee); Monte Geralds (expelled from Michigan House in 1978 for embezzling funds from a legal client before becoming a legislator); Speaker Gene Chandler (censured by the New Hampshire House in 2005 for 7 years of soliciting gifts from individuals with business before the legislature, using public position to obtain gifts, and failing to report gifts); Benjamin McCullock (expelled from North Carolina Senate in 1786 for previous fraud in disbursement of army accounts); John Roberts (expelled from North Carolina Senate in 1816 for forgery and fraud committed during the War of 1812).

Conclusions of Law

1. Statutes of limitations are statutory creations that superimpose a time limit on the privilege to litigate or act. Representative Wright has not identified in his brief or oral argument any statute of limitations under the State or federal Constitution or State law that bars this action, and the Chair concludes none exist that would prohibit this action.
2. The doctrine of laches is an affirmative defense in the civil law that bars proceeding if an unreasonable delay in prosecuting a claim unduly prejudices the opposing party in the case. See generally Larsen v. Sedberry, 54 N.C. App. 166, 167 (1968).

3. The moving party always has the burden to establish that laches exists.
4. Laches is a doctrine that mandates balancing of equitable circumstances and requires that the asserter of the doctrine come to the doctrine with clean hands.
5. Laches requires that the party asserting the doctrine show that the party is prejudiced in that witnesses no longer exist, memories have faded, documents are lost, or the party is unable to fairly defend himself or herself against the claim.
6. The doctrine of laches is not applicable to this matter since Representative Wright has not argued or proven prejudice.
7. In addition, allegations of fraud and a failure to disclose contributions as required by law, would bar as an equitable matter the doctrine of laches, particularly where there is no evidence of prejudice.
8. If conduct by a member in a prior General Assembly is known, not concealed, and with reasonable diligence could and should have been found, there may exist potential constitutional issues in a subsequent General Assembly going back and taking action on that conduct.
9. However, in a case where conduct is concealed or not disclosed when the law required full disclosure, and that is the genesis of the crime or the charge, then neither the federal nor State Constitution would prohibit this General Assembly from acting once it has made efforts with reasonable diligence to know and to proceed promptly. This patently is the case before the Committee.
10. Finally, Powell is fully distinguishable from this action on the grounds set forth above.

Disposition

Motion 2 to dismiss all counts on grounds that the statute of limitations has run, laches, and this General Assembly is not constitutionally empowered to investigate, prosecute, and discipline a legislator for conduct committed while a member of a previous General Assembly is DENIED.

MOTION 4

MOTION TO DISMISS COUNT 1 AS NOT ALLEGING CRIMINAL OR UNETHICAL CONDUCT

Findings

1. This matter is properly before the Chair and the Committee on motion by Representative Wright to dismiss Count 1 as not alleging criminal or unethical conduct. The issue has been expertly briefed by attorneys for both sides and argued orally. The motion is ripe for disposition.
2. Representative Wright argues that the allegations in Count 1 and Count 2 overlap and are duplicative. Count 1 charges Representative Wright acted unethically by requesting a false letter from a State employee to assist Representative Wright obtaining a private bank loan for an alleged

community foundation in Wilmington. Count 2 alleges use of the letter by Representative Wright to obtain the loan from the bank for one hundred fifty thousand dollars ($150,000), which was then converted to personal use and not for the Community Health Foundation. Representative Wright argues that a letter sought by a representative which contains untruthful information from a state employee, even if known to be false by the legislator, may not constitute a criminal violation or unethical conduct. Representative Wright also argues that Counts 1 and 2 should be merged into a single count.

3. Committee Counsel does not argue that Count 1 alleges a crime, but instead alleges unethical conduct in that Representative Wright improperly solicited a letter falsely stating that a State agency would commit one hundred and fifty thousand dollars ($150,000) to a project knowing that the letter contained false information in that the State agency director had informed Representative Wright it had no jurisdictional basis to commit the funds nor any funds to so commit.
4. Count 1 alleges the fraudulent solicitation of the letter from DHHS, while Count 2, which is criminal in nature, alleges that the letter was then used to obtain a loan by false pretenses. Counts 1 and 2 allege two entirely separate and distinct acts, in that Count 2 did not have to occur as a result of Count 1, but that independently the letter was then allegedly used to obtain the one hundred and fifty thousand dollars ($150,000) from the bank. The counts as written do not overlap and are not duplicative.
5. Count 1, if proven by clear and convincing evidence, would constitute unethical and fraudulent conduct. Count 2, if proven, constitutes an independent unethical act - obtaining property by false pretenses from the bank. No factual or legal basis exists to merge the counts.

Conclusions of Law

1. Counts 1 and 2 each allege independent acts, stand on their own merits independently, and are not duplicative.

Disposition

Motion 4 to dismiss Count 1 as not alleging criminal or unethical conduct, is DENIED.

MOTION 5

MOTION TO DISMISS COUNT 7, AS AMENDED, AS VAGUE, OVERBROAD, AND A VIOLATION OF DUE PROCESS OF LAW AND THE STATE CONSTITUTION

Findings

1. This matter is properly before the Chair and the Committee on motion by Representative Wright to dismiss Count 7 as vague, overbroad, and a violation of due process of law and the North Carolina Constitution. The issue has been expertly briefed by attorneys for both sides and argued orally. The motion is ripe for disposition.
2. In response to Representative Wright's original motion, the Committee amended Count 7 to identify the specific campaign contributions that were allegedly not reported properly. The parties were asked to argue the motion in light of the amended Count.
3. The issue is (1) whether Count 7, as originally drafted, was vague, overbroad, and provided insufficient notice to Representative Wright regarding what he allegedly violated and (2) that once Count 7 was amended to include approximately 395 specific allegations of a failure to report, as set forth in Exhibit 9 at the probable-cause hearing, that the amended count created an exceptional burden on the defense to investigate 395 specific, independent violations for which there was no significant prior notice.
4. Representative Wright argues that Count 7, as amended, creates an impossible burden because it requires him to defend against 395 specific items for which he just received notice.
5. Committee Counsel argues that although Representative Wright and his counsel were not present at the January 9, 2008 probable-cause hearing, they were invited to attend and received all materials that were presented, including Exhibit 9. Committee Counsel also contends that Exhibit 9 was provided to Representative Wright in discovery by the district attorney prosecuting the pending criminal charges against Representative Wright as that document is the subject of one of the indictments that has been pending against Representative Wright for some substantial period of time. Finally, Committee Counsel argues that even if one of the 395 contributions was unreported, it would meet the language of Count 7.
6. As to the issue of vagueness, that issue was resolved by the amendment to Count 7, which now specifically limits that Count and the evidence related to it to the matters alleged with specificity and particularity in Exhibit 9. Exhibit 9 contains the last name and first name of the alleged contributor, the bank account where the contribution was found, the amount of the check, the deposit date of the check, and the date it should have been reported but allegedly did not appear as a reported contribution by Representative Wright.
7. As to the issue of notice, Exhibit 9 contains information fully available for many months to Representative Wright. Representative Wright could

have accessed this information by simply looking at his personal and campaign accounts and the campaign contribution reports he filed. There is no independent evidence contained in the Count or in Exhibit 9. Exhibit 9 is a work product that should make it easier, rather than more difficult, to defend against the allegations.

8. The information contained in Exhibit 9 in its pure form was available from the Board of Elections hearings process which Representative Wright was able to attend in May of 2007.
9. The information contained in Exhibit 9 was presented in an open hearing on January 9, 2008. Representative Wright and his counsel were invited to the hearing, but chose not to attend. In addition, Counsel to Representative Wright was informed that they would be given copies of all of the material introduced at the January 9th probable cause hearing.
10. On January 14, 2008, at 3:38 P.M., an e-mail was sent to Representative Wright at his legislative email address, and his legal counsel, Irving Joyner at ijoyner@nccu.edu, and Douglas Harris at dharris@triad.rr.com. This email indicated that Committee staff did not have electronic access to Exhibits 1-11. However, hard copies of these exhibits, along with hard copies of all the other materials distributed at the probable cause hearing, were mailed to Representative Wright, Dr. Joyner, and Mr. Harris on the afternoon of January 14, 2008.
11. The information contained in Exhibit 9 and in Count 7 is the subject of a criminal count in the Wake County Superior Court for which Representative Wright stands trial. Count 7 almost identically mirrors the criminal count, and therefore, the information is not new information to Representative Wright and his counsel, since that information would have been contained within the discovery disclosed by the district attorney's office.
12. There should be no confusion over what the one hundred and eighty-five thousand dollars ($185,000) refers to in the Count and to which checks it applies. Any argument to the contrary is simply not credible.
13. Committee Counsel's argument that even if one of the 395 contributions was unreported, it would meet the language of Count 7 is not consistent with the language in the Count. The Committee drafted Count 7 in an effort to be totally consistent with due process of law for Representative Wright and to not engage in a parsing of single counts. Count 7 specifically says that the Count is violated only if Representative Wright did improperly, fraudulently, and unethically engage in a "pattern of conduct." A "pattern of conduct" suggests that there must be a showing of continuity and pervasiveness.

Conclusions of Law

1. The amended count is not vague and is not overbroad. To the contrary, the count is now concise, particularized, and methodical in its presentation of information on each alleged unreported contribution. It does not violate due process of law or any State constitutional provision.

2. Proceeding on Court 7 as amended does not violate due process or the State Constitution because Representative Wright had adequate notice of the information contained in Exhibit 9, now incorporated into Count 7.

Disposition

Motion 5 to dismiss Count 7, as amended, as vague, overbroad, and a violation of due process of law and the State Constitution is DENIED.

MOTION 7

MOTION TO DISMISS COUNTS 3, 4, 5, 6 AND 7 FOR LACK OF JURISDICTION ON GROUNDS THE CONDUCT ALLEGED WAS NOT COMMITTED IN REPRESENTATIVE WRIGHT'S LAWMAKING CAPACITY

Findings

1. This matter is properly before the Chair and the Committee on motion by Representative Wright to dismiss Counts 3, 4, 5, 6 and 7 for lack of jurisdiction on grounds the conduct alleged was not committed in Representative Wright's lawmaking capacity. The issue has been expertly briefed by attorneys on both sides and argued orally. The motion is now ripe for disposition.
2. Representative Wright argues that Counts 3, 4, 5, 6, and 7 involve conduct by Representative Wright in his work with the Community Health Foundation in Wilmington and not directly in his lawmaking capacity. Representative Wright argues that these counts exceed the scope of the Committee's jurisdiction.
3. Committee Counsel argues that the Committee has the inherent authority to investigate alleged misconduct by a legislator regardless of whether the misconduct occurred in the legislator's official capacity.
4. Based on precedents established by the English Parliament, in the American colonies, in Congress, as well as in other states, in every jurisdiction that has engaged in any discussion of the issue of legislative misconduct, legislators have been disciplined by legislatures for private misconduct, fraud, corruption and criminal misconduct unrelated to their office. Legislative discipline is not limited to actions committed in the lawmaking capacity. See cases collected in 29 Syracuse Law Review 1071 (1978) and the dozens of cases collated by staff counsel Kory Goldsmith, particularly from the states of Alabama, Arkansas, Delaware, Florida, Georgia, Hawaii, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Mexico, Pennsylvania, Tennessee and Utah that were disclosed to the Committee and counsel showing disciplinary actions, including expulsion, for the categories of misconduct set forth above. A copy of the Goldsmith charts are incorporated by reference to this ruling and attached to these final rulings as Exhibit A.

Conclusions of Law

1. The House of Representatives can discipline a member of the body for conduct unrelated to the member's office or position.

Disposition

Motion 7 to dismiss counts 3, 4, 5, 6 and 7 for lack of jurisdiction on grounds the conduct alleged was not committed in Representative Wright's lawmaking capacity is DENIED.

MOTION 8

MOTION TO DISMISS ALL COUNTS ON GROUNDS THAT THE COMMITTEE AND ITS ACTIONS GENERALLY VIOLATE DUE PROCESS AND EQUAL PROTECTION

Findings

1. This matter is properly before the Chair and the Committee on motion by Representative Wright to dismiss all counts on grounds that the Committee and its actions generally violate due process and equal protection. The issue has been expertly briefed by attorneys for both sides and argued orally. The motion is ripe for disposition.
2. The issue is whether the Committee should dismiss all counts on grounds that Rules 14 and 15 of the rules of the Committee violate due process of law.
3. Representative Wright argues that Rules 14 and 15 impermissibly require him to prove his innocence by a preponderance of the evidence.
4. Committee Counsel argues that Rules 14 and 15 do not shift the burden to Representative Wright or force him to prove his innocence by a preponderance of the evidence. Committee Counsel contends that Rules 14 and 15 simply create a third possible disposition allowing Representative Wright to be exonerated of the charges. The three possible dispositions are: (1) the Committee fails to find the alleged violations are established by clear and convincing evidence, (2) the Committee finds the alleged violations are established by clear and convincing evidence, or (3) the Committee finds by a preponderance of the evidence that the accused legislator should be exonerated of the charges.
5. Rule 14 of the Committee's rules, entitled **"Division of Issues"** states: "After hearing evidence on the substantive issues of the alleged unethical or unlawful conduct by the accused legislator, the Committee shall address the following issues: (1) Whether, by clear and convincing evidence, one or more of the charges against the accused legislator is true; (2) If so, what action will be taken by the Committee; (3) Whether by the preponderance of the evidence, the accused legislator should be exonerated of the charges."

6. Rule 15 of the Committee's rules, entitled **"Disposition of Cases"** states in part: "When the Committee has concluded its inquiries into alleged violations, the Committee, by majority vote of those present and voting, shall do one of the following: If the Committee fails to find the alleged violations are established by clear and convincing evidence, the Committee shall report this to the House of Representatives and the accused legislator." It further states, "If the Committee finds by a preponderance of the evidence that the accused legislator should be exonerated of the charges, the chair shall transmit the finding in writing to the accused legislator and the House of Representatives." Finally, Rule 15 provides that if the Committee finds that the alleged violations are established by clear and convincing evidence, the Committee shall do one or both of the following: (1) refer possible criminal violations to the Attorney General for investigation and to the district attorney for possible prosecution or (2) refer the matter to the House of Representatives for appropriate actions, which may include admonishment, censure, or expulsion.

Conclusions of Law

1. Committee Counsel, at the direction of the Chair, has the burden of proving to the Committee clear and convincing evidence exists that an accused legislator has committed any unlawful or unethical conduct.
2. The Rules of the Committee place no burden of proof on an accused legislator to prove the legislator's innocence.
3. There is no shifting of the burden of proof to Representative Wright and, therefore, no violation of due process of law.
4. The rules provide that the accused legislator may be fully exonerated in addition to simply being found not guilty of a charge because the Committee Counsel failed to meet their burden of proof. This option provides an additional and substantive protection for Representative Wright.

Disposition

Motion 8 to dismiss all counts on grounds that the creation of the Committee and its actions generally violate due process of law and equal protection is DENIED.

MOTION 12

MOTION TO CONTINUE OR HOLD IN ABEYANCE ANY HEARING ON THIS MATTER WHERE THE FAILURE TO DO SO WOULD POSSIBLY PREJUDICE REPRESENTATIVE WRIGHT'S RIGHTS TO A FAIR CRIMINAL TRIAL AND PREJUDICE THE POSSIBLE JURY POOL

Findings

1. This matter is properly before the Chair and the Committee on motion by Representative Wright to continue or hold in abeyance any hearing on this matter where the failure to do so would possibly prejudice Representative Wright's rights to a fair criminal trial and prejudice the possible jury pool. The issue has not been briefed but has been argued orally. The motion is ripe for disposition.
2. The criminal trial on the six felony counts pending against Representative Wright is scheduled to be heard in Wake County Superior Court beginning on March 3, 2008.
3. A hearing on pending motions in the criminal proceedings against Representative Wright is scheduled in Wake County Superior Court before Judge Hight on February 25, 2008. Included in Representative Wright's motions is a motion to continue the criminal trial to a later date due to the large volume of evidence in the case.
4. The rights at issue in the House ethics proceeding are complex. There are the rights of Representative Wright to a fair hearing and full due process of law in both this proceeding and the criminal proceeding. There is the significant interest of the public to an assurance that all of the legislators in the House and the Senate are conducting the affairs of their offices and their time in office in an ethical manner. The perception of the public that any legislator, or a group of legislators, may be unethical can very quickly destroy the confidence of the public in the institution of government. That is a substantial right at issue in any ethics proceeding.
5. Another interest is the interest of the constituents in Representative Wright's district to have a representative who does not have pending ongoing ethics charges, of which there is a question of whether or not the representative committed any ethical violation, so that the constituents can have the full effort of that legislator to represent that district.
6. This ethics proceeding has moved at a very deliberate pace to protect the rights of all involved, and most particularly and supremely, those of Representative Wright. The ethics proceedings began in the Legislative Ethics Committee. The Legislative Ethics Committee withheld any action in the ethics case for a number of months to allow the criminal investigation and prosecution to make its determination of whether to proceed. The Legislative Ethics Committee determined there were grounds to refer this matter to the House of Representatives for disciplinary considerations and to withhold judgment on one count over which it retained jurisdiction. This matter came to the House, and the Speaker appointed this Committee in December, 2007. The Committee

met to establish its rules on December 18, 2007, and a probable cause hearing was held on January 9, 2008. Representative Wright was provided a detailed list of the charges against him and a full opportunity to file a written response and prepare for any evidentiary hearing. The rules that have been established by the Committee detail a reasonable time frame for the exchange of witnesses, the exchange of a summary of their testimony, the exchange of documents, the subpoenaing of witnesses, and the time to prepare for any hearing. At the hearing, Representative Wright is assured the right to testify, present evidence, cross examine any witnesses against him and fully defend the charges. Those rules are consistent with or more generous in every respect than nearly every set of state ethics rules that were identified in the United States.

7. No evidence has been presented to this Committee beyond argument, pure conjecture, and speculation that any holding by this body would in any way affect the criminal trial.
8. Granting this motion at this time, in a vacuum, not knowing if the criminal case will be heard on March 3, 2008, would support an absurd result. Because this matter was first brought to the attention of the State Board of Elections almost a year ago and has been pending in multiple forums for the better part of that year, to grant this motion at this time supports a perverse policy that the more egregious the alleged misconduct and the more the conduct verges on criminal conduct, the more control the accused legislator has over the ethics process and its timing. If there were no criminal charges pending, there would be no argument that the House could proceed to its ethics hearing. To allow the mere existence of pending criminal charges to delay the ethics proceedings would foster a policy that would be as unsound in practice as it would be unwise and unnecessary.

Conclusions of Law

1. Protections from the adverse effects of pretrial publicity in Representative Wright's criminal case can be addressed as they are in any other case with publicity by a change of venue, curative or limiting jury instructions, individual *voir dire*, or by continuation of the trial date.
2. Representative Wright has not shown that these alternatives would be ineffectual and there has been no showing of likely prejudice to trigger any of these possible remedies.
3. The Committee must consider the rights of Representative Wright to a fair trial and a fair hearing in this jurisdiction, the rights of the institution, the rights of the public, and the rights of the constituents in Representative Wright's district as detailed above.
4. On balance, these rights strongly militate in favor of the March 3 hearing date or, if the criminal trial occurs that week, conduct of the ethics hearing the week thereafter.

Disposition

Motion 12 to continue or hold in abeyance any hearing on this matter where the failure to do so would possibly prejudice Representative Wright's rights to a fair criminal trial and prejudice the possible jury pool is denied in part and granted in part as follows:

1. If the criminal case pending against Representative Wright is in trial or for plea on March 3, 2008, this motion will be granted to the extent that this matter will be continued on a week-to-week basis, to be rescheduled on Monday, March 10, 2008, and again, if the matter is still in trial or in plea on that date, continued to the following Monday, March 17, 2008.
2. If the criminal trial is continued or does not take place on March 3, 2008, the evidentiary hearing will be held as scheduled beginning March 3, 2008 at 11 a.m.

MOTION 13

MOTION TO REQUEST THE HOUSE APPOINT A DIFFERENT FACT-FINDING COMMITTEE OR, IN THE ALTERNATIVE, THAT REPRESENTATIVE WRIGHT BE ABLE TO PRESENT HIS CASE BEFORE THE FULL HOUSE OF REPRESENTATIVES

Findings

1. This matter is properly before the Chair and the Committee on motion by Representative Wright to request the House appoint a different fact-finding committee, or in the alternative, that Representative Wright be allowed to present his case before the full House of Representatives. The issue was raised orally at the hearing on February 11, 2008. This issue has not been briefed by the parties, but has been argued orally. The motion is ripe for disposition.
2. The role of this Committee, as set out in its authorization, the statutes, and the rules adopted by the Committee, is a fact-finding and investigative role that has multiple levels of fact-finding to protect Representative Wright. First, the Committee must determine if probable cause exists to ensure that no charge proceeds past a mere accusation if there is not probable cause. Second, once probable cause is determined, the Committee must conduct an evidentiary hearing to look at all of the evidence, much of which is not necessarily presented at the probable cause hearing.
3. The full transcript of the Committee's proceedings, all of the evidence presented before the Committee, all documents offered into evidence, and all findings and recommendations by the Committee adverse in any manner to Representative Wright will go to the full House of Representatives for its consideration.
4. This process mirrors the Judicial Standards Commission and was created to effectively mirror the Judicial Standards Commission process, which acts in exactly the same role on its recommendation to the North Carolina Supreme Court.

5. No evidence has been presented, and Representative Wright's counsel concedes that he has no evidence to show, that any member of the Committee is biased, prejudiced, or otherwise substantially impaired in their ability to fairly hear the evidence in this matter, other than the fact that Committee members have already heard some evidence of probable cause, and formed the probable cause opinion at that stage of the proceedings.
6. This process of the Committee fact-finding mirrors the process of at least forty other states and the United States Congress. Representative Wright has not presented evidence showing that other states created new fact-finding committees simply because the original committee found probable cause before the final evidentiary determination.

Conclusions of Law

1. The House sits in judgment of the qualifications of its members and as such sits as the ultimate judge and jury in this matter.
2. The Committee is a duly authorized committee of the House of Representatives appointed by the Speaker of the House. The Committee is duly authorized under statute and is authorized to conduct an investigation into the conduct of Representative Wright and to report to the House of Representatives its findings and recommendations.
3. The authority of the Committee is limited to making findings and recommendations.
4. Hearing evidence sufficient to find probable cause of unethical conduct is insufficient to create a substantial impairment of Committee members and, in and of itself, will not prevent the Committee from conducting a fair hearing of sworn testimony that will serve as a basis for making a determination of whether there exists convinced by clear and convincing evidence that unethical conduct was committed by Representative Wright.

Disposition

Motion 13 to request the House appoint a different fact-finding committee or, in the alternative, that Representative Wright be allowed to present his case before the full House of Representatives is DENIED. Notwithstanding the denial of the motion, it is directed that a copy of this finding be referred to the Speaker for his consideration as to whether to act independently on the motion.

Issued this the 25th day of February, 2008.

Representative Rick Glazier, Chair
House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments against Representative Thomas E. Wright

CERTIFICATE OF SERVICE

The Attorney whose signature appears below certifies that a copy of the attached Rulings of the Chair on Representative Wright's Dispositive Motions was duly served upon Representative Thomas E. Wright, and his attorneys, Irving Joyner and Douglas Harris, by depositing a copy of same in the United States mail, first class postage prepaid and addressed to Representative Thomas E. Wright, 322 S. 17th Street, Wilmington, NC 28401, Irving Joyner, Attorney at Law, P.O. Box 374, Cary, NC 27512-0374, and Douglas Harris, Attorney at Law, 1698 Natchez Trace, Greensboro, NC 27455.

This the 25th day of February, 2008.

O. Walker Reagan
Committee Co-counsel
300 N. Salisbury Street, Suite 200
Raleigh, NC 27603

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STATE OF NORTH CAROLINA
COUNTY OF WAKE

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE SELECT COMMITTEE
FILE NO. _____

NORTH CAROLINA GENERAL ASSEMBLY)
)
V.)
)
REPRESENTATIVE THOMAS WRIGHT,)
Respondent.)

RESPONDENT'S RESPONSE TO NOTICE OF WITNESSES' REQUIREMENT

Based upon a time-line which has been established by the House Select Committee regarding the hearing of this matter, Respondent is required to provide the names of witnesses and summaries of their expected testimonies by February 22, 2008. Respondent acknowledges receipt of the Notice of Witness List which was filed and provided by its Special Counsel on February 12, 2008. (These summaries were provided without the accompanying written statements which the identified witnesses made and the House Select Committee purportedly reviewed when it determined that probable cause existed to pursue claims against Respondent.) Respondent also notes the widespread news media attention which surrounded the filing of this Committee's witness list and summaries along with the several news articles and television accounts which chose and provided selected portions of the submitted summaries for public consumption. In particular, those news accounts which purported to convey hearsay statements which were attributed to Respondent have had the effect of poisoning public opinion and negatively impacting the jury panel which may be summoned in the next week or so to participate in the criminal trial which this respondent faces in the Wake County Superior Court.

In addition to the hearing which the House Select Committee is aggressively pursuing, this Respondent also faces criminal charges in the Wake County Superior Court. For the most part, the criminal charges are carbon copies of the charges which the House Select Committee is prosecuting. In the criminal cases, Respondent enjoys constitutional protections which are guaranteed by the Fifth Amendment to the United States Constitution and Art. I, Sections 19 and 22 of the North Carolina Constitution. As such, the State of North Carolina and none of its agents or agencies are allowed to force Respondent to become a witness against himself or to prematurely provide the specifics of the defense and/or evidence which he may introduce during these criminal proceedings.

The House Select Committee Rules and time-lines seek to require respondent to provide, in this proceeding, the identities of possible witnesses which may be called in his defense and summaries of their expected testimonies. To compel the disclosure of the identities of witnesses and their expected testimonies, which this House Select Committee Rules require, has the effect, if not the intent, of abrogating Respondent's federal and state constitutional protections. The revelation of this information, at this time, provides the State of North Carolina and the Wake

County District Attorney with discovery of Respondent's criminal case to which it is not entitled to receive. In addition, providing that information, at this time, to be filed with the Principle Clerk of the North Carolina General Assembly converts that, otherwise, privileged and confidential information into a public document which is immediately available to the news media for dissemination to the public-at-large. This media dissemination will further taint any jury pool which may be summoned to adjudicate the criminal charges which are pending against this Respondent in the Wake County Superior Court.

Respondent, an elected member of the North Carolina General Assembly, is the legislative representative from the House District from which he was elected. As such, the people in that House District have a constitutional right to his services as their representative. In addition, this Respondent has a legally protected property interest in that legislative position and can not be deprived of that property interest and position without Due Process of Law. As long as criminal charges are pending, this respondent also enjoy federal and state constitutional protections which can not be sacrificed or violated in the interest of satisfying the unreasonable determination and demands of the House Select Committee to proceed with its charges before the criminal charges have been resolved. The Hobson choice which this respondent now faces is created by the insistence of the House Select Committee in going forward with it prosecution and totally ignoring this Respondent's legal rights by forcing him to relinquish constitutional rights which the State of North Carolina is bound to protect.

As long as criminal charges are pending against Respondent, he is not in a position to provide free and unwarranted discovery directly to the Wake County District Attorney or indirectly through the House Select Committee.

This the 22nd day of February, 2008.

Irving Joyner
Attorney for Representative Thomas Wright
P.O. Box 374
Cary, North Carolina 27512
Telephone:(919)319-8353

CERTIFICATE OF SERVICE

The Attorney whose signature appears below certifies that a copy of the attached Respondent's Response To Notice Of Witnesses Requirement was duly served upon the Clerk of the North Carolina General Assembly by hand-delivering copies of same to the North Carolina Legislature and to Representative Rick Glazier at 300 North Salisbury Street, Suite 200, Raleigh, North Carolina 27603 addressed separately to Attorney O. Walker Reagan and by depositing a copy of same in the United States mail, first class postage prepaid and addressed to Attorney William Hart, North Carolina Department of Justice, P.O. Box 629, Raleigh, North Carolina 27602.

This the 22nd day of February, 2008

Irving Joyner

via fax

RECEIVED
8:59 Am
MAR 4 2008
Denise Weeks

STATE OF NORTH CAROLINA

COUNTY OF WAKE

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE SELECT COMMITTEE TO
INVESTIGATE ALLEGED MISCONDUCT
COUNTS 1 - 8
FILE NO. C-LEC-07-002

NORTH CAROLINA GENERAL ASSEMBLY,	)	
v.	)	**MOTION FOR CHAIRMAN TO RECUSE HIMSELF AND FOR THE COMMITTEE TO STAY THIS MATTER AND REFER TO THE SPEAKER FOR FURTHER ACTION**
REPRESENTATIVE THOMAS WRIGHT	)	

COMES NOW Representative Thomas Wright and asks the Chairman of this Committee, Rick Glazier, to recuse himself and for the Committee to stay further action and refer this matter to the Speaker of the House for an Appointment of a new Committee to cure the appearance and effects of racial discrimination and disparate treatment of similarly situated individuals who may only be differentiated by race. In support of said Motion, Representative Wright says the following:

1. This motion is based upon new information which came forward last Thursday when former State Representative and former State Senator Fern Shubert came forward and contacted the attorneys representing Thomas Wright saying that she felt compelled to come forward because of the extreme unfairness of what was being done to Representative Wright. Further, she had certain knowledge of information that revealed that Representative Wright was being treated differently than another representative, Pryor Gibson, against whom a complaint had been lodged by Fern Schubert.

2. The unfair treatment Fern Schubert was referring to was that two persons during 2007 had ethics complaints considered by the Legislative Ethics Committee – one

was the Democratic Representative from Union County, Pryor Gibson who is white, and the other is the Democratic Representative from New Hanover County, Thomas Wright, who is black. In each instance, the complaints dated from a period before the current Legislative Session. In Representative Pryor's case, they dated from 2006, and in Representative Wright's case, they dated mostly from 2001 and 2002, but as late as 2006.

3. In each instance the correct determination by the Legislative Ethics Committee would have been that the Committee lacked jurisdiction under the law and under the rules to consider either complaint because the events complained of had occurred in a prior legislative session. This should have been the end of the inquiry by the Legislative Ethics Committee in both the instance of Representative Pryor and Representative Wright.

4. In the case of the white representative, Pryor Gibson, the jurisdictional ruling was the end of the matter. On July 24, 2007, in a decision signed by the current Chairman of this Committee who is also the Co-Chair of the Legislative Ethics Committee, Rick Glazier, it was correctly stated that the alleged conduct "even if true, would not be within the jurisdiction of the Committee."

5. In the case of the black representative, Thomas Wright, however, despite certain knowledge that Thomas Wright's matter would likewise not be within the jurisdiction of the Committee, Co-Chair Rick Glazier instead conducted a full hearing with the Legislative Ethics Committee. Rick Glazier directed the Committee to consider matters "on or about March 13, 2002, and on or about March 15, 2002," despite indicating only five months before in a letter signed by Rick Glazier that the Committee had no jurisdiction for matters that old.

6. Not only did Co-Chair Rick Glazier conduct a hearing for which he acknowledged having no jurisdiction, but on December 11, 2007, he signed "preliminary investigative findings on questions of possible criminal and/or ethical conduct" and found that there was "probable cause" that Thomas Wright had engaged in unethical conduct. There was no jurisdiction to make those findings either.

7. Co-Chair Rick Glazier released this conclusion of unethical conduct to the press and to the members of the General Assembly, despite knowing that the Committee who reached this conclusion had no jurisdiction. This was in vivid contrast to the charge against Pryor Gibson by Fern Schubert which, if left to the Legislative Committee, would have never been known to Thomas Wright or to his attorneys and would have never seen the light of day but for the courageous actions of Fern Schubert. Fern Schubert is a Republican whose interests do not coincide with those of Thomas Wright and her actions can only be seen as an act of decency and a respect for the United States Constitution. Meanwhile, Rick Glazier provided legal precedent to Thomas Wright going back to 1757, but did not see fit to provide legal precedent from 2007.

8. Only on December 12, 2007, after a hearing had been held by the Legislative Ethics Committee, Co-Chaired by Rick Glazier, and after accusatory conclusions had been released to the press did the Legislative Ethics Committee announce, "The Committee has concluded that under the Legislative Ethics Act as it existed at the time that the matters in these documents are alleged to have occurred, the Committee's jurisdiction under the then-existing law would not reach the matters alleged in the indictments." This was virtually the same language which occurs in the July 24, 2007, letter regarding Pryor Gibson which is also signed by Rick Glazier. Both letters

were accurate, but the difference was that one legislator who is black had to go through a full hearing with a decision reached against him whereas the other legislator had the charges against him concealed; there was no hearing and no conclusion was reached. All of these disparate documents, despite the fact that they are diametrically opposed to one another, have one thing in common: they are all signed by Rick Glazier. They also have one dramatic difference. The more severe action with the most effort and trouble taken and the maximum adverse action taken under color of law is taken against a black representative, Thomas Wright, and the least severe and almost totally unobstrusive action is taken against the white representative, Pryor Gibson. The North Carolina Constitution, Article I, Declaration of Rights, Section 19 provides "No person shall be denied the equal protection of the laws; nor shall any person be subjected to discrimination by the State because of race, color, religion, or national origin." 42 U.S.C.A. §1983 prohibits racial discrimination by a State official under color of law.

9. A credible source, Fern Schubert, a former State representative and State senator, alleged that Pryor Gibson falsified a written document which was submitted to his colleagues in the House so that a local bill could be considered which would otherwise not be considered. No hearing was held on the truth or falsity of that charge.

10. Comparing Thomas Wright, a black representative, to Pryor Gibson, a white representative, presents a prima facie case of a state official acting under color of State Law treating two similarly situated individuals differently based on race. In each instance, the State Official acting under color of State law who has signed these documents is Chairman Rick Glazier.

11. It is difficult to believe that the rulings of the Chair and therefore the ongoing hearing have not both been tainted. This Committee is composed of exactly the same members as the Legislative Ethics Committee minus the Senate members. This Committee is chaired by the Co-Chair of Legislative Ethics Committee. The actions of this Committee clearly are founded on the prior actions of the Legislative Ethics Committee. It is the charge of this Committee to avoid not only impropriety, but the appearance of impropriety so that the actions of this Committee will not be suspect before the citizens of North Carolina. Unfortunately, that is now impossible.

WHEREFORE, Representative Thomas Wright respectively asks that Chairman Rick Glazier recuse himself as Chair and that the Committee vote to suspend the current hearing and to refer the matter to the Speaker of the House for the purpose of the Speaker appointing a new Committee which is not connected to the Legislative Ethics Committee or to the errors made by its Co-Chair Rick Glazier. Alternatively, this matter should be referred to the Full House for direction on how to proceed.

Respectfully submitted, this the 4th day of March, 2008.

Douglas S. Harris
Attorney for Respondent

1698 Natchez Trace
Greensboro, North Carolina 27455
Telephone: 336-288-0284

Certificate of Service

This is to certify that I have this day served the foregoing Motion for Chairman to Recuse Himself and for the Committee to Stay this Matter and Refer to the Speaker for Further Action on the House Select Committee to Investigate Alleged Misconduct of Representative Thomas Wright by forwarding same by hand-delivery to the Assistant Attorney Generals representing the General Assembly in this matter as well as to below-listed individuals.

Ms. Denise Weeks
House Principal Clerk
NC General Assembly
State Legislative Building
Raleigh, NC 27601-1096
Facsimile: 919-715-2881

Mr. O. Walker Reagan
Committee Co-Counsel
300 N. Salisbury Street, Suite 200
Raleigh, NC 27603
Facsimile: 919-715-8365

This the 4th day of March, 2008.

Douglas S. Harris
Attorney for Plaintiff

1698 Natchez Trace
Greensboro, NC 27455
Telephone: 336-288-0284

Fern H. Shubert, CPA
North Carolina Senate (Ret)
North Carolina House (Ret)
State Director, National Right to Read Foundation

106 East Main Street
Marshville, North Carolina 28103
704-624-2720
fernshubert@alltel.net

January 27, 2007

The Observer Forum
The Charlotte Observer
P. O. Box 30308
Charlotte, NC 28230-0308

Dear Sirs:

According to "Shubert says Gibson violated procedures when he introduced bill" (Jan 27): "Gibson said he regretted not speaking with his colleagues before filing the bill. He said he asked the chairman of the House local government committee to spike it immediately after learning about the opposition."

Gibson now admits he filed a false statement to introduce his bill to postpone the referendum on the Monroe meals tax, but he tries to avoid responsibility by telling a new whopper. If he had really "asked the chairman of the House local government committee to spike it immediately after learning about the opposition," the bill would have been killed at the beginning of June. It would not have been on the House Calendar on June 28th, taken up in the House local government committee, and rolled into a Senate bill in that House committee. Committee chairs do not put bills on the calendar against the wishes of the bill sponsor.

Gibson violated the House rules and filed a false statement so he wouldn't have to defend other lies told about the meals tax when he ran last year. If ethics are important to the leaders of the legislature, what will they do about Representative Gibson?

Sincerely,

Fern H. Shubert, CPA

Copy of article attached-

1. Describe the nature of the violation(s) you believe to be unethical. Be as specific as possible:

On May 17, 2006, Representative Gibson signed a local bill certificate for H2726 which he knew to be false. A copy of the signed document is attached.

(The document itself reminded Representative Gibson that the General Assembly rules prohibited the introduction of any bill that did not meet certain requirements. Representative Gibson signed the certification knowing that he had not obtained the approval of the Senator "whose district includes the area to which the bill applies" and that the bill was highly controversial. There could have even been a request for a public hearing since Representative Gibson had made no attempt to secure the concurrence of the other legislators from the affected county, but Speaker Black originally indicated the bill would not be heard since it was not eligible for introduction and when it was heard the contents were stripped and inserted in a different bill.)

Also attached is a copy of an email from Senator Eddie Goodall which makes it clear that Representative Gibson did not have his approval of the bill when he signed the certificate saying "the bill is approved for introduction" and an email from Representative Curtis Blackwood which clearly states "I want to register my objection in writing to hearing HB 2726, Local ETJs/Delay Monroe Vote."

In addition, attached is a copy of a letter from the Chairman of the Union County Commissioners, stating that he is writing on behalf of the Commissioners to "register with you the Board's strong opposition to Section 1 of House Bill 2726 pertaining to the exercise of extraterritorial jurisdiction.

There is no doubt that Representative Gibson knowingly filed a false certificate in order to introduce a bill that was ineligible for consideration under the Rules of the House.

2. Describe that information relating to the violation(s) which you know of your own personal knowledge:

The bill filed addressed two seemingly unrelated subjects. In my opinion, the first part was merely a smoke screen for the second part.

The first part of the bill granted extraterritorial jurisdiction over an area extending one mile from their respective limits to two towns that had never even filed a formal request with the county commissioners for ETJ or held any public hearings to solicit input from the affected property owners. The bill seemed to materialize with no prior notice to anyone; in fact, to date, the towns have not even sent notices to the owners of property affected by the change.

Regardless of the merits of permitting a small group of people to exercise zoning control over property outside the town limits, owned by people who cannot vote in town elections, it is hard to understand why Representative Gibson would want to arbitrarily give the Towns this control without so much as a public hearing or advance notice to the County Commissioners, the affected property owners or the other members of the delegation. Clearly, the grant was controversial, and it is hard to understand why Representative Gibson would willingly offend his fellow legislators and the County Commissioners without knowing the history of the other part of the bill, which I know from personal knowledge.

The other part of the bill permitted the Town of Monroe to delay a referendum on a prepared food tax to 2007. Even since 2001, the Town of Monroe has sought to obtain a tax on prepared foods. Until 2005, they had sought to obtain the tax without a referendum and without any meaningful restrictions on how the funds could be spent.

In fact, when legislation was originally introduced which would permit the tax, there was no restriction on how the funds could be spent. When I asked why, if the funds were for a civic center as the public was being told, there was not even a mention of a civic center, the bill was amended to mention a civic center, but the funds didn't have to be spent on it.

I opposed the tax, but I had an amendment drafted which would permit a referendum, because I was convinced that the overwhelming majority of Monroe residents would vote against the tax. Representative Gibson told me Monroe didn't want a referendum and would never agree to a referendum. I kept my amendment handy for weeks, and I was told that bill set a record for hanging around on the calendar.

One day I noticed Monroe officials in the balcony and Senator Plyler in the back of the Chamber and not surprisingly, the bill was taken up for debate. Representative Gibson was recognized and offered a referendum amendment, which passed. He had not shared his amendment with me, but I quickly spotted the trick and told the House that they had better take a close look at his "weasel-worded amendment" because if the bill passed with his amendment, there would not be a referendum. I made it very

clear that he had tried to trick them, and a quick reading of the amendment proved my point to enough Representatives that the bill, with his amendment, failed.

For several years, Representative Gibson and his allies tried to slide the tax through without permitting a public vote but they were unable to do so. In 2005, there were people running against the incumbents in the Monroe municipal elections who opposed the tax and suddenly all of the officials who wanted the tax were claiming that they had always wanted a referendum, but they wanted it in 2006. To "prove" their long time desire for a referendum, the Town passed a resolution asking for a bill permitting a referendum (copy attached) and the legislature promptly authorized the referendum for 2006. Unfortunately for Representative Gibson, he found himself facing an unexpected and serious opponent in 2006 and he was desparate to postpone the referendum to 2007.

The people of Monroe have been lied to about the proposed prepared meals tax for five years now. Representative Gibson tried to trick the House of Representatives in 2001, and either he was acting contrary to the Town official's instructions in 2001 when he tried to avoid a referendum, or the public was being told some serious falsehoods in the 2005 municipal election.

In any event, while the extraterritorial jurisdiction issue may seem controversial, I believe the meals tax is really the reason for the whole bill, based on the history of Representative Gibson's attempts to impose the tax without a referendum and his clear desire to keep a vote on the tax off the 2006 ballot.

North Carolina General Assembly
Legislative Ethics Committee

July 24, 2007

Representative Pryor Gibson
North Carolina House of Representatives
Room 419A, Legislative Office Building
Raleigh, NC 27603

Re: Ethics Complaint Against Representative Pryor Gibson by Fern Shubert – January 9, 2007 – C-LEC-07-001

Dear Representative Gibson:

On January 9, 2007, Fern Shubert filed an ethics complaint with the Legislative Ethics Committee (Committee) by delivering copies of the complaint to Senator Dan Clodfelter and Representative Nelson Cole, cochairs of the Committee for the 2005 General Assembly. A copy of that complaint is attached.

The conduct described in the complaint allegedly occurred in 2006, and in accordance with S.L. 2006-201, the complaint is governed by the law in effect prior to January 1, 2007. Consistent with G.S. 120-103 and the rules of the Committee adopted in accordance with this law, the Committee reviewed the complaint to determine whether the alleged conduct, if true, would be considered unethical, and if so, whether the Committee had jurisdiction under Article 14 of Chapter 120 of the General Statutes to consider the complaint.

After review, the Committee dismissed the complaint against you because the complaint alleged conduct, that even if true, would not constitute an ethics violation, or alleged conduct, that even if true, would not be within the jurisdiction of the Committee. The Committee will take no further action with regards to this complaint.

Sincerely,

Senator Dan Clodfelter
Senate Co-chair

Representative Rick Glazier
House Co-chair

Legislative Ethics Committee

Cc: Ms. Fern Shubert

Enclosure

Fern H. Shubert

From: Torralba, Mike [mtorralba@charlotteobserver.com]
Sent: Monday, August 13, 2007 11:26 AM
To: "fernshubert@bellsouth.net"
Subject: Ethics complaint

Hi Fern,
Please send the relevant documents to the fax number below.

Mike Torralba
Reporter
The Charlotte Observer
Neighbors of Union County
132 South Main St.
Monroe, NC 28112
(704) 289-6576 Office
(704) 289-4569 Fax

Attn

It took the ethics committee roughly six months to figure out lying is unethical — but at least the guideline was clear- "knowingly submitting a falsified local bill certificate would be a matter of ethics and would be within the jurisdiction of the committee." "Filing a local bill certification knowing the certification is false is unethical."

So why did the "Ethics Committee" try to hide Kibler's unethical behavior? There is no doubt he filed a false certification - he admitted he did. Apparently the job of the committee is to provide a smokescreen for insiders to use to hide unethical behavior — or at least that's what the letter to Kibler looks like.

North Carolina General Assembly
Legislative Ethics Committee

December 13, 2007

Representative Thomas Wright
322 S. 17th Street
Wilmington, NC 28401

RE: In the Matter of Representative Thomas Wright
C-LEC-07-002

Dear Representative Wright:

You were notified on June 8, 2007 that the Legislative Ethics Committee was conducting an ethics inquiry and investigation into your conduct during your tenure as a member of the House of Representatives. After considering the findings of the preliminary investigation, the Committee has voted to consider an initial specific charge against you. The notice of charge is enclosed with this letter.

In accordance with G.S. 120-103.1 and the Rules of the Legislative Ethics Committee, you have an opportunity to file a response to the charge with the Committee within a time specified by the Committee. The Committee has voted to allow you to file your response on or before December 28, 2007. You may file your response with the Committee by sending the response to O. Walker Reagan, Committee Co-Counsel, Legislative Ethics Committee, 300 N. Salisbury Street, Suite 200, Raleigh, NC 27603. Please also send copies of your response to the Committee cochairs, Senator Dan Clodfelter and me.

Depending on your response, it is anticipated that the Committee will schedule a hearing on this charge either in late January or early February, 2008. You will be notified at least 30 days in advance of the scheduled hearing date. Your rights to present evidence and examine witnesses at the hearing are set forth in G.S. 120-103.1 and the Committee Rules.

The investigation into your conduct by the Committee is continuing and the Committee will be considering additional evidence that may lead to additional charges. You will be sent notice of any additional charges the Committee adopts.

Enclosed is a copy of Part C of the Rules of the Legislative Ethics Committee, "Outline of Procedure for Investigation of Complaints Alleging Unethical Activity." These rules will apply to this proceeding.

Bill Hart and Alec Peters, attorneys with the North Carolina Department of Justice, have been assigned as Investigative Counsel to the Committee and will be responsible for the duties set forth in Rules C.4.(g) and C.19.(c). Walker Reagan, Brad Krehely, Heather Fennell and Kory Goldsmith are advising the Committee as legislative staff on procedural and administrative matters under the Rules. You should feel free to contact any of these persons or me with any questions you might have with regards to these proceedings.

Sincerely yours,

Representative Rick Glazier
Co-chair, Legislative Ethics Committee

Cc: Speaker Joe Hackney, Complainant

Enclosures: Notice of Charge
Investigatory Rules of the Legislative Ethics Committee

NOTICE OF CHARGE OF UNETHICAL CONDUCT BY REPRESENTATIVE THOMAS E. WRIGHT

The Legislative Ethics Committee, having convened for hearing on the report of preliminary investigative findings on questions of possible criminal and/or unethical conduct, hereby finds that there is probable cause to believe that Representative Thomas E. Wright, a member of the House of Representatives, has engaged in unethical conduct as a member of the House of Representatives during his tenure as a member of the House of Representatives, by committing the acts specified in Count 1 of this Notice.. The Committee, by unanimous vote of the members present, hereby charges that the conduct specified in Count 1 should be considered against Representative Thomas Wright:

COUNT 1

Between on or about March 13, 2002 and on or about March 15, 2002, while a member of the North Carolina House of Representatives, Thomas E. Wright did orally and in writing improperly and unethically solicit Torlen L. Wade, Acting Director of the North Carolina Department of Health and Human Services Office of Research, Demonstrations, and Rural Health Development, to write and mail to him a fraudulent letter stating that such Office was endorsing the Community's Health Foundation's project to convert a building located on the 900 block of 4th Street in Wilmington, North Carolina into Community's Health Foundation offices, New Hanover Community Health Center offices, and a History Museum and committing $150,000.00 in funding toward the completion of that project. At the time of the solicitation, Thomas E. Wright was the Chairman of the Community's Health Foundation, Inc., located at 322 South 17th Street in Wilmington, North Carolina. Thomas E. Wright confirmed his earlier oral solicitation by having his legislative assistant type the necessary details needed in the commitment letter in an e-mail that was sent to Torlen L. Wade by use of his State e-mail account and on a State computer, both of which were authorized for him based on his position as a member of the North Carolina House of Representatives. At the time of the oral solicitation, the typing and sending of the e-mail, and the typing and sending of the Torlen L. Wade letter, both Thomas E. Wright and Torlen L. Wade knew that the Office of Rural Health would not make such a grant and that Thomas E. Wright would use the letter in seeking to fraudulently obtain funding for the Community's Health Foundation from other sources such as financial institutions and other organizations that make grants and that would believe and rely on the false representations in Torlen L. Wade's letter.

Adopted December 11, 2007.

Representative Rick Glazier, Cochair
Legislative Ethics Committee

Office of Speaker Joe Hackney
North Carolina House of Representatives
Raleigh, North Carolina 27601-1096

HOUSE SELECT COMMITTEE TO INVESTIGATE ALLEGED MISCONDUCT AND OTHER MATTERS INCLUDED IN INDICTMENTS AGAINST REPRESENTATIVE THOMAS E. WRIGHT

TO THE HONORABLE MEMBERS OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES

Whereas, the State Board of Elections conducted a hearing on May 15, 2007, to consider allegations and evidence of alleged violations by Representative Thomas E. Wright of campaign finance regulations and other possible criminal wrongdoing; and

Whereas, after that hearing the State Board of Elections referred the matter to the Wake County District Attorney to consider criminal charges against Representative Wright; and

Whereas, on May 21, 2007, the Speaker requested the Legislative Ethics Committee investigate the alleged violation of the Legislative Ethics Act or the criminal law, or both, by Representative Wright; and

Whereas, on December 10, 2007, the Wake County Grand Jury indicted Representative Wright on six felony charges: five of obtaining property by false pretenses and one of obstruction of justice; and

Whereas, on December 12, 2007, the Legislative Ethics Committee made to the House of Representatives and to the Speaker of the House of Representatives the following initial report of that Committee's findings in its ongoing investigation:

> *"The Legislative Ethics Committee has considered the indictments rendered by the grand jury sitting in Wake County in the matter of State of North Carolina v. Thomas E. Wright, contained in criminal files 07 CRS 84372, 84373, 84374, 84375, 84376 and 84377, charging felonies of obtaining property by false pretenses and a felony of obstruction of justice with respect to campaign finance reports.*
>
> *Having considered the evidence presently available to it and having assumed that evidence to be true, the Committee has concluded that under the Legislative Ethics Act as it existed at the time the matters in these indictments are alleged to have occurred, the Committee's jurisdiction under the then existing law would not reach the matters alleged in the indictments.*
>
> *However, the Committee finds that, if true, the acts alleged in the indictments are unethical and warrant such action as the House of Representatives may determine.*
>
> *The Committee refers the specific matters contained in Wake County criminal files 07 CRS 84372, 84373, 84374, 84375, 84376 and 84377 to the North Carolina House of Representatives*

for such action as the House deems appropriate under Article II, § 20, of the North Carolina Constitution. The Committee notes that the jurisdiction of the House of Representatives in this matter is broader than that which is statutorily granted to the Committee under the former Legislative Ethics Act."; and

Whereas, the Legislative Ethics Committee continues to have jurisdiction over matters related to its powers under Article 14 of Chapter 120 and the conduct of Representative Wright and may make further reports to the House of Representatives and the Speaker of the House of Representatives; and

Whereas, Article II, Section 20, of the North Carolina Constitution requires each house of the General Assembly to be the judge of the qualifications of its members; and

Whereas, Article VI, Section 8, of the North Carolina Constitution provides that a member of the General Assembly is disqualified from his or her office if adjudged guilty of treason, any other felony, or corruption or malpractice in any office; and

Whereas, the House of Representatives possesses the inherent power of a legislative body to discipline its members for violations of its rules, for unlawful behavior, for unethical conduct, for corruption or malpractice in office, for violations of the oath of office, and for offenses injurious to the House; and

Whereas, it is now necessary for the House of Representatives to investigate the matters alleged in the indictments against Representative Wright and other allegations of misconduct in order to determine their truth and, if so, to determine his qualifications to continue to hold office as a member of the House of Representatives as required by the Constitution; and

Whereas, it is now necessary for the House of Representatives to investigate the matters alleged in the indictments against Representative Wright and other allegations of misconduct in order to determine their truth and, if so, to determine whether his conduct violates the rules of the House, violates his oath of office, is unlawful or unethical, is corrupt or constitutes malpractice in office, is abuse of office, or is injurious to the House, and whether within the inherent powers to discipline its members the House of Representatives shall impose any sanctions against Representative Wright;

Now, therefore:

Section 1. The **House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright** is established by the Speaker as a select committee of the House pursuant to G.S. 120-19.6(a) and Rule 26(a) of the Rules of the House of Representatives of the 2007 General Assembly.

Section 2. The Select Committee consists of six House members. The individuals listed below are appointed as members of the Select Committee. Members serve at the pleasure of the Speaker of the House of Representatives.

Representative Rick Glazier, Chair

Representative Paul Stam, Vice Chair

Representative Marvin W. Lucas

Representative William C. McGee
Representative Edith D. Warren
Representative Laura I. Wiley

Section 3. The Select Committee shall investigate the matters reflected in the attached indictments against Representative Thomas E. Wright and other allegations of possible unethical or unlawful conduct that are outside the jurisdiction of the Legislative Ethics Committee applying the substantive law in effect before January 1, 2007. The Select Committee shall also investigate any additional matters referred to it by the Speaker upon a report of the Legislative Ethics Committee.

Section 4. The Select Committee shall conduct a preliminary investigation to determine whether there is probable cause that Representative Wright has committed unethical or unlawful conduct. The Select Committee shall notify Representative Wright of its determination and any charges against him. If the Select Committee determines there is probable cause to proceed, it shall conduct an evidentiary hearing to determine whether Representative Wright's conduct was unethical or unlawful and constitutes grounds for sanctions by the House of Representatives. If the Select Committee finds that the conduct was not unethical or unlawful or that no sanctions are warranted, the Select Committee shall report this to the House of Representatives and to Representative Wright. If the Select Committee determines that Representative Wright's conduct was unethical or unlawful and that sanctions should arise, the Select Committee shall report its Findings to the House of Representatives and to Representative Wright. The report shall also include recommended legislation for appropriate action, which may include reprimand, censure, or expulsion.

Section 5. The Select Committee shall promptly adopt rules of procedure, a copy of which shall be delivered to Representative Wright. To the extent practical, the Select Committee shall conduct its work in concert with the work of the Legislative Ethics Committee.

Section 6. Representative Wright has the right to be present, present evidence, cross-examine witnesses, and to be represented by legal counsel at any evidentiary hearing of the Select Committee.

Section 7. The Select Committee may meet during the interim period or during sessions upon the call of its chair.

Section 8. The Select Committee is vested with the authority contained in Article 5A of Chapter 120 of the General Statutes.

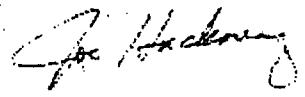
Section 9. The Legislative Services Officer shall assign professional and clerical staff to assist the Select Committee in its work. The Director of Legislative Assistants of the House of Representatives shall assign clerical support staff to the Select Committee.

Section 10. Members of the Select Committee shall receive per diem, subsistence, and travel allowance at the rate established in G.S. 120-3.1.

Section 11. The expenses of the Select Committee are considered expenses incurred for the operation of the House of Representatives and shall be paid pursuant to G.S. 120-35 from funds available to the House of Representatives for its operations. Individual expenses of $5,000 or less, including per diem, travel, and subsistence expenses of members of the Select Committee, and clerical expenses shall be paid upon the authorization of the chair of the Select Committee. Individual expenses in excess of $5,000 shall be paid upon the written approval of the Speaker of the House of Representatives. The Select Committee may arrange for or contract for professional, clerical, or consultant services, as approved by the Speaker of the House of Representatives.

Section 12. The Select Committee shall continue until dissolved by the Speaker of the House of Representatives. The Speaker of the House of Representatives may dissolve the Select Committee at any time.

Effective this ___ of December, 2007.



Joe Hackney
Speaker

12.13.07 v.2

North Carolina General Assembly
Legislative Ethics Committee

IN RE: COMPLAINT AGAINST
REPRESENTATIVE PRYOR GIBSON
BY FERN SHUBERT – JANUARY 9, 2007.
FILE NUMBER - C-LEC-07-001

COMPLAINT DISPOSITION

The Legislative Ethics Committee (Committee) met to consider the complaint filed by Fern Shubert on January 9, 2007 alleging unethical conduct by Representative Pryor Gibson. For the reasons set forth below, the Committee dismisses the complaint either for failure to state an allegation which rises to an ethical violation, or for lack of jurisdiction by the Committee on the matters alleged.

FINDINGS

1. Fern Shubert filed a complaint with the Committee on January 9, 2007 by delivery to Senator Dan Clodfelter and Representative Nelson Cole, Cochairs of the 2005 Committee. The complaint appears to be a properly executed complaint, alleging the nature of ethical violations and the general time of the occurrence of the unethical acts. The complaint is verified and sworn subject to prosecution for perjury.

2. The Complainant alleges that Representative Gibson acted unethically by filing House Bill 2726 on May 17, 2006. Specifically, the Complainant alleges that:

    A. Representative Gibson filed House Bill 2726 for his own personal benefit. The allegation of a conflict of interest was that Representative Gibson introduced the bill to move the date of the public referendum on the meals tax to a year in which he was not up for reelection, thereby possibly improving his chances of reelection.

    B. In conjunction with filing the bill, Representative Gibson falsified the local bill certificate for House Bill 2726 in that he said the bill was not controversial when it was, and said that each member of the local delegation approved the introduction of the bill when they did not.

3. The law defining the jurisdiction and investigative procedures of the Committee changed effective January 1, 2007. S.L. 2006-201, which changed the law in this area, provided that the new law would apply to offenses committed on or after January 1, 2007, and prosecutions for offenses or ethics violations committed before January 1, 2007 were not abated or affected by the new law. The statutes that were in effect prior to the effective date of the new law would remain applicable to prosecutions of actions arising on or before January 1, 2007. All of the allegations against Representative Gibson arise from conduct committed before January 1, 2007..

4. Representative Gibson introduced House Bill 2726 on May 17, 2006. The bill had two provisions:
   1. Section 1 would have allowed the Towns of Wingate and Marshville to exercise extraterritorial jurisdiction within one mile of their municipal borders without a vote of the Board of Commissioners of Union County.
   2. Section 2 would have allowed the Town of Monroe to hold a referendum on the prepared food and beverage tax authorized under S.L. 2005-261 in either 2006 or 2007. S.L. 2005-261 required the referendum to be held in 2006.

5. Representative Gibson represented the western part of Union County, which encompasses the entirety of the towns of Wingate and Marshall, and the western half of the City of Monroe. Representative Blackwood represented the eastern part of Union County, which encompasses the eastern half of the City of Monroe. Senator Goodall represented the entirety of Union County and is the only Senator to represent Union County.

6. The Complaint alleges that at the time the bill was filed, the other members of the Union County delegation did not approve the filing. Representative Blackwood wrote an email to the House Principal Clerk, on May 30, 2006 stating his opposition to the bill. Senator Goodall wrote an email to the House Principal Clerk, on June 5, 2006 stating his opposition to the bill. Roger Lane, Chairman of the Union County Board of Commissioners, wrote a letter to Representative Blackwood on June 20, 2006 stating the Union County Board of Commissioners opposed Section 1 of the bill.

7. Senate Joint Resolution 1184 of the 2005 Session, the adjournment resolution for the 2005 Session, provides in part:

   "During the regular session that reconvenes on Tuesday, May 9, 2006, only the following matters may be considered:

   ...

   (4) Any local bill that has been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. Wednesday, May 17, 2006,

> is introduced in the House of Representatives or filed for introduction in the Senate by 4:00 P.M. Wednesday, May 24, 2006, and is accompanied by a certificate signed by the principal sponsor stating that no public hearing will be required or asked for by a member on the bill, the bill is noncontroversial, and that the bill is approved for introduction by each member of the House of Representatives and Senate whose district includes the area to which the bill applies."

8. The House Principal Clerk attached a "Local Bill Certificate" to House Bill 2726, which Representative Gibson signed. The certificate reads in part:

> "The undersigned, principal sponsor of the attached local bill, certifies that:
> (a) no public hearing will be required or asked for by a member on the bill;
> (b) the bill is noncontroversial;
> (c) the bill is approved for introduction by each member of the House of Representatives and Senate whose district includes the area to which the bill applies."

CONCLUSIONS OF LAW

1. The law in effect prior to January 1, 2007 would apply to this matter.

2. A conflict of interest under G.S. 120-88 is present when a legislator has an economic interest in the legislation. It would not be a conflict of interest under G.S. 120-88 for a legislator to act on legislation affecting issues on a ballot merely because the legislator is a candidate on the ballot. Acting on legislation that might result in a possible political gain, but no financial gain, to a legislator does not present a conflict of interest for the legislator.

3. The local bill certificate signed by Representative Gibson was required by a joint resolution of both the House and the Senate. The rule concerning the introduction of local bills in the Adjournment Resolution is a rule of procedure and not a rule of ethics. The Committee lacks jurisdiction to consider whether the violation of a rule of procedure would rise to an ethical violation.

4. G.S. 120-103(a) directs the Committee, on its own motion or in response to a signed and sworn complaint filed by an individual, to inquire into any alleged violation of the provisions of the Legislative Ethics Act (primarily the legislative bribery statute (120-86), the use of legislative position to affect

personnel actions (120-86.1), the disclosure of confidential information statute (120-87), the conflict on interest statute (120-88)); the Statement of Economic Interest (Part 2 of Article 14 of Chapter 120); the rules of ethics adopted by the House and Senate (of which there are none); and the criminal law by a legislator while acting in the legislator's official capacity as a participant in the lawmaking process.

5. The jurisdiction of the Committee does not include the application and enforcement of rules of procedure of the houses. Issues arising from the application of rules of procedure are within the exclusive jurisdiction of the house of which the legislator is a member.

6. An alleged violation of a rule of procedure is subject to a point of order which is subject to appeal to the House or Senate, which is debatable and requires a vote of the chamber.

COMMITTEE ACTION

1. Allegation #1 is dismissed as alleging conduct that, even if true, would not constitute an ethics violation.

2. Allegation #2 is dismissed as not being within the jurisdiction of the Committee.

3. The complaint against Representative Pryor Gibson filed by Fern Shubert is dismissed with no further action by the Committee.

Adopted by the Committee, this the 10th day of July, 2007.

Senator Dan Clodfelter

Representative Rick Glazier

Co-Chairs
Legislative Ethics Committee

ORAL ARGUMENTS ON MOTION TO RECUSE ARE CONTAINED IN THE HEARING TRANSCRIPT FOR MARCH 4TH, 2008, PAGES 2-26.

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North Carolina House of Representatives

House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright

REPRESENTATIVE RICK GLAZIER, CHAIR
REPRESENTATIVE PAUL STAM, VICE-CHAIR
REPRESENTATIVE MARVIN LUCAS

REPRESENTATIVE BILL MCGEE
REPRESENTATIVE EDITH WARREN
REPRESENTATIVE LAURA WILEY

March 5, 2008

Ruling of the Chair on Representative Wright's Motion

Representative Wright, by and through his legal counsel, filed and made an oral motion with the Committee on March 3, 2008 for the Chair to recuse himself and for the Committee to stay this matter and refer the matter to the Speaker of the House of Representatives for further action. Counsel for Representative Wright was asked to and did file a written motion with the Committee on March 4, 2008. Counsel for Representative Wright and Outside Legal Counsel for the Committee (Committee Counsel) made oral arguments on the motions that were heard by the Chair and the Committee on March 4, 2008. After reviewing the written motion and hearing oral arguments, the Chair has ruled on the motion. This document sets out the Chair's findings, conclusions of law, and disposition on this motion.

MOTION FOR CHAIR TO RECUSE HIMSELF AND FOR THE COMMITTEE TO STAY THIS MATTER AND REFER TO THE SPEAKER FOR FURTHER ACTION

Findings

1. This matter is properly before the Chair and the Committee on motion by Representative Wright to have the Chair recuse himself and for the Committee to stay this matter and refer it to the Speaker of the House of Representatives for further action. The motion has been expertly argued by both sides and is ripe for disposition.
2. The issue is whether the prosecution of this action by the Committee against Representative Wright is disparately selective on the basis of race in violation of the equal protection clause of the United States Constitution, and similar North Carolina constitutional provisions, and whether the Chair, or the Committee as a whole, should be recused.
3. Representative Wright argues that he is being treated differently than another Representative, Pryor Gibson, against whom a complaint had been previously filed with the Legislative Ethics Committee.

Representative Wright argues that the complaint against Representative Gibson before the Legislative Ethics Committee was dismissed, but the complaint against Representative Wright before the Legislative Ethics Committee was not dismissed but referred to the House of Representatives. Representative Wright argues that he has been subjected to disparate treatment in this regard, and that the Chair, who was the Co-Chair of the Legislative Ethics Committee and the Chair of this Committee, should recuse himself.

4. Committee Counsel argues that the Chair does need to recuse himself for all the following reasons:
    a. The Gibson matter is not comparable to this matter.
    b. Under the law, there is no basis for recusal of the Chair or Committee members.
    c. There is no evidence that inappropriate decisions have been made and no evidence that racial bias or prejudice exists.
5. The only evidence presented in support of the motion is the evidence with regard to the complaint against Representative Gibson which was considered by the Legislative Ethics Committee.
6. Representative Gibson is Caucasian and Representative Wright is African-American.
7. No evidence has been proffered that any member of the Committee, including the Chair, is racially biased or prejudiced. The record indicates that previously, counsel for Representative Wright conceded that there was no evidence of racial prejudice or bias by any member of the Committee. Since counsel for Representative Wright's admission, there has been no evidence indicating that the Chair or any member of the Committee is racially biased or prejudiced.
8. In the present case, Representative Wright was charged with eight counts alleging conduct of fraud, corruption, and in most counts, a violation of the criminal law.
9. Representative Wright's conduct was found to be questionable after full and fair hearings before the State Board of Elections, which found probable cause to believe that Representative Wright had committed a number of State law violations. The State Board of Elections referred the matter to the Wake County district attorney for review for prosecution. No evidence suggests that any member of the State Board of Elections was racially biased, prejudiced, or in any way unfair or impartial.
10. The Department of Health and Human Services conducted a second investigation against Representative Wright. The results of its investigation were referred to the Wake County district attorney for possible prosecution. No evidence suggests that any member of the Department of Health and Human Services was racially biased, prejudiced, or in any way unfair or impartial.
11. The grand jury of Wake County, made up of diverse citizens of Wake County, found probable cause to believe that Thomas Wright should be charged with six counts of violations of the criminal law. No evidence suggests that any member of the grand jury of Wake County was racially biased, prejudiced, or in any way unfair or impartial.

12. The Legislative Ethics Committee, which is bipartisan, diverse, and consists of Senators and Representatives, found probable as to one count with regard to Representative Wright, and held that it did not have jurisdiction to consider the remaining counts against Representative Wright. It referred those remaining counts to the House of Representatives for action by the Speaker of the House of Representatives. The Speaker then formed this Committee to proceed. The Legislative Ethics Committee's referral indicated that it believed that the alleged conduct, if proven, could constitute probable cause for further counts, which is what this Committee found.
13. This Committee consists of three Democrats and three Republicans and is diverse. It unanimously found probable cause on eight counts of alleged misconduct, seven of which are being considered in this hearing.
14. Based upon Representative Gibson partially waiving his statutory right to confidentiality of the Legislative Ethics Committee proceeding, the Committee has before it the decision of the Legislative Ethics Committee which explains how that determination was made.
15. The complaint against Representative Gibson was before the Legislative Ethics Committee on a complaint from former State Senator Fern Shubert. She filed a complaint with the Legislative Ethics Committee on January 9, 2007, by delivering it to Senator Dan Clodfelter and Representative Nelson Cole, who were co-chairs of the 2005 Legislative Ethics Committee. The complaint made allegations with respect to House Bill 2726 that was filed on May 17, 2006.
16. The complaint alleged that Representative Gibson had filed House Bill 2726 for personal benefit. The allegation was that Representative Gibson acted with a conflict of interest when he introduced the bill to move the date of a public referendum on the meals tax to a year in which he was not up for re-election. The complaint also alleged that in conjunction with the filing of the bill, Representative Gibson had falsified a local bill certificate for House Bill 2726 by representing that the bill was not controversial when, in fact, it was controversial. Finally, the complaint alleged that each member of the local legislative delegation had not approved the introduction of the bill, even though the certification indicated that they had approved.
17. With regards to the complaint against Representative Gibson, the law defining jurisdiction and investigative procedures of Legislative Ethics Committee changed effective January 1, 2007. S.L. 2006-201, which changed the law in this area, provided that the new law would apply to offenses committed on or after January 1, 2007, and prosecutions for offenses or ethics violations committed before January 1, 2007 were not abated or affected by the new law. The statutes that were in effect prior to the effective date of the new law would remain applicable to prosecutions arising on or before January 1, 2007. All of the allegations against Representative Gibson arose from conduct committed before January 1, 2007.
18. Representative Gibson introduced House Bill 2726 on May 17, 2006. The bill had two provisions. Section 1 of the bill would have allowed the Towns of Wingate and Marshville to exercise extraterritorial jurisdiction within one

mile of their municipal borders without a vote of the Board of Commissioners of Union County. Section 2 of the bill would have allowed the Town of Monroe to hold a referendum on the prepared food and beverage tax authorized under S.L. 2005-261 in either 2006 or 2007. S.L. 2005-261 required the referendum to be in 2006.

19. Representative Gibson represented the western part of Union County, which encompassed the towns of Wingate and Marshville and the western half of Monroe. Representative Curtis Blackwood, represented the eastern part of Union County, which encompassed the eastern half of Monroe. Senator Edward Goodall represented the entirety of Union County and was the only senator to represent Union County.
20. The complaint against Representative Gibson alleged that at the time the bill was filed, the other members of the Union County delegation did not approve the filing. Representative Blackwood wrote an e-mail to the House Principal Clerk on May 30, 2006, stating his opposition to the bill. Subsequently, Senator Goodall also stated his opposition to the bill.
21. Senate Joint Resolution 1184 of the 2005 session, the Adjournment Resolution for the 2005 Session, stated in part that "[a]ny local bill that had been submitted to Bill Drafting must be accompanied by a certificate signed by the principal sponsor stating that no public hearing will be required or asked for by a member on the bill, that the bill is not controversial, and that the bill is approved for introduction by each member of the House of Representatives and Senate whose district includes the area to which the bill applies."
22. The House Principal Clerk attached a local bill certificate to House Bill 2726 which Representative Gibson signed.
23. The Legislative Ethics Committee concluded all of the following:
    a. The law in effect prior to January 1, 2007, would apply to the matter.
    b. A conflict of interest under G.S. 120-88 is present when a legislator has an economic interest in the legislation. It would not be a conflict of interest, as then defined under G.S. 120-88, for a legislator to act on legislation affecting issues on a ballot merely because the legislator is a candidate on the ballot. Acting on legislation that might result in possible political gain but no financial gain to a legislator did not present a conflict of interest under law for the legislator.
    c. The local bill certificate signed by Representative Gibson was required by a joint resolution of both the House and Senate. The rule concerning the introduction of local bills in the Adjournment Resolution was a rule of procedure and not a rule of ethics. The Committee lacked jurisdiction to consider whether a violation of a procedural rule would arise to an ethical violation under the old law.
24. G.S. 120-103(a) directs the Legislative Ethics Committee, on its own motion or in response to a sworn complaint, to inquire into any alleged violation of the provisions of the Legislative Ethics Act, which includes the legislative bribery statutes, the use of the legislative position to affect personnel actions, disclosure of confidential information, conflicts of interest, statements of economic interest violations, the rules of ethics

adopted by the House and Senate, or violations of the criminal law by a legislator while acting as a participant in the lawmaking process.

25. The Legislative Ethics Committee found that its jurisdiction did not include application and enforcement of rules of procedure in each individual house. Issues instead arising from the application of rules of procedure are within the exclusive jurisdiction of the house of which the legislator is a member, and an alleged violation of a rule or procedure is subject to a point of order, which is subject to appeal in either the House or the Senate, and is an issue which is debatable and requires a vote of the chamber. The Legislative Ethics Committee, by a unanimous vote of all present and voting, which included Senators and Representatives, Republicans and Democrats, black and white, voted to dismiss the first allegation as alleging conduct that, even if true, would not constitute an ethics violation. It dismissed the second allegation as not being within the jurisdiction of the Committee. Finally, the complaint against Representative Gibson was dismissed with no further action by the Committee.
26. Representative Wright has not produced a scintilla of evidence indicating pretext, racial bias, or racial discrimination from any member of this Committee, from any member of the House of Representatives, or from the House leadership in pursuing this investigation.

Conclusions of Law

1. In a disparate-treatment case, the movant must demonstrate that he or she is the victim of intentional and often covert discrimination. That is, that the movant is being treated less favorably than others because of race or, in other cases, color, religion, sex, or national origin.
2. In a disparate-treatment case, proof of discriminatory intent is critical, and the ultimate factual inquiry in this type of case is whether the defendant or, in the present matter, whether the House of Representatives, or this Committee, intentionally discriminated against Representative Wright. Representative Wright maintains the burden of proof from which any fact-finder can infer that if the conduct remains unexplained, then it is more likely than not the action was based on discriminatory illegal activity. To establish discrimination on the basis of disparate treatment, it must be shown that the alleged discriminating official had a racially discriminatory animus against Representative Wright and that the animus manifested itself in the challenged action.
3. The analytical framework governing disparate treatment has been set forth by the United States Supreme Court in the case of McDonnell Douglas Corporation v. Green, 411 U.S. 792, as well as the cases that succeeded it including Furnco Const. Corp. v. Waters, 438 U.S. 567, Texas Dept. of Community Affairs v. Burdine, 450 U.S. 248, and U.S. Postal Service Bd. of Governors v. Aikens, 453 U.S. 902.
4. These cases suggest several ways that a plaintiff alleging discrimination may show and a court, or in this case a Committee, may find liability for disparate treatment. First, Representative Wright could show discriminatory intent through direct evidence of discrimination by

introducing invidious statements of any one of the Committee members, the Chair, or a member of the House of Representatives. Second, since discriminatory intent is seldom capable of proof by direct evidence, indirect or circumstantial evidence can also be used to prove state of mind. The second method of establishing the prima facie case is through indirect evidence whose cumulative probative force, apart from the operation of any presumption, shows that as a reasonable probability, but for, in this case, Representative Wright's race, he would not have suffered an adverse action. The Supreme Court has also provided explicit guidance for the order of proof in that circumstance.

5. The plaintiff, and in the present case Representative Wright, has the burden of proving by a preponderance of the evidence a prima facie case of discrimination. If he succeeds in proving the prima facie case, the burden shifts to the Committee and Committee Counsel to articulate some legitimate, nondiscriminatory reason for the Committee's action. If Committee Counsel met that burden, then the ultimate burden would be on Representative Wright to prove by a preponderance of the evidence that the legitimate reasons offered were pretextual.

6. The burden of going forward and establishing a prima facie case on behalf of Representative Wright is not a heavy one. He may satisfy that burden by raising an inference that the Committee acted with discriminatory intent and that adverse action occurred under conditions which, more likely than not, were based on impermissible racial considerations. Various circumstances can give rise to this inference of discrimination, including evidence of irregular or suspect procedures or evidence of a general pattern of racial discrimination within the decision-making process of the Committee. In addition, an inference of discrimination adequate to create prima facie case of disparate treatment can be shown by meaningful statistical evidence or by showing that decisions that were made by the Committee depended largely on excessively subjective factors. Most frequently, the basis is to show that Representative Wright is a member of the protected class, that he was treated differently because of his race, and that someone of a different race in a same category was treated in a different manner.

7. As a matter of law, the present matter against Representative Wright is clearly distinguishable from Representative Gibson's matter before the Legislative Ethics Committee. The Gibson matter involved a rule-making authority issue, while the matter against Representative Wright involves allegations of criminal misconduct, fraud, failure to report campaign contributions, and corruption in office. The Gibson matter involved one incident, in one legislative session, regarding one House bill. The Wright matter contains allegations of hundreds of campaign violations that spans twenty-two reporting periods and seven years. The Gibson matter involved an interpretation of an ambiguous requirement regarding what is non-controversial. Following its action in the Gibson matter, the Legislative Ethics Committee issued a Principal and Guideline, which was circulated to all members of the House and Senate, to clarify what is meant by "noncontroversial" and what the requirements are for all House and Senate members to respond. In the Wright matter, campaign-

contribution reporting requirements are well-established. Further, the laws dealing with fraud and corruption have been in the civil law since the common law, and there is no ambiguity about their requirements. Therefore, the Gibson matter and the Wright matter are clearly distinguishable. Even a cursory review of the Gibson complaint would have revealed an utter lack of comparability.

8. Representative Wright has not met his prima facie case of showing disparate treatment. McDonnell Douglas Corporation v. Green, 411 U.S. 792.
9. Assuming *arguendo* that Representative Wright met his prima facie showing, the allegations are based on a patently legitimate, nondiscriminatory basis. There were probable-cause findings by three prior investigating groups, the State Board of Elections, the Department of Health and Human Services, and the Wake County grand jury. This further distinguishes the Wright matter from the Gibson matter.
10. No evidence of pretext has been produced against any member of this Committee, against the House, or against the House leadership in pursuing this investigation.
11. The law regarding recusal requires some showing that the presiding officer or the Committee has made or relied on evidence outside of the proceedings or that the officer or Committee was so unfair and impartial that their judgment is thus skewed and unable to give a fair hearing to the particular person involved. No such showing has been made in this case. State v. Fie, 320 N.C. 626 (1987), State v. Paulski, 417 S.E.2d 515 (1992), Love v. Pressley, 341 N.C. App. 503 (1977), *disc. rev. denied*, 294 N.C. 441 (1978).

Disposition

The motion seeking recusal of the Chair and for the Committee to stay this matter and refer it to the Speaker for further action is **DENIED**.

Issued this the 11th day of March, 2008.

Representative Rick Glazier, Chair
House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments against Representative Thomas E. Wright

CHAIR'S ADDITIONAL COMMENTS

1. Racism and all its collateral effects is a doctrine abhorrent to any modern, civilized society. And at its core, it is an act of violence and a denial of another's right to equal dignity. Goodman v. Lukens Steel Co., 107 S.Ct.

2617 (1987) (Brennan, J., concurring in part, dissenting in part). In the not very distant past racism was openly acknowledged as an official policy of the United States and North Carolina governments, and laws designed to ensure the inferiority of black citizens remained on the books until well into the last century. R. Kluger, Simple Justice 84 (1977); Johnson v. Halifax County, 594 F.Supp. 161, (E.D.N.C. 1984); B.D. Adams, The Survival of Domination: Inferiorization and Everyday Life, 21-24 (1978).

2. The policy of both governments has changed. And notwithstanding that fact, significant effects and results of previous policies still linger. Prior state-condoned racism encouraged similar attitudes among our citizens which have persisted long after state policy has been reversed. Snell v. Suffolk County, 611 F.Supp. 521, (E.D.N.Y. 1985). Many claims of discrimination today deal with systemic, subtle, and stereotypical practices which developed when overt discrimination was lawful and remained embedded in basic institutional structures. Belton, Burdens of Pleading and Proof in Discrimination Cases: Toward a Theory of Procedural Justice, 34 Vand.L.Rev. 1205 (1981).
3. Invidious discrimination in the form of racial prejudice is the result of subjective, irrational perceptions which drain individuals of their dignity because of their perceived equivalence as members of a racial group and the misperception that lies at the heart of prejudice, and the animus formed of that ignorance shows malice and hatred wherever it operates without restriction. Shaare Tefila Congregation v. Cobb, 785 F. 2d 523 (4th Cir. 1986) (Wilkinson, J. dissenting).
4. Notwithstanding this, this nation can point with some pride to the remarkable progress made in the last decades in overcoming the effects of past discrimination, and some of that improvement is directly attributable to the anti-discrimination laws passed by this legislature and Congress, but more so from the educative institutions, substantially more powerful than the courts or the political branches of government, that is, schools and churches and synagogues of this nation, as well as enlightened public leaders representing all aspects of society. And with notable exceptions, widespread segregation in the nation's academic institutions, public facilities, in the legislature, and in places of employment has ended. Racial discrimination at the ballot box and in the halls of justice is not tolerated. And equal academic, equal employment opportunities, and this year, finally, in many respects, equal political opportunity, has become the rule rather than the exception. Harris v. Marsh, 679 F.Supp 1204 (E.D.N.C. 1987).
5. Race remains one of the most divisive problems in our society, despite all of that. And thus, whatever prejudice continues to manifest itself in society at large, we have all in the legislature and in Congress flatly ruled it will not be allowed with prejudice to operate, whether blatant or subtle, practiced by black or white, invoked by those wearing blue or white collars or wearing an officer's uniform or a gray flannel suit.
6. Having said that, I have been a lawyer as a defense lawyer and a civil-rights lawyer for many years, and I think I understand fairly well the issues of discrimination. I am a minority member of a religion and have been discriminated against in that capacity a number of times in my life, and I

understand the pain that goes with it. And thus it is my view that it is up to all of us in public office to fight wherever bigotry exists, wherever hatred exists, and wherever intolerance exists by confronting that and educating. And I find acts of racism abhorrent and an utter denial of a person's right to equal protection and equal dignity.

7. But I find equally abhorrent racism labels tossed out capriciously, and discrimination allegations charged against people where no good-faith basis exists in law and fact to do so. An individual may hold the keys to the litigation door, but it does not imply that he or she may enter with disregard for their actions or distain for the rights of everyone else.
8. Charges of racism, if proved, carry an enormously stigmatizing effect, and they should only be leveled after careful investigation, thoughtful deliberation, and always with a reasonable basis in law and in fact.
9. The filing of this motion was patently without a good-faith basis in law and fact and is beneath the dignity of those who raise it. The motion should be denied as frivolous, groundless, and meritless

CERTIFICATE OF SERVICE

The Attorney whose signature appears below certifies that a copy of the attached Ruling of the Chair on Representative Wright's Motion was duly served upon Representative Thomas E. Wright, and his attorneys, Irving Joyner and Douglas Harris, by depositing a copy of same in the United States mail, first class postage prepaid and addressed to Representative Thomas E. Wright, 322 S. 17th Street, Wilmington, NC 28401, Irving Joyner, Attorney at Law, P.O. Box 374, Cary, NC 27512-0374, and Douglas Harris, Attorney at Law, 1698 Natchez Trace, Greensboro, NC 27455.

This the 12th day of March, 2008.

O. Walker Reagan
Committee Co-counsel
300 N. Salisbury Street, Suite 200
Raleigh, NC 27603

RULES OF THE HOUSE SELECT COMMITTEE TO INVESTIGATE ALLEGED MISCONDUCT AND OTHER MATTERS INCLUDED IN INDICTMENTS AGAINST REPRESENTATIVE THOMAS E. WRIGHT

(Adopted December 18, 2007)
(Amended January 9, 2008)

PART A. – GENERAL PROVISIONS.

1. All proceedings of the House Select Committee To Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright (hereinafter referred to as the "Committee") shall be governed by Article 5A, *Committee Activity,* of Chapter 120 of the General Statutes; the authorization issued by the Speaker of the House of Representatives dated December 13, 2007 creating the Committee (hereinafter "Authorization"); and other applicable law. All other matters, not otherwise governed above, shall be subject to the procedures set forth in these Rules.

PART B. – [RESERVED]

PART C. - OUTLINE OF PROCEDURE FOR INVESTIGATIONS.

1. **Meetings.** –

   (a) The Committee shall meet upon the call of the chair.

   (b) A quorum of the Committee shall consist of four members.

2. **Committee votes.** – All votes of the Committee taken under Rules C.5.(b), C.5.(d), and C.15., shall be by roll call and included in the minutes.

3. **Investigation Authorization.** — The Committee shall conduct investigations into the matters contained in the Authorization.

4. **Investigation.** –

   (a) The chair shall be responsible for the preliminary investigation of alleged unethical or unlawful conduct by a legislator.

(b) The chair may do any of the following:

(1) Ask the Attorney General to provide outside legal counsel for the Committee and to direct the State Bureau of Investigation to conduct the preliminary investigation.

(2) Request that the Legislative Services Officer facilitate the hiring of an investigator to conduct the preliminary investigation. The Legislative Services Officer shall forward the request to employ a hired investigator to the Speaker of the House of Representatives for approval of the request and the allocation of funds for that purpose. If requested by the chair, the Legislative Services Officer shall furnish the chair with a list of at least three qualified investigators from whom the chair may select an investigator or investigators. The Legislative Services Officer shall employ as the hired investigator the person or persons whom the chair selects subject to the approval of the Speaker of the House of Representatives.

(3) The chair shall request that the Legislative Services Officer facilitate the hiring of outside legal counsel at such time as the chair determines the assistance of outside counsel is necessary. Outside counsel services shall be used for the coordination of the investigation of alleged unethical or unlawful conduct by a legislator, preparation of proposed charges of alleged unethical or unlawful conduct by a legislator, and for presentment of evidence at hearings. The Legislative Services Officer shall forward the request to employ outside counsel to the Speaker of the House of Representatives for approval of the request and to allocate funds for that purpose. The Legislative Services Officer shall give the chair a list of at least three qualified attorneys willing to serve as outside counsel from whom the chair may select outside counsel. The Legislative Services Officer shall employ as the Committee's outside counsel the individual

whom the chair selects, subject to the approval of the Speaker of the House of Representatives.

(d) The person or persons directed to conduct the investigation shall:

(1) Present to the Committee, at the direction of the chair, all information relevant to the Committee's investigation.

(2) Research, as directed by the chair, allegations relevant to the alleged unethical or unlawful conduct by a legislator.

(3) Interview potential witnesses having information relevant to the inquiry.

(4) Obtain sworn statements from persons willing to give them.

(5) Prepare the presentation of information and the investigative findings to the Committee.

(6) Present to the Committee a list of recommended witnesses to be called.

(7) Provide, as authorized by the chair, to the accused legislator or the legislator's private legal counsel, copies of documents or other evidence to be presented to the Committee and any documents or other evidence which a reasonable person would believe might exculpate the accused legislator.

(8) Carry out other duties as directed by the chair.

5. Presentment of preliminary investigation findings –

(a) The chair shall arrange for the presentation to the Committee of the findings of the preliminary investigation and, if warranted, recommendations of specific charges of alleged unethical or unlawful conduct by a legislator.

(b) After the presentation of the findings of the preliminary investigation, the Committee shall determine by majority vote of the Committee members present and voting whether there is probable cause to believe that the accused legislator has committed unethical or unlawful conduct by a legislator.

(c) If at the end of its preliminary inquiry, the Committee determines by majority vote of the Committee members present and voting that probable cause does not

exist to proceed with further investigation, the Committee shall notify the accused legislator, the House of Representatives, and the Speaker of the House of Representatives of its findings.

(d) If at the end of its preliminary inquiry, the Committee determines that probable cause exists to proceed with further investigation, the Committee by a majority vote of the Committee members present and voting shall specify the charges of unethical or unlawful conduct by a legislator to be considered against the accused legislator.

6. **Notification of charges and scheduling of hearings.** – The chair shall notify the accused legislator of the charges against the legislator and of the date of the hearing on the charges. The chair shall schedule a hearing on the matter as soon as is reasonable. The notice shall contain the time and place of the hearing on the matter, which shall be no less than 30 days after the date of the notice, unless waived by the accused legislator. The notice shall also inform the accused legislator of the legislator's right to respond to the Committee in writing to the charges against the accused legislator within a period of time specified by the Committee.

7. **Rights of accused legislator.** – The legislator against whom the charges are brought has the right to respond in writing to the charges within a period of time specified by the Committee, and to be present, present evidence, call and examine witnesses, cross-examine witnesses, introduce exhibits and be represented by private legal counsel paid for by the accused legislator at any evidentiary hearing. The Committee shall provide to the accused legislator, or the legislator's private legal counsel, copies of all documents or other evidence which are intended to be presented by the Committee's legal counsel to the Committee at the hearing, or which a reasonable person would believe might exculpate the accused legislator. All documents and other evidence to be provided to the accused legislator under this rule shall be furnished at least 10 days prior to the date of the hearing, except documents or other evidence discovered within 15 days of the hearing shall be furnished as soon as possible after discovery but prior to the hearing.

8. **Ruling on Motions.** – The accused legislator, the accused legislator's legal counsel, and counsel for the Committee may submit motions to the Committee for consideration, including prehearing motions, by submitting the motions to the chair of the Committee. The chair will render a ruling on any motion and inform the accused legislator, the accused legislator's legal counsel, counsel for the Committee, and members of the Committee of the ruling as soon as reasonable. All prehearing motions and rulings shall be read into the record at the next meeting of the Committee after the motions and rulings are made. Motions and rulings made during a meeting of the Committee shall be read into the record when made. The ruling of the chair on any motion shall be sustained unless overruled by a majority vote of the Committee members present and voting.

8a. **House Principal Clerk as repository of official notices and prehearing motions.** – Notices of the Committee and the response of the accused legislator to charges allowed under Rule C.6. and prehearing motions submitted by the accused legislator, the accused legislator's legal counsel, and counsel for the Committee allowed under Rule C.8., must be filed with the House Principal Clerk and served on opposing counsel. The House Principal Clerk will time date the notices and filings and serve as the custodian of the originals for the purpose of Chapter 132 - the Public Records Act.

9. **Subpoenas.** – The forms for subpoenas and subpoenas duces tecum approved on November 2, 1973 by the Legislative Services Commission shall be the forms utilized by the Committee. The Committee may issue subpoenas to compel the attendance of witnesses or the production of documents, books or other records, as permitted by Article 5A of Chapter 120 of the General Statutes. The accused legislator may request that the Committee issue subpoenas and subpoenas duces tecum, and the chair shall issue subpoenas for witnesses requested by the accused legislator to be heard at the hearing as approved by the Committee in accordance with Rule C.10. The accused legislator shall notify the Committee of all requests for subpoenas at least ten days prior to the hearing, unless waived by the Committee.

10. Witnesses to take oath and all written statements to be sworn. –

(a) The chair shall notify the accused legislator of all witnesses who may appear at a hearing inquiring into alleged unethical or unlawful conduct by a legislator at least twenty days prior to the hearing, unless waived by the Committee. A copy of any affidavit of a witness setting forth matters on which the witness may testify shall be made available to the accused legislator at that time. If no affidavit of the witness exists, the Committee shall make available to the accused legislator a summary of the matters on which the witness may testify. Any information which would tend to clear or lessen from blame or fault the charges against the accused legislator shall be made available to the accused legislator or the legislator's private legal counsel as soon as is reasonable.

(b) The accused legislator shall notify the Committee chair of the names of the witnesses the accused legislator desires to have appear at a hearing inquiring into alleged unethical or unlawful conduct by a legislator at least ten days prior to the hearing, unless waived by the Committee. A copy of any affidavit of a witness setting forth matters on which the witness may testify shall be made available to the Committee at that time. If no affidavit of the witness exists, the accused legislator shall make available to the Committee a summary of the matters on which the witness may testify.

(c) The Committee shall determine by majority vote of the Committee members present and voting which witnesses shall be heard. All witnesses shall be sworn before testifying.

(d) All written statements to the Committee shall be by sworn affidavit before being considered by the Committee.

11. Counsel for witnesses permitted. – Any witness testifying before the Committee may have private legal counsel present. Participation by a witness's counsel at a hearing and while the witness is testifying is limited to advising the witness of the witness's legal

rights. Counsel's failure to abide by these procedures is grounds for counsel's exclusion from the hearing.

12. Propounding of questions. –

(a) Committee members and staff, if requested by the chair or Committee, may question any witness. The chair shall recognize Committee members who wish to question a witness for a series of questions. The Committee member may ask the witness all questions without interruption so long as permitted by the chair. Upon completion of a series of questions by a Committee member, the chair may recognize another Committee member for questions in the order recognized. After all Committee members desiring to ask questions have been given an opportunity to ask a series of questions, the chair may give members additional opportunities to ask a series of questions in the same order.

(b) After receiving permission from the chair, all questions to be asked of any witness shall be directed to the witness. The chair may permit a series of questions to be asked without requiring specific consent for each individual question.

(c) A member of the Committee, the accused legislator, or the accused legislator's private legal counsel, may object to any question before the question is answered. All objections shall be directed to the chair. If an objection is raised, the chair shall determine whether the question is relevant and has probative value as to a substantive issue, and is not a waste of time or redundant, and whether the witness will be allowed to answer. The ruling of the chair, without objection from a member of the Committee, shall stand.

(d) If the chair's ruling is objected to by a member of the Committee, the motion shall be, "That the ruling of the chair be overruled." The chair's ruling shall be overruled if the motion is adopted by majority vote of the members of the Committee present and voting.

13. Meetings of Committee. –

(a) The Committee's meetings shall be held in open session, except for matters that could otherwise be considered in closed session under G.S. 143-318.11.

(b) All proceedings of any evidentiary hearings shall be transcribed.

(c) The accused legislator and the legislator's private legal counsel shall be permitted to attend any closed session held for the purpose of the presentation of evidence or taking testimony from a witness testifying as to matters related to allegations against the accused legislator.

(d) Private legal counsel of any witness shall be permitted in a closed session during the period of the witness's testimony. The parents or legal guardian of a minor witness shall be permitted in a closed session during the period of the minor witness's testimony.

14. Division of issues. – After hearing evidence on the substantive issues of the alleged unethical or unlawful conduct by the accused legislator, the Committee shall address the following issues:

(1) Whether, by clear and convincing evidence, one or more of the charges against the accused legislator is true.

(2) If so, what action will be taken by the Committee.

(3) Whether, by a preponderance of the evidence, the accused legislator should be exonerated of the charges.

15. Disposition of cases. – When the Committee has concluded its inquiries into alleged violations, the Committee, by majority vote of those present and voting, shall do one of the following:

(1) If the Committee fails to find the alleged violations are established by clear and convincing evidence, the Committee shall report this to the House of Representatives and to the accused legislator. If the Committee finds by a preponderance of the evidence that the accused legislator should be exonerated of the charges, the chair shall transmit

this finding in writing to the accused legislator and to the House of Representatives.

(2) If the Committee finds the alleged violations are established by clear and convincing evidence, the Committee shall do one or both of the following:

a. Refer the matter to the Attorney General for investigation and referral to the district attorney for possible prosecution if the Committee finds substantial evidence of a violation of a criminal law that is not already the subject of an indictment.

b. Refer the matter to the House or Representatives for appropriate action, which may include admonishment, censure and expulsion.

16. Role of Committee members and staff. –

(a) The duties of staff assigned to the Committee shall be directed by the chair.

(b) Legislative staff may be authorized to do the following:

(1) Research any legal issues arising from the investigation.

(2) Help Committee members prepare for meetings.

(3) Consult with the Attorney General's staff or other outside legal counsel on matters arising from the investigation as necessary.

(4) Carry out other duties as directed by the chair.

(c) Other staff:

(1) All investigations, at the chair's discretion, may be performed by an investigator designated in accordance with the procedures set forth in Rule C.4.

(2) Outside counsel designated in accordance with the procedures set forth in Rule C.4. of these procedures shall be authorized to oversee the investigation in preparation for hearings and shall prepare and present evidence to the Committee, including the initial presentation of the evidence through the questioning of witnesses.

Office of Speaker Joe Hackney
North Carolina House of Representatives
Raleigh, North Carolina 27601-1096

HOUSE SELECT COMMITTEE TO INVESTIGATE ALLEGED MISCONDUCT AND OTHER MATTERS INCLUDED IN INDICTMENTS AGAINST REPRESENTATIVE THOMAS E. WRIGHT

TO THE HONORABLE MEMBERS OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES

Whereas, the State Board of Elections conducted a hearing on May 15, 2007, to consider allegations and evidence of alleged violations by Representative Thomas E. Wright of campaign finance regulations and other possible criminal wrongdoing; and

Whereas, after that hearing the State Board of Elections referred the matter to the Wake County District Attorney to consider criminal charges against Representative Wright; and

Whereas, on May 21, 2007, the Speaker requested the Legislative Ethics Committee investigate the alleged violation of the Legislative Ethics Act or the criminal law, or both, by Representative Wright; and

Whereas, on December 10, 2007, the Wake County Grand Jury indicted Representative Wright on six felony charges: five of obtaining property by false pretenses and one of obstruction of justice; and

Whereas, on December 12, 2007, the Legislative Ethics Committee made to the House of Representatives and to the Speaker of the House of Representatives the following initial report of that Committee's findings in its ongoing investigation:

> *"The Legislative Ethics Committee has considered the indictments rendered by the grand jury sitting in Wake County in the matter of State of North Carolina v. Thomas E. Wright, contained in criminal files 07 CRS 84372, 84373, 84374, 84375, 84376 and 84377, charging felonies of obtaining property by false pretenses and a felony of obstruction of justice with respect to campaign finance reports.*
>
> *Having considered the evidence presently available to it and having assumed that evidence to be true, the Committee has concluded that under the Legislative Ethics Act as it existed at the time the matters in these indictments are alleged to have occurred, the Committee's jurisdiction under the then existing law would not reach the matters alleged in the indictments.*

However, the Committee finds that, if true, the acts alleged in the indictments are unethical and warrant such action as the House of Representatives may determine.

The Committee refers the specific matters contained in Wake County criminal files 07 CRS 84372, 84373, 84374, 84375, 84376 and 84377 to the North Carolina House of Representatives for such action as the House deems appropriate under Article II, § 20, of the North Carolina Constitution. The Committee notes that the jurisdiction of the House of Representatives in this matter is broader than that which is statutorily granted to the Committee under the former Legislative Ethics Act."; and

Whereas, the Legislative Ethics Committee continues to have jurisdiction over matters related to its powers under Article 14 of Chapter 120 and the conduct of Representative Wright and may make further reports to the House of Representatives and the Speaker of the House of Representatives; and

Whereas, Article II, Section 20, of the North Carolina Constitution requires each house of the General Assembly to be the judge of the qualifications of its members; and

Whereas, Article VI, Section 8, of the North Carolina Constitution provides that a member of the General Assembly is disqualified from his or her office if adjudged guilty of treason, any other felony, or corruption or malpractice in any office; and

Whereas, the House of Representatives possesses the inherent power of a legislative body to discipline its members for violations of its rules, for unlawful behavior, for unethical conduct, for corruption or malpractice in office, for violations of the oath of office, and for offenses injurious to the House; and

Whereas, it is now necessary for the House of Representatives to investigate the matters alleged in the indictments against Representative Wright and other allegations of misconduct in order to determine their truth and, if so, to determine his qualifications to continue to hold office as a member of the House of Representatives as required by the Constitution; and

Whereas, it is now necessary for the House of Representatives to investigate the matters alleged in the indictments against Representative Wright and other allegations of misconduct in order to determine their truth and, if so, to determine whether his conduct violates the rules of the House, violates his oath of office, is unlawful or unethical, is corrupt or constitutes malpractice in office, is abuse of office, or is injurious to the House, and whether within the inherent powers to discipline its members the House of Representatives shall impose any sanctions against Representative Wright;

Now, therefore:

Section 1. The **House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright** is established by the Speaker as a select committee of the House pursuant to G.S. 120-19.6(a) and Rule 26(a) of the Rules of the House of Representatives of the 2007 General Assembly.

Section 2. The Select Committee consists of six House members. The individuals listed below are appointed as members of the Select Committee. Members serve at the pleasure of the Speaker of the House of Representatives.

Representative Rick Glazier, Chair
Representative Paul Stam, Vice Chair
Representative Marvin W. Lucas
Representative William C. McGee
Representative Edith D. Warren
Representative Laura I. Wiley

Section 3. The Select Committee shall investigate the matters reflected in the attached indictments against Representative Thomas E. Wright and other allegations of possible unethical or unlawful conduct that are outside the jurisdiction of the Legislative Ethics Committee applying the substantive law in effect before January 1, 2007. The Select Committee shall also investigate any additional matters referred to it by the Speaker upon a report of the Legislative Ethics Committee.

Section 4. The Select Committee shall conduct a preliminary investigation to determine whether there is probable cause that Representative Wright has committed unethical or unlawful conduct. The Select Committee shall notify Representative Wright of its determination and any charges against him. If the Select Committee determines there is probable cause to proceed, it shall conduct an evidentiary hearing to determine whether Representative Wright's conduct was unethical or unlawful and constitutes grounds for sanctions by the House of Representatives. If the Select Committee finds that the conduct was not unethical or unlawful or that no sanctions are warranted, the Select Committee shall report this to the House of Representatives and to Representative Wright. If the Select Committee determines that Representative Wright's conduct was unethical or unlawful and that sanctions should arise, the Select Committee shall report its Findings to the House of Representatives and to Representative Wright. The report shall also include recommended legislation for appropriate action, which may include reprimand, censure, or expulsion.

Section 5. The Select Committee shall promptly adopt rules of procedure, a copy of which shall be delivered to Representative Wright. To the extent practical, the Select Committee shall conduct its work in concert with the work of the Legislative Ethics Committee.

Section 6. Representative Wright has the right to be present, present evidence, cross-examine witnesses, and to be represented by legal counsel at any evidentiary hearing of the Select Committee.

Section 7. The Select Committee may meet during the interim period or during sessions upon the call of its chair.

Section 8. The Select Committee is vested with the authority contained in Article 5A of Chapter 120 of the General Statutes.

Section 9. The Legislative Services Officer shall assign professional and clerical staff to assist the Select Committee in its work. The Director of Legislative Assistants of the House of Representatives shall assign clerical support staff to the Select Committee.

Section 10. Members of the Select Committee shall receive per diem, subsistence, and travel allowance at the rate established in G.S. 120-3.1.

Section 11. The expenses of the Select Committee are considered expenses incurred for the operation of the House of Representatives and shall be paid pursuant to G.S. 120-35 from funds available to the House of Representatives for its operations. Individual expenses of $5,000 or less, including per diem, travel, and subsistence expenses of members of the Select Committee, and clerical expenses shall be paid upon the authorization of the chair of the Select Committee. Individual expenses in excess of $5,000 shall be paid upon the written approval of the Speaker of the House of Representatives. The Select Committee may arrange for or contract for professional, clerical, or consultant services, as approved by the Speaker of the House of Representatives.

Section 12. The Select Committee shall continue until dissolved by the Speaker of the House of Representatives. The Speaker of the House of Representatives may dissolve the Select Committee at any time.

Effective this 13th of December, 2007.

Joe Hackney
Speaker

12.13.07 v.2

North Carolina House of Representatives

House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright

REPRESENTATIVE RICK GLAZIER, CHAIR
REPRESENTATIVE PAUL STAM, VICE-CHAIR
REPRESENTATIVE MARVIN LUCAS

REPRESENTATIVE BILL MCGEE
REPRESENTATIVE EDITH WARREN
REPRESENTATIVE LAURA WILEY

To: Members of the House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright
From: Kory Goldsmith, Committee Co-counsel
Date: January 9, 2008
Re: Authority of Legislative Bodies to Discipline Members

Issues:

- What is the source of authority for a legislature to exclude, expel or discipline its members?
- What is the scope of that power?
- What types of behavior has been the subject of disciplinary sanctions?

Summary Points:

- A legisative body's authority to exclude, expel or discipline it members is constitutional.
- The scope of that authority includes the power to:
  1) Exclude a member, that is, to refuse to seat the member after an election; and
  2) Expel or discipline a member.
- The authority to expel or discipline members extends to conduct by a legislator that is public or private, civil or criminal, official or unofficial.

Discussion:

I. Constitutional Authority – A legislative body's authority to expel, discipline, or exclude a member has two constitutional basis.

A. First is in inherent in and organic to the principle of Separation of Powers.

B. Second, every state constitution as will as the federal constitution contains language that makes each house the sole judge of the "election and qualifications" of its members.

- North Carolina's Constitution provides **"Each house shall be judge of the qualifications and elections of its own members."** [1] This language has been in the constitution since 1776 with only minor changes.[2]

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[1] Art. II, Sec. 20, Constitution of 1971.
[2] Constitution of 1776 required concurrence of both chambers.

II. Scope of Authority.

A. **Exclusion** - Applies to whether a member will be seated after an election.

- Is governed by constitutionally specified qualifications, such as the requirements of age, citizenship and residence contained in the United States or other states' constitutions.
- Courts have held that Congress and state legislatures may not impose additional qualifications.[3]

B. **Expulsion and Discipline**

1. Separation of Powers.

- Courts and commentators have held that "every legislative body in which is vested the general legislative power of the state has the implied power to expel a member for any cause which it may deem sufficient."[4]

- The power is inherent in every legislative body because it is necessary to enable the body "to perform its high functions . . .[and] is necessary to the safety of the state."[5]

- "It is the power of self-protection" and the legislative body "must necessarily be the sole judge" of the circumstances which may justify and require its exercise.[6]

- The power to expel also includes the authority to impose lesser disciplines.[7]

2. Elections and Qualifications

- North Carolina's Constitution provides **"Each house shall be judge of the qualifications and elections of its own members."** [8]

- The Supreme Court of Massachusetts examined its state's constitution and determined that the authority to be "judge of the returns, elections, and qualifications of its own members" did not limit the power of a legislative body. [T]hey are judges in other respects, in all respects."[9]

- Under a clause such as this, a legislative body could properly determine the grounds for an expulsion, including offenses that may

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[3] Powell v. McCormack, 395 U.S. 486 (1969); Bond v. Floyd, 385 U.S. 116 (1966).
[4] French v. Senate of State of California, 1465 Cal. 604, 605 (CA S.Ct.) 1905; Hiss v. Bartlett, 69 Mass. 475 (MA S.Ct. 1855); Cushing, The Law and Practice of Legislative Assemblies, pp. 259 (Boston 1874).
[5] Id. at French quoting Hiss.
[6] Id.
[7] Cushing at 251.
[8] N.C. Const., Art. II, Sec. 20.
[9] Hiss at 469.

not be punishable by a statute, but are inconsistent with a member's duty and trust.[10]

- 43 states and the federal constitution have additional language that requires a 2/3's vote of the body in order to expel a member. However, this has been held to be a limitation on the general power to expel, not a grant of power.

  > "If this provision were omitted, and there were no other constitutional limitations on the power [to expel], the power would nevertheless exist, and could be exercised by a majority."[11]

- The only effect of the provision is to make the concurrence of two-thirds of the members elected necessary to its exercise. In all other respects the power to expel is absolute.[12]

3. Limitations on Power of Expulsion/Discipline

- Procedural due process – Courts have held that a legislative body must provide procedural due process to a member when considering whether to expel or discipline. This means the accused member must receive adequate notice, formal charges, and a public hearing with the right to cross-examine witnesses.[13]

- Because the authority to discipline legislators is exclusively committed to the legislative body, courts have no power to revise a disciplinary action taken by a legislature.[14]

  > "The oath of each individual member ...and [the member's] duty under it to act conscientiously for the general good, is the only safeguard to the fellow members against an unjust and causeless expulsion".[15]

III. Types of behavior that have been the subject of legislative sanctions

A. Generally

- Misconduct (civil, moral, official and unofficial) which may not strictly be an attack upon the house itself, but "is of such a nature as to render the individual a disgrace to the body of which he [or she] is a member."[16]
- Criminal indictments or convictions
- Violations of ethical standards
- Breaches of decorum or order

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[10] Story's Constitutional Law, Sec. 836.
[11] Hiss at 469.
[12] Id.
[13] McCarley v. Sanders, 308 F.Supp. 8, 11. (M.D. Alabama, 1970).
[14] French at 609.

[15] Id.. See also Cushing at 251.
[16] Cushing, pp. 251.

- Disobedience of the rules of the chamber

B. North Carolina

- Fraud/Larceny – 7 incidents
- Official Misconduct – 3 incidents
- Private Misconduct – 13 incidents
- Member under criminal indictment – 2 incidents
- Anti-social behavior – 2 incidents

C. Other States and Congress

- Data collected by the Connecticut's Office of Legislative Research and Legislative Commissioner's Office indicates that out of 86 disciplinary cases, 46 involved conduct that was the subject of a criminal investigation, charge or conviction. Of those 46 cases, there were 9 instances where the legislature commenced its investigation after the member was charged or arrested for a crime. In two additional cases the criminal investigations continued during the legislative investigation.[17]

Conclusion

- The North Carolina Constitution provides each chamber of the General Assembly with the authority to expel or discipline its members.
- That authority to expel or discipline is inherent to the body. It rests in the principle of Separation of Powers as well as the language of Article II, Section 20, which provides that each house the judge of the elections and qualifications of its members.
- The authority to expel or discipline members extends to conduct that is public or private, civil or criminal, official or unofficial.

[17] Memo entitled "Disciplinary Action in other States' Legislative Bodies that Involved Criminal Conduct" to the Bipartisan Senate Committee of Review dated October 2, 2007.

Expulsion, Exclusion, or Censure of Legislators by the General Assembly

	A	B	C	D	E	F
1	Date	Legislator	Charge	Resolution	Notes	Constitutional provision
2	11/23/1757	James Carter - Rowan County	Mishandling public funds - failed to purchase arms and ammunition "for the Defence of the Frontier County of Rowan" as directed.	Expelled from House	North Carolina Colonial Records, Vol. V, pp. 846, 892-893	That the Senate and House of Commons... shall each have power to ...be judges of the qualifications and elections of their members (Sec. 10, NC Constitution of 1776
3	12/5/1758	Francis Brown - Currituck County	Conduct that was "Unworthy a seat [in the House of Representatives]" - admitted to committing perjury before a House investigative committee.	Expelled from House and "rendered incapable to serve as a Member of the Assembly."	Re-elected in 1760. House resolved that "Francis Brown is rendered incapable to sit and vote" in the House and that "his Excellency be addressed to direct the Clerk of the Crown to Issue a Writ for Electing a Member from the County of Perquimans to sit and vote ... in the stead of Mr. Francis Brown." North Carolina Colonial Records, Vol. V, pp. 1050-1051, 1057-58; Vol. VI, pp. 374-376, 473-474.	
4	12/20/1770	Hermon Husband (Husbands) - Orange County	Promoted "Riots and seditions in the County of Orange", published a letter "Libeling Maurice Moore, Jr." in his newspaper, "was guilty of gross prevarication and falsehood" when examined by a House committee regarding the alleged Libel, and threatened a riot if the House disciplined him.	Expelled from House - "Resolved that the conduct of [Hermon Husband] both as a Member of this House in particular and of the Community in general, has justly incurred the contempt of this House, and rendered him unworthy of a seat in the Assembly."	Dictionary of North Carolina Biography, Vol. 3, p. 243; North Carolina Colonial Records, Vol. VIII, pp. 268-270, 330-331, 471, 643, 645-646	
5	2/8/1779	William Gilbert - Tryon County	"Intentionally defrauded the publick to a Considerable amount" - duplicated vouchers for military goods	Expelled from House	Dictionary of North Carolina Biography, Vol. 2, p. 296; North Carolina Colonial Records (State Records of North Carolina), Vol. XIII, pp. 703-708.	
6	11/11/1784	Edward Clay - Caswell County	Petty larceny (no criminal charge)	Expelled from the House	North Carolina Colonial Records (State Records of North Carolina), Vol. XIX, pp. 776-778, 782-787; Vol. XVII p. 181	
7	4/21/1784 (?)	Farquahard Campbell - Cumberland County	"This day a committee of the Senate resolved that F. Campbell's election is void, and that he be expelled the House. The election was palpably illegal, and some things appeared against his political character, which occasioned the resolve for expulsion.	Expelled from Senate	This account is contained in a letter from the Hon. A. MacLaine to George Hooper dated 4/21/1784 - State Records of North Carolina, Vol. XVII, pp. 134-135;. Based on the language of the letter, it appears Mr. Campbell took office and was later expelled.	
8	11/23/1786	Benjamin Herndon - Wilkes County	"The election for a Senator in the County of Wilkes hath been illegally conducted."	Ordered that a writ of election issue to Wilkes Count and that a new election be held.	State Records of North Carolina, Vol. XVIII pp 6, 14.	
9	12/11/1786	Benjamin McCulloch (McCulloh, McCulloch)- Halifax County	Fraud in the disbursement of public money (army accounts).	Expelled from Senate (?)	State Records of North Carolina, Vol. XX, pp. 408-409, 628-631 (1785-1788); Vol. XVIII, Prefatory Notes (1786).	

	A	B	C	D	E	F
10	12/1/1786	Philip Alston - Moore County	Murder indictment, threatened a riot if his opponent was elected, denied the existence of God and declared the Scriptures were set forth as a Scare-Crow to children, attempted to corrupt the conductors of the election.	Resolved - "Mr. Philip Alston was not eligible to a seat in the General Assembly at the time of his election, and that his seat therefore be vacated".	State Records of North Carolina, Vol. XVIII , p. 32	
11	12/15/1786	Henry Montfort - Warren County	Fraud in the disbursement of public money (army accounts).	Expelled from House	State Records of North Carolina, Vol. XVIII, pp. 306-307, 322-323	
12	12/14/1787	John Bonds - Nash County	Fraud - "having fraudulently drawn from the Commissioners of Army Accounts sundry due bills and Certificates."	Expelled from House	House investigation and exclusion occurred while Bonds was under multiple criminal indictments for fraud and forgery. House of Commons Journal , December 12, 1787, State Records of North Carolina, Vol. XVIII, pp. 109, 150, 335, 370-372; XX, pp. 170-171, 213, 233-235.	
13	11/11/1788	Hardy Holmes - Sullivan County	Public Indebtedness - Holmes was the Collector of the Public Tax in Sampson County and was "in arrears to the public for the Collection of the public Tax in the said County for the year 1787."	Initially excluded from taking a seat - "Mr. Holmes...is indebted to the public and that he was not eligible to a seat in this present General Assembly at the time he was Elected." On 11/29/88, he presented the "Certificate of his Election", was qualified agreeable to Law and was seated.	State Records of North Carolina, Vol. XX, pp.494-495, 562.	
14	11/13/1789	Thomas Wade - Anson County	Public Indebtedness - Wade "is in arrears to the public on account of his collection of the taxes of [Anson County] as late Sheriff."	Excluded from taking a seat - "Mr. Wade was not at the time of the election, nor is at this time, eligible to a seat in the present General Assembly."	State Records of North Carolina, Vol. XXI, p. 585	
15	12/2/1809	John Clary - Perquimans County	Criminal conviction of cohabitating with stepdaughter - "a crime so enormous as renders it unfit that he should be permitted to continue as member."	Resigned before resolution of expulsion could be voted upon.	Journal of the House of Commons of the State of North Carolina, 1809, pp. 10, 14, 20, 22; Dictionary of North Carolina Biography, Vol. 1 pp. 383-384	
16	1816	John Roberts - Carteret County	Forgery and fraud committed while an assistant paymaster during the War of 1812	Expelled from Senate - the resolution declare him ineligible for office and vacated his seat.	Dictionary of North Carolina Biography, pp. 227-228; No House Journal located.	
17	1/2/1835	Robert Potter - Granville County	Public reports that were "highly injurious" to member's reputation and "derogatory to the dignity of this House, touching on his conduct since he took his seat as a member."	Expelled from House	Engaged in a fight after a card game, during which he drew a pistol and a knife. Journal of the House of Commons, 1834, pp. 223-224, 231, 233-234 (December 29, 1834; January 1-2, 1835); Dictionary of North Carolina Biography, Vol. V., p. 133.	

	A	B	C	D	E	F
18	8/20/1868	William Long - Casewell county	Representative elect "is banned by the 14th Article of the Constitution of the United States"	House seat declared vacant	Journal record does not specify how the member was excluded under the U.S. Constitution. However, Section 3 of the 14th Amendment to the U.S. Constitution prohibits a person from holding any State or federal office if, while holding that office the person "engaged in insurrection or rebellion against the United States Constitution." Journal of the House of Representatives of the General Assembly of the State of North Carolina at its Session of 1868, pp. 26, 205, 209-210	Each House shall be judge of the qualifications and elections of its own members. (Art. II, Sec. 24, 1868 Constitution)
19	1875	J. Williams Thorne	Advocated and promulgated a "most sacrilegious doctrine, subversive of the principles of the constitution of the State of North Carolina and of sound morality."	Expelled from the House	Record is unclear as to what the doctrine was, but during the debate, one member offered a substitute resolution accusing Thorne of "denying the being of Almighty God and entertaining regious views at variance with those which should control the action of a representative." That substitute resolution was later withdrawn. Another member moved to amend the resolution to read: "[T]he said J. Williams Thorne has written and published a pamphlet calculated to encourage infideility and a want of confidence in the divine authenticity of the Holy Bible, thereby bringing it into contempt, and promoting vice and immorality." The amendment failed. Journal of the House of Representatives of the General Assembly of the State of North Carolina at its Session of 1874-'75, pp. 261, 465-466, 489-490, 500-503 (p. 503; expelled February 24, 1875); 12 members of the House later submitted a letter of Protest explaining why they voted against the expulsion resolution and stating that "this action of the House is susceptable of being construed as indicative of a spirit of religious bigotry and persec	
20	3/26/1880	Josiah Turner - Orange County	"[S]aid member from Orange has been guilty of the grossest improprieties upon the floor of this House in his disorderly, contumacious and defiant conduct, violating the rules of this House in a willfully disrespectful manner.	Censured, present when motion of censure was adopted; called to the Bar of the House to receive censure but left the House Chamber, then expelled from the House.	House Journal, 1880 (Special Session), pp. 114-115, and pp. 117-119 (March 26, 1880)	
21	5/13/1996	Ken Miller - Alamance County	Conduct unbecoming and unfitting of a member of the House of Representatives (Unsolicited and in appropriate remarks of a sexual nature to a female employee, to a female lobbyist, and to a female page.)	Censured by the House	Journal of the House of Representatives of the 1995 General Assembly of the State of North Carolina; Second Session 1996, pp. 11-13.	Each house shall be judge of the qualifications and elections of its own members. (Art. II, Sec. 20, Constitution of 1971)

Incidences of Disciplinary Actions by Type of Behavior – State and Federal. Compiled by the Research Division of the North Carolina General Assembly.

Fraud - Larceny

Date	*State*	*Federal*	*Incident*	*Charge*
11/23/1757	North Carolina	☐	Failed to purchase arms and ammunition "for the Defence of the Frontier County of Rowan" as directed"	Mishandling public funds
2/8/1779	North Carolina	☐	Duplicated vouchers for military goods	"Intentionally defrauded the publick to a Considerable amount".
11/11/1784	North Carolina	☐	Stole eight shillings from a shop keeper	Petty larceny
12/11/1786	North Carolina	☐	Fraud in the disbursement of public money (army accounts).	Fraud
12/15/1786	North Carolina	☐	Fraud in the disbursement of public money (army accounts).	Fraud
12/14/1787	North Carolina	☐	Fraud - "having fraudulently drawn from the Commissioners of Army Accounts sundry due bills and Certificates."	Fraud
11/11/1788	North Carolina	☐	Holmes was the Collector of the Public Tax in Sampson County and was "in arrears to the public for the Collection of the public Tax in the said County for the year 1787."	Public Indebtedness, "was not eligible to a seat in this present General Assembly at the time he was Elected."

Date	State	Federal	Incident	Charge
11/13/1789	North Carolina		Wade "is in arrears to the public on account of his collection of the taxes of [Anson County] as late Sheriff."	Public Indebtedness - "Mr. Wade was not at the time of the election, nor is at this time, eligible to a seat in the present General Assembly."
1/1/1816	North Carolina		Forgery and fraud committed while an assistant paymaster during the War of 1812.	Fraud - The resolution declare him ineligible for office and vacated his seat.
1/1/1893	North Dakota	☑		Embezzlement
1/1/1974	Arkansas		Convicted of federal tax fraud	
1/1/1975	Pennsylvania		Consent disbarment resulting from charges including improperly converting client funds to personal use and co-mingling funds between clients estates	Converting trust funds to personal use and co-mingling further trust funds to restore the converted amounts constituted a grave and serious mater and conduct unbecoming any public official.
1/1/1977	Massachusetts		Convicted of extortion, conspiracy to commit extortion and conspiracy to violate the Travel Act.	Criminal convictions were not "compatible with 'the senator's] continued service in the Senate"
1/1/1978	Michigan		Convicted of embezzling funds from a legal client before becoming a legislator	
1/1/1986	Florida		Convicted of five felony charges of making misstatements on a SBA loan application	Conduct shows "he was inattentive to matters that ultimately led to his federal convictions and have cast a shadow on the honor of the House of Representatives.

Date	State	Federal	Incident	Charge
1/1/1986	Minnesota	☐	Pled guilty to felony theft charges - wrote total of 76 bad checks	
12/18/1987	Pennsylvania	☑	Ghost voting; maintaining on his payroll persons not performing official duties commensurate with pay.	
1/1/1991	Utah	☐	Convicted of misdemeanor shoplifting	
1/1/1994	South Carolina	☐	Pled guilty to misdemeanor federal tax law violation	

Ethics/Conflict of Interest

Date	*State*	*Federal*	*Incident*	*Charge*
11/4/1929	Conneticut	☑		Employing a staff member who was also employed by an interest group.
6/23/1967	Conneticut	☑		Use of office to convert campaign funds to his personal benefit. Conduct unbecoming a senator
7/29/1976	Florida	☑	Use of office for peronal gain; failure to discose interest in legislation	
1/1/1982	New Jersey	☑		Corruption
7/31/1984	Idoho	☑	False statements on financial disclosure form; conviction for same.	

Date	State	Federal	Incident	Charge
1/1/1987	Virginia	☐	Voting in violation of conflict of interest rules	Unethical Conduct
7/25/1990	Minnesota	☑		Unethical conduct
1/1/1991	Arizona	☐	Indicted for taking money in return for supporting legislation	Unethical conduct in violation of Senate rules and personal and state campaign finance disclosure laws.
1/1/1992	Florida	☐	Representing others before state agency, seeking a benefit inconsistent with public duties.	Legislator apologized for "any unintentional adverse effect his actions may have brought" on the House.
1/1/1994	Florida	☐	Representing others before state agency	
1/1/1994	New Hampshire	☐	Introducing legislation to impeach probate judge involved in case of mother's estate	
1/1/1995	Oregon	☑		Sexual misconduct and abuse of power

Date	*State*	*Federal*	*Incident*	*Charge*
1/1/1996	Ohio		Accepted gifts from lobbyists	
1/1/1997	Indiana		Affair with intern	Immoral and unethical conduct "in contradiction to the high moral and ethical standards expected of members of the Indiana State Senate under the Rules of the Senate."
1/1/1997	Maryland	☐	Bribery, extortion, filing false tax returns	Failure to disclose contractual relationship with a State agency; Conflict of interest concerning legislation; improper solicitation and acceptance of gifts; improper use of district office funds; improper use of title for commercial purposes.
1/1/1998	New Hampshire	☐	Introducing legislation to impeach probate judge involved in case of mother's estate	
1/1/1999	Minnesota	☐	Accepted state contract related to legislation he introduced	
1/1/2005	New Hampshire	☐	Seven years of soliciting gifts from individuals who were likely to have matters pending before the legislature including businesses, lobbyists, and individuals. Pled guilty to failing to report gifts over $50	(1) Solicitation/acceptance of gifts while knowing/believing givers were or were likely to be interested in matters pending before the legislature; (2) using public position to obtain gifts for private benefit; (3) disregarding obligation to report gifts.
1/1/2005	Ohio	☐	Failed to disclose gifts on disclosure forms	

Private Misconduct - State

Date	*State*	*Incident*	*Charge*
Yes			
11/23/1757	North Carolina	Failed to purchase arms and ammunition "for the Defence of the Frontier County of Rowan" as directed"	Mishandling public funds
12/20/1770	North Carolina	Promoted "Riots and seditions in the County of Orange", published a letter "Libeling Maurice Moore, Jr.", lied when examined by a House committee regarding the alleged Libel, and threatened a riot if the House. disciplined him.	"Resolved that the conduct of [Hermon Husband] both as a Member of this House in particular and of the Community in general, has justly incurred the contempt of this House, and rendered him unworthy of a seat in the Assembly."
2/8/1779	North Carolina	Duplicated vouchers for military goods	"Intentionally defrauded the publick to a Considerable amount".
11/11/1784	North Carolina	Stole eight shillings from a shop keeper	Petty larceny
12/1/1786	North Carolina	Murder indictment, threatened a riot if his opponent was elected, denied the existence of God and declared the Scriptures were set forth as a Scare-Crow to children, attempted to corrupt the conductors of the election.	Resolved - "Mr. Philip Alston was not eligible to a seat in the General Assembly at the time of his election, and that his seat therefore be vacated".
12/11/1786	North Carolina	Fraud in the disbursement of public money (army accounts).	Fraud

Date	State	Incident	Charge
12/15/1786	North Carolina	Fraud in the disbursement of public money (army accounts).	Fraud
12/14/1787	North Carolina	Fraud - "having fraudulently drawn from the Commissioners of Army Accounts sundry due bills and Certificates."	Fraud
11/11/1788	North Carolina	Holmes was the Collector of the Public Tax in Sampson County and was "in arrears to the public for the Collection of the public Tax in the said County for the year 1787."	Public Indebtedness, "was not eligible to a seat in this present General Assembly at the time he was Elected."
11/13/1789	North Carolina	Wade "is in arrears to the public on account of his collection of the taxes of [Anson County] as late Sheriff."	Public Indebtedness - "Mr. Wade was not at the time of the election, nor is at this time, eligible to a seat in the present General Assembly."
1/1/1808	Tennessee		Disloyalty/Treason
12/2/1809	North Carolina	Criminal conviction of cohabitating with stepdaughter	Conviction of a "crime so enormous as renders it unfit that he should be permitted to continue as member."
1/1/1816	North Carolina	Forgery and fraud committed while an assistant paymaster during the War of 1812.	Fraud - The resolution declare him ineligible for office and vacated his seat.

Date	State	Incident	Charge
1/2/1835	North Carolina	Engaged in a fight after a card game, during which he drew a pistol and a knife.	Public reports that were "highly injurious" to member's reputation and "derogatory to the dignity of this House, touching on his conduct since he took his seat as a member."
1/1/1861	Arkansas		Support for Confederate rebellion
1/1/1861	Arkansas		Support for Confederate rebellion
1/1/1861	Kentucky		Support for Confederate rebellion
1/1/1861	Kentucky		Support for Confederate rebellion
1/1/1861	North Carolina		Support for Confederate rebellion
1/1/1861	North Carolina		Support for Confederate rebellion

Date	State	Incident	Charge
1/1/1861	South Carolina		Support for Confederate rebellion
1/1/1861	Tennessee		Support for Confederate rebellion
1/1/1861	Texas		Support for Confederate rebellion
1/1/1861	Texas		Support for Confederate rebellion
1/1/1861	Virginia		Support for Confederate rebellion
1/1/1861	Virginia		Support for Confederate rebellion
7/31/1861	Mo	Disloyalty to the Union - taking up arms against the United States	

Date	State	Incident	Charge
12/2/1861	Mo	Disloyalty to the Union - open rebellion against the Government	
1/1/1862	Indiana		Support of the Confederate rebellion
1/1/1862	Missouri		Support of the Confederate rebellion
1/1/1862	Missouri		Support of the Confederate rebellion
2/27/1873	Massachusetts	Bribery in "Credit Mobilier" case	
2/27/1873	New York	Bribery in "Credit Mobilier" case	
1/1/1875	North Carolina	Publishd unpopular religious tract	Advocated and promulgated a "most sacrilegious doctrine, subversive of the principles of the constitution of the State of North Carolina and of sound morality."

Date	State	Incident	Charge
1/1/1893	North Dakota		Embezzlement
1/1/1942	North Dakota		Corruption
1/1/1975	Pennsylvania	Consent disbarment resulting from charges including improperly converting client funds to personal use and co-mingling funds between clients estates	Converting trust funds to personal use and co-mingling further trust funds to restore the converted amounts constituted a grave and serious mater and conduct unbecoming any public official.
1/1/1978	Michigan	Convicted of embezzling funds from a legal client before becoming a legislator	
7/31/1979	Michigan	Conviction of Payroll fraud	
1/1/1980	Florida	Sexual discrimination and sexual harassment	
6/6/1980	California	Receipt of improper gifts; "ghost" employees; improper personal use of campaign funds.	

Date	State	Incident	Charge
1/1/1986	Florida	Convicted of five felony charges of making misstatements on a SBA loan application	Conduct shows "he was inattentive to matters that ultimately led to his federal convictions and have cast a shadow on the honor of the House of Representatives.
1/1/1986	Minnesota	Pled guilty to felony theft charges - wrote total of 76 bad checks	
1/1/1989	Hawaii	Soliciting undercover policewoman	Censure
1/1/1991	Utah	Convicted of misdemeanor shoplifting	
1/1/1992	Florida	Representing others before state agency, seeking a benefit inconsistent with public duties.	Legislator apologized for "any unintentional adverse effect his actions may have brought" on the House.
1/1/1994	South Carolina	Pled guilty to misdemeanor federal tax law violation	
1/1/1995	Minnesota	Threats to State Commissioner, 3 DWI arrests in less than 7 weeks	

Date	State	Incident	Charge
1/1/1995	Minnesota	Domestic violence allegations	
1/1/1998	Georgia	Smuggling a small amount of marijuana into the country.	
1/1/2001	Michigan	3 drunk driving convictions, two alleged domestic violence calls, sexually explicit photos on State owned computer, verbal abuse of legislative staff	

Table of Disciplinary Actions in Other States, taken from "Disciplinary Actions in Other State's Legislative Bodies," published by the Connecticut Office of Legislative Research and Legislative Commissioner's Office, October 2, 2007.

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	DISPOSITION
EXPULSION				
ALASKA	In 1982, Sen. George H. Hohman, Jr. was convicted of felonious bribery and receiving a bribe for offering to share a $20,000 bribe with another legislator in return for a vote in favor of the state purchasing two Canadian firefighting planes. He was sentenced to three years in prison.	The 6-member Senate Rules Committee (3 private citizens and 3 senators) reviewed the record of the jury trial and took testimony from Sen. Hohman, witnesses on his behalf, and his attorney.	The committee found that the jury's verdict and the evidence presented to the committee clearly established that Sen. Hohman intentionally violated "the most fundamental of his duties, which are to safeguard the public trust and to preserve the integrity of this body."	Expulsion by adoption of Senate Resolution (16-4).
ARIZONA	In 1991, Sen. Carolyn Walker was one of 11 legislators indicted in a year-long undercover operation on vote selling. Sen. Walker was videotaped taking money from a paid informant for her support of legislation that would have legalized casino gambling. The legislation did not pass.	The Senate referred the matter to the five-member Ethics Committee, which adopted rules for receiving and investigating complaints. The Senate retained special counsel to advise the Senate and the committee and to conduct a preliminary investigation into the allegations against Sen. Walker. Counsel reported his findings and recommended that the committee issue a complaint charging Sen. Walker with unethical conduct. The committee issued the complaint, held two public hearings on it, and subsequently issued a report to the Senate.	The committee found that Sen. Walker engaged in unethical conduct in violation of Senate rules and personal and state campaign finance disclosure laws. It unanimously recommended that Sen. Walker, the majority whip, be expelled.	Expulsion.
ARKANSAS	In 1974, Sen. Guy H. Jones was expelled after a 1972 conviction on federal tax fraud charges.	No information.	No information.	Expelled.
MARYLAND	In December 1997, a series of newspaper stories raised questions	On December 3, 1997, the presiding officers referred the matter to the Joint	The Joint Committee on Legislative Ethics released its report on January 12, 1998 and	Expulsion (by a vote of 36-10).

Table 2 (continued)

STATE	INCIDENT	PROCEDURAL HOLDOVER	FINDINGS AND RECOMMENDATION	DISPOSITION
	about Sen. Larry Young, chair of the Senate Subcommittee on Health, accepting gifts from health care companies and a state college, failing to disclose a contract with a state agency, mixing his legislative and private office budgets, and using the prestige of his office for personal gain. The legislature initiated an investigation that resulted in his expulsion in January 1998. In December 1998, he was indicted by a county grand jury on nine counts for demanding $52,000 in bribes and two computers from a health care company, extorting $74,493 and the computers from the companies and $8,000 for an aide, and filing a false state income tax return in 1995. It appears that at least some charges were felonies. A jury acquitted him of all criminal charges in September 1999. The judge had previously dismissed four counts of extortion.	Committee on Legislative Ethics, a joint committee of the Senate and the House under Maryland state law (Md. Code Ann., State Gov't., § 2-701 et seq.). They requested that the committee convene immediately to make a thorough review of allegations of improprieties on the part of Sen. Young. They asked the committee to investigate all aspects of the senator's business practices as they related to his position in the legislature and to report back before the 1998 legislative session. From the outset, the co-chairs of the committee limited their investigation and report to potential violations of public ethics laws. The committee met in closed session a total of four times. Its first meeting was on December 9, 1997. During the third session, it met to interview Sen. Young, who was represented by counsel (that hearing was closed to the public at the senator's request). Sen. Young called one witness. The committee's report appears to indicate that its last meeting, the fifth one, was not closed to the public. After a month-long investigation, the committee reported. Four days later, the Senate voted.	made the following findings of ethical violations, among others: • failure to disclose a contractual relationship with a state agency (Coppin State College) and conflicts of interest concerning legislation that related to Coppin State College, • improper solicitation and acceptance of gifts, • improper use of district office funds, and • improper use of title for commercial purposes and use of prestige of office in connection with occupational activities. The committee voted unanimously to recommend that the Senate: • remove Sen. Young immediately as a member of Senate leadership; chairman of any committee or subcommittee; and member of any standing, statutory, joint, or select committees or subcommittees; • adopt a censure resolution; and • consider an expulsion resolution based on its findings.	
MASSACHU-SETTS	In 1977, Senators Joseph J.C. DiCarlo and Ronald C. MacKenzie were convicted in federal court for	The Senate referred the matter to its Committee on Ethics on the day of the conviction. The committee held two	The committee stated that "the crimes with which the senators were charged and of which they have been convicted are so	The committee recommended expelling DiCarlo and declaring the seat vacant even though the

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	extortion, conspiracy to commit extortion, and conspiracy to violate the Travel Act in connection with their performance as senators. Some, if not all, charges were felonies.	hearings, after which it determined that disciplinary proceedings should be conducted pursuant to the Senate's inherent power with respect to its members. The committee held a third hearing to determine if the convictions "were compatible with [the senators'] continued service in the Senate..." ("Report and Recommendations Concerning Senators Joseph J.C. DiCarlo and Ronald C. MacKenzie," Senate Committee on Ethics, April 1, 1977).	serious as to render one who has committed them unfit to continue to serve as a member of the Senate."	senator's conviction appeal was pending in federal court. The Senate expelled DiCarlo after a daylong debate.
MICHIGAN	In 2001, Sen. David Jaye was investigated for three drunk driving convictions, two alleged physical altercations with his fiancée, having sexually explicit photos on his Senate-owned computer, and alleged verbal abuse of Senate staff. Proceedings on domestic violence were pending during the legislative investigation.	Resolution created a bipartisan committee. Jaye had been progressively disciplined by Senate leadership previously.	Committee recommended expulsion.	Expulsion.
MICHIGAN	In 1978, Rep. Monte Geralds was convicted of embezzling funds from a legal client before becoming a legislator (a felony). The legislature investigated while the conviction was on appeal	No information.	No information.	Expulsion, by a vote of 84-20.
PENNSYL-VANIA	In 1975, Sen. Frank Mazzei was found guilty of felony extortion (see *United States v. Mazzei*, 521 F2d. 639). He was sentenced to time in	The matter was referred to the Rules and Executive Nominations Committee four days after the senator's sentencing.	Upon a finding of guilty in federal court, the Rules and Executive Nominations Committee reported a resolution to the Senate floor recommending expulsion.	Expulsion (unanimous vote).

Table 2 (continued)

STATE	ALLEGED MISCONDUCT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	prison on April 11, 1975.	It is unclear from the legislative history whether the Senate president pro tempore appointed a select committee to investigate prior to the matter's referral to the Rules and Executive Nominations Committee. But under the current rules, the Senate's secretary-parliamentarian prepares an expulsion resolution under the sponsorship of the chairman and vice-chairman of the Senate Committee on Ethics and Official Conduct when a member is found guilty of a crime the "gravamen which relates to the member's conduct as a senator.," and upon imposition of a sentence. On June 2, the Rules and Executive Nominations Committee reported a resolution.		
SOUTH CAROLINA	In 1994, Sen. Theo Mitchell pled guilty to a misdemeanor (the crime is now a felony) for violating federal tax laws and served a 90-day sentence. The legislature investigated in 1995 after his conviction.	The Senate debated a resolution to expel. A motion to refer the matter to the Senate Ethics Committee failed.	N/A	The Senate, voted 38-7 to expel Sen. Mitchell despite objections by some senators that Sen. Mitchell should have been afforded a hearing prior to taking up the motion to expel. The transcript indicates that Mitchell be "expelled from the Senate, not only for the criminal offenses to which he pled guilty on July 25, 1994, but also for the criminal wrongdoing that he admitted to at his sentencing hearing on September 29, 1994."
WEST	In 1972, Sen. W. Bernard Smith	The Senate considered a resolution.	N/A	The member was expelled by a

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATIONS	FINAL ACTION
VIRGINIA	was convicted on federal vote tampering charges, a felony. Smith was one of a group of five (The "Logan Five") politicians convicted of rigging elections. Smith, who was also a former welfare commissioner, was also tried for bribery and perjury. Two bribery trials ended in a hung jury and he was found innocent of perjury.			2/3 vote pursuant to the constitution and corresponding Senate rule.
CENSURE				
ALASKA	In 1993, Sen. George Jacko used or attempted to use his position to gain sexual favors from a 17-year-old legislative page.	The 7-member Senate subcommittee of the Select Committee on Legislative Ethics (5 private citizens and 2 senators) held three public hearings on five charges of ethics violations by Sen. Jacko. The committee took two days to review the testimony and evidence, including briefs on Sen. Jacko's assertion that the ethics laws are silent on prohibiting or punishing attempted acts.	The committee found clear and convincing evidence against Sen. Jacko in three of the five charges. It also found that Sen. Jacko lied in parts of his sworn testimony before the committee and refused to accept responsibility for his actions. As a result, the committee issued a report recommending that Sen. Jacko be: 6. censured; 7. stripped of all committee chair positions and appointing authority during the remainder of his term; 8. prohibited from state-funded out-of-state travel during the remainder of his term; 9. required to complete, at his expense, a court-sanctioned Male Awareness Program; and 10. placed on probation for remainder of his term.	Censure and the other recommended sanctions (20-0).
FLORIDA	In 1986, Rep. John Thomas was	The speaker appointed a select	The committee considered a House Rule	Censure. The House voted

Table 2 (continued)

STATEMENT	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	convicted in federal court on four of five felony charges of making misstatements on a Small Business Administration (SBA) application for a loan relating to private business ventures. Thomas received a suspended sentence, four years probation, and the court required restitution.	committee to investigate. The committee reviewed the record, heard testimony from interested constituents of Rep. Thomas, and heard presentations by the federal prosecutor and defense counsel.	that suspends a member immediately, pending appeals, for a felony conviction that relates to the member's responsibility as a public officer. The committee found that this rule did not apply to Thomas because (1) the federal crime must be comparable to a state felony for this provision to apply but the comparable state crime in this instance was a misdemeanor and (2) the convictions did not relate to responsibilities as a public officer. The committee report stated that it was not clear whether the conduct was illegal because the conviction was on appeal but Thomas' conduct shows "he was inattentive to matters that ultimately led to his federal convictions and have cast a shadow on the honor of the House of Representatives." The committee recommended censure (the least form of punishment available to the committee) because of 9. the complexity of the forms; 10. the bank's involvement in setting the loan amount; 11. a bank officer filling in some of the figures; 12. the personal financial statement was obviously incorrect and did not	109-6. A motion to substitute a reprimand (a higher penalty than censure) failed 21-95.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			balance but the SBA approved it anyway; 13. the SBA and bank continued to process the loan after discovering liens that were not in the application; 14. a bank official signed the loan settlement sheets verifying that disbursements were used according to the loan authorization but the banker was not charged; 15. the federal judge commented at trial, sentencing, and by phone to the committee chairman that the case should not have been tried and he disapproved of the U.S. attorney's offer of a misdemeanor plea if Thomas provided evidence of government corruption; and 16. the only substantive evidence supporting the conviction was Thomas' statement to the FBI that he knew it was wrong to pay personal debts with SBA proceeds and he intended to use them to pay a credit card account (although he paid for personal and business expenses with this account and it was not clear whether he actually used proceeds to pay personal expenses). One member of the committee moved for expulsion but was defeated. He argued	

Table 2 (continued)

			that a harsher penalty was appropriate because of Thomas' statement to the FBI and because the jury convicted of him of crimes that require willful actions.	
GEORGIA	In 1998, Sen. Ralph Abernathy III was detained at the Atlanta airport for smuggling a small amount of marijuana into the country.	Senators Madden, Cheeks, Oliver, and Middleton introduced a proposed resolution (Senate Resolution 459) censuring Sen. Abernathy. The Senate referred the resolution to the 13-member Senate Ethics Committee. As a standing committee, the Senate Ethics Committee could not vote on a matter before it without giving the sponsor the opportunity to appear and be heard (Senate Rule 2-1.9). It is unclear whether the committee held a hearing; however, Sen. Abernathy waived any notice and hearing with respect to the actions by the committee and Senate.	The committee returned the resolution with amendments that the Senate rejected.	Censure. (The senator also voluntarily resigned from his position as chairman of the Interstate Cooperation Committee.)
HAWAII	In March 1989, Sen. Steven Cobb was fined $500 for soliciting an undercover policewoman. He wrote the Senate a letter of apology and told them it was an isolated incident. He was embraced by the Senate until it was later reported that he was involved in two earlier cases of soliciting prostitutes. He asked to be put on leave to attend therapy. In July 1989, his therapist said he was ready to resume his Senate duties.	In September 1989, 17 senators met in a closed-door session to decide what action to take. The Senate president presented the senator with recommendations for sanctions and they were adopted.	The sanctions, for the 1990 session, were: (1) remove Sen. Cobb as committee chairperson and vice chairperson, (2) remove him as a member of the Judiciary Committee, (3) require him to submit a formal letter of apology to the Senate and the people of Hawaii, (4) subject him to a "public reprimand" for soliciting prostitution, (5) tell him that any repeat incidents could result in expulsion from the Senate, and (5) reassign him to a smaller office.	Censure.
MAINE	In 2001, Rep. John Michael "berated" two female senators during a State House argument over which committee should handle certain	The House Ethics Committee heard testimony and made recommendations to the House.	The committee unanimously recommended censure to the full House.	The full House voted to censure by a vote of 137 to 8. (The resolution included a recommendation to take

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS/RECOMMENDATION	FINAL ACTION
	legislation.			"corrective action to rehabilitate." Michaels complied and apologized.)
MINNESOTA	In February 1996, several individuals claimed Rep. Jeff Bertram harassed them with anonymous calls, bullied them, and pressured them to make campaign contributions. In 1996, the legislature investigated Rep. Jeff Bertram for pressuring a businessman into giving a campaign contribution with the threat of doing business with a competitor; pressuring a store-owner to drop shoplifting charges filed against his brother, Sen. Joe Bertram; making false statements about several individuals; and engaging in other acts of intimidation, threats, and harassment. Law enforcement agencies were asked to investigate allegations of misusing state campaign funds and coercing people that surfaced in the ethics investigation. He was also later sued by a couple who said he told lies about them. The couple also received a restraining order against Bertram.	The House Ethics Committee received a complaint.	The committee found that Bertram harassed and intimidated critics and political opponents. The committee recommended censure by the House in open session; that he publicly admit on the House floor in open session to acts of misconduct specified in the committee report; that he apologize on the floor to the House, his constituents, and each of the victims named in the report; that he agree to undergo a psychological evaluation for anger and report the results to the speaker and the chairman and vice chairman of the Ethics Committee; and that he resign from all House committee chair or vice-chair positions and membership on legislative commissions.	Censure by a vote of 82-21. The full House adopted the recommendations in the committee's report. Rep. Bertram consented. A minority report recommending expulsion was presented to the full House, but failed to get 2/3 of the vote, failing 68-65. Bertram did not seek re-election.
MINNESOTA	In 1995, Rep. Bob Johnson threatened the Public Safety commissioner when the State Patrol	The House Ethics Committee heard the matter.	A recommendation to expel Johnson failed 5-5.	Censure. The House voted 82-60.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	turned down his request to fly him to St. Paul for the funeral of a former governor. After the incident, he lost his position as assistant majority leader. Also in 1995, he had three DWI arrests in less than seven weeks. The third occurred after the legislature initiated an investigation and while he was distraught over recent events and threatening suicide in calls from his car phone. His license had been revoked at the time. He said a severe bout of depression ended 14 years of sobriety. He pled guilty to all three DWIs (they appear to all be misdemeanors). On the first, he received a fine and probation. (The later DWI arrests violated his probation and he was sentenced to 20 days of electronic home monitoring after the 1996 legislative session ended, 40 hours of community service, and a one year license suspension.) For the 3rd, he pled guilty to habitual drunk driving and refusing a breath test (a gross misdemeanor) and received a one year sentence. He spent one month in jail with his days out on work release. He also spent 28 days in an alcoholism treatment		By a 7-3 vote, the committee asked Johnson to resign and to run in a special election if he wanted to continue. The committee also recommended censure; that he repay to the House the portion of his salary that was paid or that may be paid while he was or may be incarcerated or under house arrest for DWI convictions; 120 hours of community service; and random tests for alcohol with results forwarded to the speaker and Johnson paying for the testing. By a 7-3 vote, the committee voted to reconsider the recommendation to expel and laid the motion on the table, if Johnson did not resign.	A vote on expulsion received 76 votes, short of the 90 required for a 2/3 vote.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS/RECOMMENDATIONS	FINAL ACTION
	program. He was sentenced for the 2nd violation last and received (1) a one year sentence that was suspended except for 30 days in jail, (2) three years probation, (3) a $1,500 fine plus $303 in fees, and (4) a requirement to continue taking prescription medication for depression and stay in alcohol treatment. He did not seek re-election.			
MINNESOTA	In 1986, Rep. Randy Staten pled guilty to felony theft charges, admitting that he wrote 76 bad checks. The original charge of theft of over $2,500 was reduced to theft of over $250. He was sentenced to one year's probation, a 90 day jail sentence which he would serve only if he violated probation, and continued treatment. Even though the crime was a felony, he was given a misdemeanor sentence and therefore it was considered a misdemeanor. Staten said he was chemically dependent and financially irresponsible, and had completed a residential treatment program. He made restitution before criminal charges were brought.	The speaker appointed a bipartisan four-member Select Committee on the Staten Case. The committee investigated Staten for writing $8,200 in bad checks and questionable campaign finance reporting.	The committee voted unanimously to recommend expulsion, based on the conviction and campaign report violations. The 24 member House Rules and Legislative Investigations Committee also recommended expulsion on a voice vote. The committee rejected censure.	Censure. An initial vote to censure failed. Then a vote to expel failed 80-52, short of the required 90 for a 2/3 vote. Then a vote to censure passed 99-31. The censure also ordered him to: donate 16% of his pay for the remainder of the year to a nonprofit chemical dependency program of his choice; perform 100 hours of volunteer service; undergo chemical dependency treatment; and, if campaign finance reporting problems continued, return all public financing money.

Table 2 (continued)

STATE	INCIDENT(S)	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	The Ethical Practices Board also found he filed late and incomplete campaign disclosure reports for four years (which could involve misdemeanor or gross misdemeanor violations).			
NEW HAMPSHIRE	For seven years, House Speaker Gene Chandler held a series of corn roast galas raising $64,000 from supporters, lobbyists, and others who had business before the legislature. Chandler used the money for personal expenses such as car repairs, hotel stays, and meals. In October 2004, the Legislative Ethics Committee received a complaint and in November it issued a statement of charges and notice of hearing. In March 2005, Chandler pled guilty to a misdemeanor for failing to report the gifts. He was fined $2,000 and required to perform 100 hours of community service. The attorney general did not find any evidence that he did political favors for those who donated. The committee held its first hearing in May 2005.	The Legislative Ethics Committee received a complaint. After reviewing the complaint, the committee conducted an extensive preliminary investigation and voted unanimously to begin formal proceedings. A formal statement of charges and notice of hearing was sent and a hearing was held. Chandler formally answered the statement of charges and appeared at the hearing to testify and present other evidence through his counsel.	The committee voted unanimously to recommend expulsion. The committee found that Chandler violated ethics provisions by (1) soliciting, accepting, or agreeing to accept gifts with an aggregate value over $250 while knowing or believing the givers were or were likely to be interested in matters pending at the legislature, (2) using his public position to obtain gifts with aggregate value over $250 for private benefit, and (3) disregarding the obligation to report gifts over $50 (which he acknowledged through his misdemeanor plea). The committee found that for seven years the annual corn roasts solicited and received cash from businesses, lobbyists, and individuals. They were organized by "friends" so that Chandler had income to continue in the legislature. Flyers advertising them were sent out and sometimes mentioned legislative issues. Chandler had sole discretion over how the funds were spent. He did not report the gifts except in one year.	Censure. The vote to expel failed 189-172 following a three-hour debate. The vote to amend the report and recommend censure passed 217-143. The vote to accept the report with the sanction of censure passed 274-86.
NEW	In 1998, Rep. Roland Hemon	The Legislative Ethics Committee	The committee recommended censure if	Censure (Hemon agreed to the

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL OUTCOME
HAMPSHIRE	authored legislation for the third time to impeach a probate judge involved in the case of his mother's estate.	investigated, held hearings, and issued a report with recommendations.	Hemon represented that he would not introduce or sponsor similar legislation in the future. Otherwise, it recommended expulsion.	committee's condition).
NEW MEXICO	In 1991, Rep. Ronald G. Olguin was charged with solicitation of bribery (a felony) and demanding a bribe by a public official and two other felony counts alleging that he sought $15,000 for his consulting services in exchange for state funding.	The House adopted rules establishing the Rules and Order of Business Committee. A subcommittee investigated, received certain evidence under a confidentiality agreement, and recommended that the committee find probable cause to move to a formal hearing. The full committee agreed and held an evidentiary hearing. The committee heard evidence, took testimony, questioned witnesses, allowed cross examination, and heard closing arguments.	The committee found that Olguin engaged in a course of conduct while seeking to sell his consulting services that violated his public trust as a legislator. • While agreeing to provide consulting services for a fee aimed at obtaining new program funding from a county, he also identified program needs at the state level, offered a legislative solution, and offered his assistance in obtaining that solution. • He either included an agreement to influence the state legislative process in a proposed contract for consulting services or proposed a contract for services at the county level with free services at the state legislative level. • His conduct was a serious breach of ethical responsibilities as a legislator. The committee voted 11-4 to censure. A minority report recommended expulsion.	Censure. (Floor debate included a motion for expulsion that was defeated.)
NORTH CAROLINA	In 1995-6, Rep. Ken Miller was investigated for improper advances toward a page, legislative employee, and lobbyist. In July 1995, Miller allegedly made a pass at a 16 year old page. Three other women then came forward with allegations. The page's legislative sponsor requested an ethics	A legislator requested that the House Ethics Committee investigate (a 15 member committee). The committee established its procedures and hired an attorney to investigate Miller.	Miller submitted a letter admitting to unwanted advances as the committee prepared to take sworn statements from the alleged victims. The committee voted 11-3 against recommending expulsion but unanimously recommended censure.	The House voted 113-1 for censure (Miller was the only vote against). He lost a primary election the week before the censure.

Table 2 (continued)

STATE	NATURE OF MISCONDUCT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATIONS	FINAL ACTION
	Investigation.			
PENNSYL-VANIA	In 1975, Sen. William Duffield admitted to misappropriating thousands of dollars from an estate for which he was executor and attorney. In October 1975, the chief justice of the Pennsylvania Supreme Court entered an order accepting the resignation of Sen. Duffield after the Disciplinary Board recommended a two-year suspension. The consent disbarment resulted from seven charges of professional misconduct against Sen. Duffield in his private law practice including: • improperly converting $7,500 from a client's estate to personal use, and • co-mingling $3,400 in funds between clients' estates.	The Senate president pro tempore appointed a Senate Select Committee to inquire into the circumstances surrounding the voluntary disbarment and advise the Senate as to what disciplinary action, if any, was warranted. The committee held a hearing on November 13, 1975 and four days later, on November 17, issued a report with its findings and recommendations. The Senate president pro tempore requested and received official documents containing specific allegations of misconduct from the Disciplinary Board of the Supreme Court of Pennsylvania. Sen. Duffield was notified of the inquiry and afforded the right to counsel. The hearing was conducted under oath and Sen. Duffield was allowed to present testimony and rebut or explain the charges against him.	The Select Committee found, in part, that: • converting trust funds to personal use and compounding that act by co-mingling further trust funds to restore the converted amounts constituted a grave and serious matter and conduct unbecoming any public official and • five of the seven disciplinary charges against Sen. Duffield involved negligent acts in the conduct of his private law practice and should remain within the purview of the Bar for discipline. The committee recommended that the Senate: • remove Sen. Duffield for the balance of his term from his standing committee chairmanship and vice chairmanship, • bar him for the balance of his term from membership on any standing committee, and • adopt a censure resolution.	Censure (unanimous vote).
SOUTH DAKOTA	In 2006, an 18-year-old page contacted the attorney general alleging that Sen. Dan Sutton made sexual advances and inappropriately touched him at a motel. The attorney general investigated for possible criminal charges. By the time of censure, no charges had	The Senate president pro tempore wrote to Sutton indicating he would refer the matter to the Senate's executive board if he did not resign within a week. The governor, in response to a request from the Senate's executive board, called the Senate into special session to investigate the allegations. In the	In its majority report, the Select Committee on Discipline and Expulsion recommended censure, finding that the senator exercised poor judgment in inviting and permitting a serving Senate page to share his motel room and bed. Further, that allegations arising out of that poor judgment resulted in public allegations of misconduct, which, though unproved, served to bring Sen. Sutton and	Censure, by a vote of 32-2. A vote to expel failed 14-20.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	been brought.	meantime, Sutton won reelection. Sutton resigned the day after the Senate released its proposed rules for the special session, but stated that he intended to reclaim his seat in January 2007 pursuant to his reelection. The special session was cancelled. When the regular session convened, Sutton took the oath of office. The Senate voted to adopt the same rules as the previous session. It also adopted rules regarding discipline and expulsion of members as a new chapter in the rules. Sen. Sutton went to the circuit court and received an order prohibiting the Senate from holding any hearings about him under the rules. The state Supreme Court ruled that the courts had no jurisdiction to halt a legislative disciplinary process. The Senate voted 27-6 to appoint a Select Committee on Discipline and Expulsion to investigate. The committee held meetings and heard testimony, including from Sutton.	the honor of the Senate into public disrepute. In a minority report, three out of the nine senators on the committee dissented. They concluded that something serious involving unwanted touching of a sexual nature occurred in Sen. Sutton's motel room during the period of February 5 to February 7, 2006. In its dissent, the minority wrote, "[g]iven the serious nature of the allegations and given our belief that the evidence shows an unwanted touching of a sexual nature happened during the nights in question, we cannot agree that censure is a sufficiently serious response to what we see as the misconduct of Sen. Sutton. We believe the committee should have made a recommendation of expulsion from the South Dakota Senate." The committee voted 6-3 to recommend censure for conduct by a senator unbecoming the Senate.	
UTAH	In 1991, Rep. Dionne Halverson was convicted of misdemeanor shoplifting.	Pursuant to JR-16-04, the House Ethics Committee subsequently made a preliminary inquiry. It is unclear whether Halverson waived the disciplinary	The House Ethics Committee recommended expulsion.	The full House voted against expulsion by a narrow margin (2 votes). Halverson was censured and subsequently resigned.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINALIZATION
		hearing which would have required appointment of a special prosecutor.		
VIRGINIA	In 1987, Senator Peter Babalas was censured for casting votes in violation of Senate conflict of interest rules. Babalas had earlier successfully defended himself against two counts of a criminal misdemeanor for alleged violations of state conflict of interest laws. One count was dismissed and Babalas was acquitted on the second count.		The Privileges and Elections committee recommended censure by a 12-3 vote. The Senate Rules Committee, by a 9-5 vote with Babalas (the chairman of the committee) abstaining, then approved a resolution of censure of Babalas for unethical conduct.	Censure. The resolution prescribing that Babalas be censured was approved by the whole Senate by a vote of 25-14.
REPRIMAND				
FLORIDA	In 1997, the Ethics Commission found that Rep. Alzo J. Reddick violated constitutional provisions on ethics through financial disclosure violations in 21 separate instances.	The speaker received a final order and public report from the Ethics Commission and appointed a Select Committee on Standards of Official Conduct to investigate.	In a consent decree, Reddick stipulated to findings of fact that in six years he committed various violations including failing to report a loan, underreporting a loan, failing to report the value of stock, overestimating the value of stock, failing to report certain income, not filing the address and amount of sources of income, and failing to accurately reporting his net worth. The committee's proposed order stated that Reddick apologizes for "any unintentional adverse effect his actions may have brought" on the House. Because there was no evidence of use of office for personal gain or that the actions impacted legislative duties, the committee proposed and Reddick	Reprimand. The House accepted the consent decree.

Table 2 (continued)

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
			accepted the penalty of a reprimand.	
FLORIDA	In 1992, Rep. Michael E. Langton was investigated for representing others before a state agency for compensation and seeking a benefit inconsistent with the proper performance of his public duties.	The speaker received a complaint and public report from the Ethics Commission. He appointed a Select Committee on Standards of Official Conduct to investigate.	In a consent decree between Langton and the committee, Langton waived a hearing on the violations and penalty, stipulated to facts, and agreed to a penalty. The findings included the following: • Langton was a consultant to cities and counties applying for Department of Community Affairs for Community Development Block Grant funds before and after his election. • He asked the Ethics Commission for an opinion whether he could continue this consulting and was informed that he could as long as he did not represent anyone personally for compensation before an agency. • The House Community Affairs Committee chair asked Langton to work on changes to the grant program and he did so while continuing to consult with cities and counties who applied for grants. • Under new legislation, the department enacted a rule for application criteria. When it appeared that this interpretation was contrary to the legislative intent, Langton contacted the department to clarify the interpretation. • Langton recognized that his contact	Reprimand. The House voted 116-0 in favor.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDING/SANCTION/RECOMMENDATION	FINAL ACTION
			with the department reflected adversely on him and the House. Such conduct was prohibited when it benefited a member's client or business interest. • On behalf of his consulting company, Langton phoned a department employee to express concerns about misstated facts in monitoring reports the employee prepared. The committee's proposed order stated that contacting the employee was a violation and he was admonished to prevent recurrences. Langton agreed that he should avoid even the appearance of impropriety and he apologized for "any unintentional adverse effect his actions may have brought" on the House. The committee recommended a reprimand.	
FLORIDA	In 1980, Rep. Gene Flinn was investigated for sexual discrimination and sexual harassment of two female aides and using aides for non-legislative duties.	The speaker appointed a select committee to investigate. The committee took depositions, conducted hearings, and gave Rep. Flinn an opportunity to appear and give testimony and evidence.	The committee found that Flinn violated House rules and a state statute. It recommended a reprimand.	The House adopted a resolution to reprimand Flinn by a vote of 109-4. Two legislators placed remarks in the journal arguing that expulsion was appropriate.
GEORGIA	In 2000, Rep. Arnold Ragas failed to file mandatory campaign finance reports indicating his person wealth and campaign contributions received between 1996 and 2000. He also ignored the $10,600 in fines the State Ethics Commission imposed for the	Representative Snow introduced a proposed resolution (House Resolution 747) reprimanding Rep. Ragas. The House referred the resolution to the Rules Committee. It was subsequently withdrawn from that committee and referred to the House Ethics Committee.	After one meeting, the committee voted unanimously to recommend a reprimand and an order to pay the $10,600 fine.	Reprimand (161-3).

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATIONS	SANCTION
	violations.	As a standing committee, the House Ethics Committee could not vote on a matter before it without giving the sponsor the opportunity to appear and be heard. It is unclear whether the committee held hearings.		
GEORGIA	In 1993, Rep. Jimmy Benefield displayed a sex toy in the House chamber where it was allegedly showed to young pages. Benefield acknowledged bringing the toy into the chamber but denied intentionally showing it to children. A Georgia Bureau of Investigation report found insufficient evidence that criminal laws were violated. As a result, Benefield was never charged with a crime.	Rep. Posten filed an ethics complaint on behalf of a 14-year-old page who claimed a legislator showed him the toy and Benefield laughed. The House referred the complaint to the 11-member House Ethics Committee, which hired a prosecutor and held a hearing over two days. House pages, the mother of the 14-year-old, a lobbyist, and three house members testified. The hearings were open to the public, except when the pages testified. The committee limited its questions of Benefield to his role in the incident. It voted not to look into claims by two female lobbyists that Benefield showed them the toy.	The committee recommended a reprimand even though reprimand was not among the committee's official disciplinary options as spelled out in the state constitution. The committee's options were no action, censure, or expulsion.	Reprimand (129-25).
IDAHO	In 1990, Representative Ray Infanger, in a letter to the director of the Department of Labor and Industrial Services, threatened the agency's funding if the director did not grant Infanger's son an electrical contracting license.	The speaker appointed a six-member bipartisan committee to (1) review the letter of accusation written by the director of the Department of Labor and Industrial Services; (2) interview Rep. Infanger, the director, and one other knowledgeable person; and (3) report its findings and recommendations.	The committee found that a serious lack of judgment left the impression that Infanger used his position, contrary to public interest, to benefit a member of his family. Recommended a reprimand.	Reprimand.
MINNESOTA	In 1999, a conflict of interest complaint was filed against Sen.	The Senate Subcommittee on Ethical Conduct heard the matter.	The subcommittee reported that Sen. Sams covered up a payment for consulting work.	Reprimand, including a public apology to the Senate, his

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATIONS	SANCTION
	Dallas Sams. In his job as a consultant, the senator accepted a state contract that was related to legislation he authored. He received a $12,500 consulting payment from the University of Minnesota.		The payment was legal but the coverup was unethical. The subcommittee recommended a reprimand, including a public apology and removal as a member and vice-chair of the Human Resources Finance Committee.	constituents, and the public; and removal as a member and vice-chair of the Human Resources Finance Committee.
NEW HAMPSHIRE	In 1994, Rep. Roland Hemon authored legislation to impeach a probate judge involved in the case of his mother's estate.	The Legislative Ethics Committee investigated, held hearings, and issued a report with recommendations.	The committee recommended a reprimand.	Reprimand.
ADMONISHMENT				
FLORIDA	In 2000, Rep. Alzo J. Reddick, Sr. failed to timely file a financial disclosure form for 1998.	The speaker received a copy of a stipulation of fact and recommended order from the Ethics Commission and appointed a Select Committee on Standards of Official Conduct to investigate. The Ethics Committee had not approved the stipulation and could not do so before the end of the legislative session. Reddick was not seeking re-election but asked the House to find a violation and impose a penalty.	In a consent decree, the committee stated that because the violation was inadvertent, a letter of admonishment from the speaker was an appropriate penalty. In addition, Reddick agreed to apologize to the House and the public and make a $500 contribution to a homeless shelter.	Admonishment: The House accepted the consent decree and the speaker's letter of admonishment was printed in the journal.
FLORIDA	In 2000, Rep. Gustavo Barreiro failed to report a liability of more than $1,000 on his disclosure of financial interests that he filed when qualifying to run for the House.	The speaker received a final order and public report from the Ethics Commission and appointed a Select Committee on Standards of Official Conduct to investigate.	In a consent decree, the parties accepted the Ethics Committee's findings and agreed there was no evidence the violation was willful or intentional. The committee recommended a letter of admonishment from the speaker and	Admonishment: The House accepted the consent decree and the speaker's letter of admonishment was printed in the journal.

Table 2 (continued)

STATE	GIFT-TAKING INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			Barreiro agreed to apologize to the House and the public and contribute $500 to a homeless shelter. The committee also recommended clarifying the law.	
FLORIDA	In 1994, Rep. John Thrasher was investigated for violating the statutes on representing others before a state agency for compensation.	The speaker received a complaint and public report from the Ethics Commission and appointed a select committee to investigate.	In a consent decree entered into between Thrasher and the committee, Thrasher waived a hearing on the violations and penalty, stipulated to facts, and agreed to a penalty. The findings included the following. • As general counsel for the Florida Medical Association, he personally appeared on the association's behalf before a subcommittee of the Board of Medicine of the Department of Professional Regulation on a rule relating to surgery in doctors' offices. • Before his appearance, he had a phone conversation with a longtime friend who chaired the subcommittee and invited Thrasher to appear and address the rule. Thrasher had previously received a general notice about the meeting. • There was no indication that the appearance was intended to misuse his position to improperly influence a state agency, nothing indicated that his status was relevant to his appearance, and it was clear from the transcript that he appeared as a	The House adopted the report and a letter of admonishment from the speaker was printed in the journal.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS/RECOMMENDATIONS	DISPOSITION
			representative of the association. • Thrasher acknowledged his appearance was an unintentional violation of the constitution, statutes, and House Rules. The committee's proposed order stated that the appearance before the subcommittee was a violation and he was admonished to prevent recurrences. He agreed that he should avoid even the appearance of impropriety and he apologized for "any unintentional adverse effect his actions may have brought" on the House. The committee recommended admonishment by the speaker.	
FLORIDA	In 1991, Rep. Frederick Lippman was investigated for (1) failing to properly supervise staff as chair of the Committee on Regulatory Reform from 1983 to 1986, (2) violating the statute that restricts outside employment of a full-time staff employee, and (3) improper behavior with a House staff member from 1983 to 1986. A county grand jury also issued a report relating to allegations of sexual harassment by a former	The speaker appointed a select committee to investigate.	The committee recommended admonishment. It also recommended procedural changes and training.	The speaker issued a letter admonishing Lippman (a copy was printed in the journal). The speaker also removed Lippman as majority leader.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	IMPLEMENTATION
	staff member.			
APOLOGY (MAY INCLUDE OTHER SANCTIONS)				
MINNESOTA	In 2006, Sen. Dean Johnson made comments at a private meeting concerning alleged conversations he had with members of the state Supreme Court relating to the court's possible action on the state's Defense of Marriage Act. A tape of the comments surfaced.	The Senate Subcommittee on Ethical Conduct (a subcommittee of the Rules and Administration Committee) heard the matter.	The committee dismissed the complaint but voted unanimously to require a public apology to the Senate and a written apology to the group that held the meeting where the comments were made.	Required to apologize on the Senate Floor and to those at the meeting.
MINNESOTA	In 2004, Sen. Michael Jungbauer was accused of performing campaign activities from his Senate office. He sent a Senate e-mail to 1,700 people forwarding a media advisory about a press conference whose organizers were seeking to defeat senators of a particular party if they did not pass a same-sex marriage ban constitutional amendment. Senate rules prohibit use of equipment for commercial purposes or a political campaign.	A senator filed a complaint and the Senate Subcommittee on Ethical Conduct heard the matter.	The committee voted unanimously to require a written apology.	Required a written apology to each member of the Senate and the complaint was dismissed upon delivery of apologies.
MINNESOTA	In 1994 and 1996, Sen. Sam Solon was investigated for providing the Senate's long-distance access code to his ex-wife. He pled guilty to a misdemeanor charge relating to the use of the phone account in 1992 and 1993.	The Senate Subcommittee on Ethical conduct heard the matter.	The committee recommended voluntary resignation as chair of the Commerce and Consumer Protection Committee as an appropriate disciplinary action; that he be removed from membership on the Committee on Rules and Administration; that he make restitution to the Senate for the cost of the calls; that he apologize to the Senate in open session; and that the reprimand of March 24, 1994 (for giving telephone access code to lobbyists) be reaffirmed.	The Senate adopted the report by a vote of 57-6, after voting down an amendment seeking his resignation 17-48.
MINNESOTA	In 1995, Sen. Kevin Chandler was	The Senate Subcommittee on Ethical	The subcommittee reported that Sen.	By a vote of 63-0, the Senate

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	involved in a domestic assault with his estranged wife outside a bar. His wife did not press charges. The police investigated and Chandler asked them to charge him and stated he would plead guilty to 5th degree assault (a misdemeanor). He was charged with that crime and two counts of disorderly conduct (all misdemeanors). In September 1995, he pled guilty to 5th degree assault for slapping his estranged wife and the other charges were dropped. He was placed on probation for one year and fined $210. In 1996, the legislature investigated. He did not seek re-election.	Conduct heard the matter.	Chandler's decision to voluntary resign his leadership positions in the Senate was appropriate and that he apologize to the Senate in open session.	adopted the subcommittee's report: that Sen. Chandler's decision to voluntary resign his leadership positions in the Senate was appropriate and that he apologize to the Senate in open session.
OHIO	In January 1996, Rep. Michael A. Fox accepted an airline ticket and lodging from a lobbyist. Fox said he thought he had repaid the lobbyist for the ticket and he thought staying at the home owned by the lobbyist was not a gift that had to be reported.	In 1997, the legislative inspector general investigated and presented findings to the Joint Legislative Ethics Committee.	The committee recommended that Fox be removed as chairman of the Education Committee and apologize.	The House voted 89-7 and the Senate voted 31-0 to remove Fox as chairman of the Education Committee and require him to apologize.
OTHER SANCTIONS				
INDIANA	In September 1997, Sen. Steven Johnson had an affair with his Senate intern.	The Senate Committee on Legislative Ethics considered a complaint filed by Sen. Kent Adams. Sen. Johnson acknowledged a "moral and ethical" failure and apologized to the Senate.	The committee found Sen. Johnson to be immoral and unethical "In contradiction to the high moral and ethical standards expected of members of the Indiana State Senate under the Rules of the Senate."	Removed as Senate committee chair and assigned Senate seat located in a less prominent position.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			It recommended that Sen. Johnson (1) be removed as a committee chairman, (2) have his assigned seat on the Senate floor relocated to a less prominent place, and (3) receive no further punishment.	
OHIO	In 2006, Sen. Jeffry Armbruster was investigated after requesting a workers' compensation rate discount for his business. Term limits barred him from seeking reelection. The ethics committee held hearing after Armbruster left office.	The Joint Legislative Ethics Committee investigated (a bipartisan 12 member committee). The committee served him with a complaint in December 2006. Based on a preliminary investigation, he was accused of meeting with Bureau of Workers' Compensation officials at his legislative office to discuss the premium rate of his company. In 2007, after he left office, the committee held formal hearings with the legislative inspector general acting similar to a prosecutor.	The committee found that he violated a prohibition against using his position to represent his personal business interests before a state agency.	The matter was referred to the county prosecutor.
OHIO	In 2005, Reps. Jim Raussen, Diana M. Fessler, and Michelle G. Schneider failed to disclose gifts of dinner and pro football tickets on disclosure forms.	The Joint Legislative Ethics Committee investigated.	The committee cleared them of any "wrongful intent" but required them to reimburse the costs to the lobbyist and attend one hour of ethic training.	Reimbursement of costs and training.
ON-GOING				
ALABAMA	In 2007, Sen. Charles Bishop punched Sen. Lowell Barron on the Senate floor.	The Senate president appointed a five-member bipartisan Senate Ethics and Conduct Committee to review the complaint.	The committee hired an attorney to assist it in the review.	Investigation is on-going.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
NORTH CAROLINA	In 2007, an investigation of Rep. Thomas Wright by the state Board of Elections discovered evidence that Wright did not report hundreds of thousands of dollars in campaign contributions and he reportedly used a letter awarding a bogus grant to secure a bank loan for a foundation he controlled. In August, prosecutors stated that they hoped to finish their investigation by October 1. A search warrant for bank records indicated a suspicion of obtaining property by false pretences. The Board of Elections suspended Wright's reelection campaign for failing to file the required campaign disclosure report for the first six months of 2007.	The Joint Legislative Ethics Committee began an investigation.	N/A	Committee investigation is not yet complete.
RESIGNATION				
ARKANSAS	In 1999, Sen. Nick Wilson was convicted in federal court on felony charges of conspiring to evade taxes on $325,000. The case involved "washing" checks that were payments from a real estate agent. The agent testified that he split his commission after Wilson tipped him off that a agency might buy a downtown bank building. He also faced a	Under one provision of the state constitution, no one convicted of an "infamous crime" is eligible to serve in the General Assembly. Another provision gives each house the power to expel a member. A majority of members signed a petition to request a hearing on Wilson, as required by the rules. 28 of 35 senators signed the petition.	N/A	Resigned. Wilson submitted a letter announcing his resignation at a future date and the Senate president pro tem cancelled a meeting on expulsion. Other criminal charges were later dropped by prosecutors in exchange for Wilson's testimony.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	RESOLUTION
	133-count racketeering indictment as "kingpin" of a corrupt organization that skimmed nearly $2 million from an assortment of state programs through kickbacks and contracts to friends and allies.			
CALIFORNIA	In 1994, Sen. Frank Hill was one of several legislators ensnared in an FBI sting operation focused on legislative corruption. He was convicted of extortion, conspiracy, and money laundering after accepting $25,000 in exchange for his support on Louisiana shrimp boat legislation. He was sentenced to 46 months in prison and ordered to pay a fine of $2,500. At least some convictions were felonies.	A demand was made on the Senate floor for Hill's expulsion. The Rules Committee put aside consideration after receiving Hill's resignation letter, but he did not set a resignation date	The 5-member Rules Committee later voted 4-0 to expel Hill. One member abstained.	Resignation (before vote on resolution).
COLORADO	In 2006, Sen. Deanna Hanna allegedly requested a $1,400 campaign contribution as a "reparations request" from a group that backed her election opponent.	A complaint initiated the process calling for an inquiry. An ethics committee of three Democrats and two Republicans was appointed (under Senate Rule 43).	N/A	Hanna resigned while the committee was investigating.
DELAWARE	In 2007, Rep. John Atkins assaulted his wife after using his legislative position to avoid a drunk driving arrest. He was stopped by police after the pickup truck he was driving was seen speeding and drifting. He was not cited or arrested despite a preliminary breath test of 0.14 BAC. He pled guilty to offensive touching (a misdemeanor) for supposedly	The House Ethics Committee, a standing committee established by House Rules, investigated and made recommendations. The committee consisted of three Republicans and two Democrats. The committee determined the matter merited further inquiry and staff performed a preliminary inquiry.	Committee staffers made the following findings. • Atkins filed a misleading affidavit with the committee stating that he presented his legislative ID card after police asked for it. He later admitted that he showed it without being asked and repeatedly reminded officers about being a legislator to attempt to be treated leniently. • The police officer told Atkins and his wife to get a ride home and friends drove	Resignation (before scheduled House debate on a censure resolution).

Table 2 (continued)

STATE	ALLEGED MISCONDUCT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATIONS	SANCTION
	grabbing his wife's arm during a fight and was sentenced to probation and ordered to complete domestic violence and anger management counseling.		them part of the way before Atkins got into his truck to drive home. • Another police officer saw Atkins run a stop sign but did not stop him because he recognized the vehicle which had legislative plates. • Police shortly after responded to a 911 hang-up call at the Atkins home. After his arrest based on a domestic dispute, he expressed his concern about the press since the election was in 10 days. He made requests to speak to the police chief. • Atkins was sentenced to probation after pleading guilty to offensive touching for supposedly grabbing his wife's arm during a fight. Staff found that the fight involved greater physical contact than described in the police complaint. The committee unanimously found that Atkins violated House rules and brought the chamber into "disrepute" by using his position in an effort to be treated leniently during the traffic stop and ensuing events culminating in his arrest. In voting to censure, the committee recommended he surrender his legislative identification car and license tag, pay a $550 fine, forego any committee chairmanships, undergo an alcohol abuse evaluation, and complete court-ordered domestic violence counseling.	
FLORIDA	In 1988, Rep. Donald George	The speaker appointed a select	No information.	Resigned, effective the day

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	Gaffney was investigated regarding his previous position as Jacksonville City councilman and a rezoning petition before the council. • He was charged with bribery and grand theft days before his election in 1986. • A federal grand jury returned a 23-count indictment on extortion, conspiracy to commit extortion, and mail fraud in February 1987. • After the 1987 session ended, he was convicted of conspiracy, extortion, and attempted extortion and acquitted of five extortion and five attempted extortion charges. Under House Rules, he was suspended from the House pending appeal or the end of his term. • In December, a federal judge vacated the verdicts on rumors of jury tampering and Gaffney was reinstated pending a new trial. • In January 1988, a federal grand jury returned a 21-count indictment that included new charges.	committee to investigate.		before the start of the 1988 session. Gaffney was later convicted and sentenced to prison for mail fraud.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	DISPOSITION
GEORGIA	In 1999, Sen. Diana Harvey Johnson was convicted of five counts of federal mail fraud for funneling an estimated $60,000 of state tourism funds to her own consulting business. She was sentenced to 41 months in prison, fined $7,500, and ordered to pay $21,600 in restitution.	The governor impaneled a 3-member review committee after Sen Johnson was indicted.	The committee concluded that Sen. Johnson's indictment impaired her ability to serve her constituents.	The governor suspended Sen. Johnson with pay. She resigned her seat after a federal judge suggested he would not free her on bond while appealing her conviction unless she gave up her seat.
IDAHO	In 2005, Sen. Jack Noble introduced legislation to change the method of measurement of the required distance between a liquor store and a school after he and his wife were denied a license to sell liquor from their store.	Pursuant to Senate Rule 53, a six-member bipartisan Ethics Committee appointed by the Senate president pro tempore held four public hearings.	The committee found that the senator gave false or deceptive information to the Senate State Affairs Committee about the origin of the legislation and his potential benefit. Sen. Noble, while under oath, testified before the committee twice. It recommended that the senator be censured and stripped of any leadership responsibilities.	Resignation.
MAINE	In 1987, Rep. Donald Sproul was convicted of misdemeanor ballot tampering.	After conviction, adopted a resolution relating to the censure or expulsion of Sproul. Inquiry by House Committee on Elections with a report to the full House. Adopted a resolution establishing procedures. Resolution appointed special counsel and required the committee to adopt any necessary rules and procedures.	N/A	Resignation (before committee met).
MASSACHU-SETTS	In 1977, Senators Joseph J.C. DiCarlo and Ronald C. MacKenzie were convicted in federal court for extortion, conspiracy to commit extortion, and conspiracy to violate the Travel Act in connection with their performance as senators. Some, if	The Senate referred the matter to its Committee on Ethics on the day of the conviction. The committee held two hearings, after which it determined that disciplinary proceedings should be conducted pursuant to the Senate's inherent power with respect to its	The committee stated that "the crimes with which the senators were charged and of which they have been convicted are so serious as to render one who has committed them unfit to continue to serve as a member of the Senate."	MacKenzie resigned at the third hearing.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	not all, charges were felonies.	members. The committee held a third hearing to determine if the convictions "were compatible with [the senators'] continued service in the Senate..." ("Report and Recommendations Concerning Senators Joseph J.C. DiCarlo and Ronald C. MacKenzie," Senate Committee on Ethics, April 1, 1977).		
MICHIGAN	In 1998, Sen. Henry Stallings employed a state worker in his art gallery and used public funds to pay the person. He was originally charged with a felony but, after the legislative investigation began, he pled guilty to the misdemeanor of taking less than $100 under false pretenses.	Select committee investigated.	Committee unanimously recommended expulsion.	Resignation (prior to vote on expulsion).
MINNESOTA	In September 1995, Sen. Joe Bertram was arrested and convicted for shoplifting a $90 leather vest (a petty misdemeanor). He was fined $150. In 1996, the legislature investigated Bertram for shoplifting the vest and offering $1,000 to the store owner to not file criminal charges. After his resignation, he was (1) arrested on another shoplifting charge and (2) charged in April 1996 with two felony counts of bribery for offering money to the store owner not	Two senators filed a complaint with the Senate Subcommittee on Ethical Conduct.	N/A	Resignation (before the committee voted).

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATIONS	FINAL ACTIONS
	to file charges.			
MINNESOTA	In 1990, Rep. Jeff Conway, a financial planner, was indicted for diverting about $90,000 of customers' money to his personal use. He was charged with 30 felony counts of diverting money from 15 couples or individuals over several months. He was suspended from the job and then resigned. He relinquished his broker's and insurance agent's licenses after the state Commerce Department found he mishandled funds. He allegedly invested money for a client after he resigned from his job. After he resigned from the House, he pled guilty to charges that were consolidated into four counts. He was sentenced to eight months in prison, 10 years probation, 500 hours of community service, a $5,000 fine, and $50,342 restitution. The judge stayed a sentence of just under nine years in prison.	A complaint was filed with the House Ethics Committee.	The committee found probable cause that Conway engaged in misconduct.	Resignation (the day before his scheduled appearance before the committee).
NEW HAMPSHIRE	In 2004, Rep. John Kerns was investigated for writing bad checks with "State of New Hampshire" written on them, using his title to get a parking space reserved for school officials, and threatening officials when told to stop parking there. After the legislative investigation began he was charged with four	The Legislative Ethics Committee received complaints, investigated, initiated formal proceedings, held hearings, and issued a report with recommendations.	The committee voted unanimously for expulsion.	Resignation (before House action).

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	counts of passing bad checks. He went to court to attempt to stop the committee investigation. He also told the press that (1) he had a serious neurological illness that sometimes incapacitated him and (2) he and a family member were sex crime victims. After his resignation, he pled guilty to writing bad checks. The judge suspended a $500 fine and ordered Kerns to pay $421 in restitution, perform 152 hours of community service, apologize, and drop a lawsuit against police.			
NEW YORK	From 1983 to 1986, Queens County Democratic Organization Secretary Richard Rubin placed no-show employees on the legislative payroll of Assemblywoman Gerdi E. Lipschutz. She was granted immunity in criminal proceeding.	In 1987, the Committee on Ethics conducted a five-week investigation that included testimony given in Rubin's trial in which he was found guilty of mail-fraud in that he caused a no-show secretary to be placed on the assemblywoman's payroll. The committee reviewed the state constitution, the proceedings of two constitutional conventions, and constitutional case law to determine if Article 3, Sections 7 and 9 authorize the Assembly to expel a member.	The committee found Lipschutz guilty of (1) falsely certifying personal service vouchers, (2) approving the hiring of a "no-show" employee knowing that the employee did not perform any official duties, and (3) committing the acts to obtain a political benefit. Assemblywoman Lipschutz cooperated with the U.S. Attorney in the Rubin trial and provided essential testimony after receiving a grant of immunity. The committee found that no member has ever been expelled and that the Assembly does not have the constitutional authority to expel a member. The committee recommended that (1) she resign, (2) the Assembly remove her	Resigned (after the committee made its recommendations).

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			committee chairmanships, (3) she forfeit any rights or privileges of seniority, (4) the Assembly censure her, and (5) the state amend the constitution to authorize expulsion.	
NORTH CAROLINA	In 1985, a committee investigation of Sen. John Jordan led to a criminal investigation for bribery and extortion. He later pled guilty to extortion, bribery, and official misconduct. He was sentenced to a two year suspended sentence, two years probation, and a $2,000 fine.	No information.	No information.	Resigned after pleading guilty.
OHIO	In March 1998, Sen. Jeff Johnson was indicted by a federal grand jury on felony corruption charges: four counts of violating the federal Hobbs Act which prohibits officials from using their office to extort money and two counts of wire fraud. The federal charges involved pressuring inner-city grocers for campaign contributions in exchange for help in obtaining government licenses for nutrition and food stamp programs and to sell liquor and lottery tickets. In November 1998, he was convicted on three charges. He resigned in December. In February 1999 he was sentenced to 15 months in prison, at least 250 hours of community service	The Joint Legislative Ethics Committee investigated.	The committee did not complete its investigation.	Resigned.
SOUTH CAROLINA	In 1982, Sen. Eugene Carmichael was sentenced on a federal felony	The Senate Ethics Committee investigated.	The Senate Ethics Committee found that he committed official misconduct	The Senate refused 24-21 to expel.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	conviction to ten years in prison for conspiracy to buy votes, obstruction of justice, and vote buying.			At the time of the vote, he was appealing his conviction. He lost his appeal and ultimately resigned.
TENNESSEE	In 2005, Sen. John Ford was investigated on charges including whether he resided outside his district, used campaign funds for his daughter's wedding, received consulting fees to help companies get state business, and failed to disclose his sources of income as required by Senate rules. (Other entities also investigated misconduct by Ford, including the FBI in a bribery scandal called Operation Tennessee Waltz.)	A complaint was filed with the Senate's Ethics Committee (a standing committee). The committee issued a subpoena and a subcommittee investigated and found probable cause for the full committee to investigate the issue of failing to disclose income. The full committee voted to bring in a special counsel to expand its investigation regarding consulting fees and deals. The special counsel presented a report of the investigation. The committee was preparing a six-count charge for ethical violations when Ford resigned.	Ford resigned before the committee issued its report.	Resigned (before the committee reported but after the FBI arrested him for bribery and other charges).
TEXAS	In 1957, Rep. Cox was indicted for consenting to accept a bribe. He was censured by a House committee but the censure came after the member had resigned.	An investigatory committee was appointed pursuant to a resolution.	The committee recommended that the entire House censure Rep. Cox but take no other action in view of the fact that he had already resigned. The committee vote appears to have been 9-0.	Resigned. It is unclear whether the entire House ever acted on censure.
NO ACTION/DISMISSAL				
ALASKA	In 1989, Sen. Paul Fischer was accused of taking personal trips at state expense.	The 6-member Senate subcommittee of the Select Committee on Legislative Ethics investigated the complaint.	The committee found an "inference of improper conduct" in Sen. Fischer's undocumented travel reimbursements. In testimony to the committee, Fischer stated that he was quite sure he discussed legislative business during brief airport layovers but neither he nor his aide could remember the dates or where the meeting took place. The committee recommended no	No action.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATIONS	FINAL ACTION
			action—it was unwilling to second-guess Fischer even though his explanation was not "clear and convincing."	
ALASKA	In 1983, Sen. Al Adams allegedly used forged documents and his office to arrange jobs for a subcontractor. In return the subcontractor agreed to give Adams a $100,000 cash advance and ultimately paid him $772,668 over 2.5 years. The contractor also said he made a $12,000 loan to Sen. Adams in 1981 that was not repaid and not reported on Adams conflict of interest form.	The 6-member Senate subcommittee of the Select Committee on Legislative Ethics (3 private citizens and 3 senators) deliberated privately.	After reviewing the allegations, the committee dismissed the complaint because the allegations stemmed from actions that occurred either before the applicable ethics law was in place or outside the law's two-year statute of limitations.	No action
FLORIDA	In 1996, Rep. Marvin Couch failed to report one liability of more than $1,000 on his 1992 financial disclosure form and two liabilities of more than $1,000 on his 1993 form.	The speaker received a final order and public report from the Ethics Commission and appointed a Select Committee on Standards of Official Conduct to investigate.	In a consent decree, the parties (1) accepted the Ethics Commission's findings on violations, (2) found no evidence that the violations were willful or intentional, and (3) found that the Ethics Commission became aware of the debt because Couch revealed it in an amended disclosure in 1993. Because of the inadvertent nature of the violations, the parties agreed that no additional penalty was warranted.	No action.
FLORIDA	In 1995, Rep. Evelyn J. Lynn was investigated for failing to report certain assets and income on various financial disclosure forms over a four year period.	The speaker received a complaint and public report from the Ethics Commission and appointed a Select Committee on Standards of Official Conduct to investigate.	In a consent decree, the parties agreed that the Ethics Commission already found a violation and imposed a penalty and the House should take no action. They also recommended that the legislature consider clarifying jurisdiction over a member's conduct before taking office.	No action.
GEORGIA	In 1999, Reps. Nan Orrock and Michele Henson were alleged to have been improperly paid for work they	Rep. Bob Irvin filed a complaint after a state auditor's report reported that the Holocaust Commission and the Scott	The committee's investigation revealed no fraud or other wrongdoing because no state appropriated money was used to pay the	No action.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATIONS	FINAL ACTION
	performed for the Scott Fund, a non-profit arm of the Georgia Commission on the Holocaust. Orrock was paid $12,000 under a contract with the Scott Fund and Henson received less than $9,000 for fund raising, reimbursement for a trip, and picture framing.	Fund used loose accounting practices and mingled their funds. The complaint was referred to the House Ethics Committee.	legislators. All payments to Orrock and Henson came from privately raised money in the Scott Fund. The committee recommended no action.	
IDAHO	In 1990, Sen. John Peavey took another senator's outgoing mail from the sergeant at arm's desk to determine if the mail volume limit was exceeded.	A six-member special committee determined facts, reached conclusions, and reported recommendations.	The committee found that the senator did not violate any Senate rules; however, his conduct showed a lack of good judgment. Unanimously recommended no formal action and an apology.	No formal action.
IOWA	In 2006, Sen. Stewart Iverson took a position with a political action committee before his term ended.	The Senate Ethics Committee, a standing committee, received a complaint.	Before the committee took any action, Iverson returned his pay and quit the job. The committee dismissed the complaint.	None.
IOWA	In 2001, a complaint against Sen. Mike Sexton alleged conflict of interest for (1) sitting in on an environmental protection commission meeting regarding a fine of his employer and (2) quashing legislation as chairman of the Natural Resources Committee to prevent new regulations that would affect his employer.	The Senate Ethics Committee received a complaint.	The committee dismissed the complaint but required senators to ask for an ethics ruling in the future before taking jobs that might be a conflict of interest.	None
MINNESOTA	In 2003, Rep. Arlon Lindner made controversial statements about gays in the Holocaust and AIDS in Africa.	Eight representatives filed a complaint and the House Ethics Committee (a bipartisan standing committee) heard the matter.	The committee failed to find probable cause for a violation by a 2-2 vote.	None.
MINNESOTA	In 2001, a conflict of interest complaint was filed against Rep. Jim Abeler based on his vote on a funding measure dealing with charter school leases. He owned and leased	The House Ethics Committee heard the matter.	The complaint was dismissed.	None.

Table 2 (continued)

	a building to a charter school at the time.			
MINNESOTA	In 1996, Sen. Florian Chmielewski was accused of abusing Senate phone privileges. Previously, in December 1995, he pled guilty to misconduct of a public officer, a gross misdemeanor (it is unclear whether he faced other charges). He was accused of letting family and friends use his Senate phone access code for more than $3,800 in personal long distance calls. He was sentenced to two years probation and 100 hours of community service.	A senator filed a complaint with the Senate Subcommittee on Ethical Conduct.	The sub-committee recommended removal from two committees; no use of the Senate phone code; no reimbursement for lodging expenses outside his district; and loss of seniority.	None. The Ethics Committee recommendations had to be approved by the Senate Rules Committee which had no scheduled meetings until the following year. The recommendations expired and the senator was defeated in a primary election.
MINNESOTA	In 1996, Sen. LeRoy Stumpf requested an investigation of a possible conflict of interest relating to consultant contract. A newspaper article reported that Stumpf sponsored a bill in 1994 that provided $50,000 to a coalition of six counties to control beavers whose dams caused floods. Two weeks after the bill became law, he was hired as a consultant by the Red Lake Watershed District, which was picked by the counties to administer the program. He was paid $14,000, with the money coming from the district's account which is derived from property taxes.	Stumpf requested that the Senate ethics subcommittee (a bipartisan subcommittee) review the situation.	The Special Subcommittee on Ethical Conduct unanimously found that it was not a conflict of interest. The subcommittee report stated that no money appropriated as a result of Stumpf's legislative work was used directly or indirectly to pay him and he took reasonable steps to avoid a conflict of interest, such as consulting Senate counsel on the matter. It also found no evidence that Stumpf discussed the job while the bill was pending.	None.
MINNESOTA	In 1996, Rep. Tom Workman violated House Rules by releasing confidential	A complaint was filed with the House Ethics Committee.	N/A	None. The complaint was withdrawn and the ethics

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	documents and discussing actions of a closed House Ethics Committee hearing.			committee opened its hearing to the public.
NEW HAMPSHIRE	In 1996, Rep. Roland Hemon authored legislation for the second time to impeach a probate judge involved in the case of his mother's estate.	The Legislative Ethics Committee investigated, held hearings, and issued a report with recommendations.	The committee recommended censure.	None (the House was not in session and the recommendation was not considered).
NEW JERSEY	Sen. Bryant is currently under federal felony indictment for fraud and corruption.	The Ethics Committee announced an investigation in November 2006 but has taken no action to date.	N/A	N/A
OHIO	In 2005, Sen. Ray Miller was investigated for having his aide work for his nonprofit organization while on state time. The legislative inspector general referred evidence of using state personnel and equipment for private business to the county prosecutor. The prosecutor did not pursue charges.	The Joint Legislative Ethics Committee investigated.	The committee required a letter of apology and $936 restitution, which covered the aide's salary for the time she worked for the private organization.	N/A
OHIO	In 2005, Rep. Jim Aslanides was investigated for failing to disclose his real estate holdings for five years. According to a letter from his attorney, he thought that because a city was leasing the land, he had relinquished control and did not have to disclose it.	The Joint Legislative Ethics Committee investigated.	The committee found no violation.	N/A
UTAH	In 1998, Rep. Melvin Brown was offered a position by a lobbyist.	Pursuant to JR-16-04, the Ethics Committee made an inquiry into the matter. It is unclear whether they determined initially that further	No recommendation of disciplinary action by the House Ethics Committee.	N/A

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS/RECOMMENDATIONS	ACTION
		investigation was unwarranted or whether, after the preliminary inquiry, determined the charges were unfounded.		
UTAH	In 1986, Sen. Paul Rogers was accused of applying undue pressure on the executive branch on a constituent's behalf.	Pursuant to JR-16-04, the Ethics Committee made an inquiry into the matter. It is unclear whether they determined initially that further investigation was unwarranted or whether, after the preliminary inquiry, they determined the charges were unfounded.	No recommendation of disciplinary action by the Senate Ethics Committee.	N/A

N/A indicates that the category was not applicable to that particular case.

2008

HOUSE SELECT COMMITTEE TO INVESTIGATE.... THOMAS E. WRIGHT

MOTIONS RESEARCH

TABLE OF CONTENTS

I. Filed Documents

a. Ethics Complaint
b. Response

II. Motions

Denied 1) Motion to Dismiss all counts generally for lack of jurisdiction

2) Motion to Dismiss Count 1 as not alleging criminal or unethical conduct

3) Motion to Dismiss Count 7 as vague, overbroad, and a violation of due process of law and the state constitution

4) Motion to Dismiss Counts 1-8 for lack of jurisdiction on grounds the conduct was not committed in Wright's lawmaking capacity

5) Motion to Dismiss all counts on statute of limitations grounds and violation of 15A-120-102(a)(7)

6) Motion to Dismiss all counts on grounds of laches

7) Motion to Dismiss all counts on jurisdictional grounds in that the investigation is not authorized under 120-102 (a) (5) and (7)

8) Motion to Dismiss all counts on grounds the legislature is not constitutionally empowered to investigate, prosecute and discipline for conduct committed in past legislative sessions and violates 120-102 as well as the federal and state constitutions

9) Motion to Dismiss all counts on grounds the creation of the House Select Committee and its actions generally violate due process and equal protection

10) Motion to Dismiss all counts on grounds the creation of the House Select Committee and its actions generally violate Article II, Section 20 of the NC Constitution

11) Motion to Dismiss all counts on grounds the Select Committee's actions violate Article VI, Section 8 of the NC Constitution by seeking expulsion where the legislator has not been adjudged guilty or convicted of a felony or corruption or malpractice by a competent authority

12) Motion to Continue or Hold in Abeyance any hearing in this matter where the failure to do so would possibly prejudice Wright's rights to a fair criminal trial and prejudice the possible jury pool.

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North Carolina House of Representatives

House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright

REPRESENTATIVE RICK GLAZIER, CHAIR
REPRESENTATIVE PAUL STAM, VICE-CHAIR
REPRESENTATIVE MARVIN LUCAS
REPRESENTATIVE BILL MCGEE
REPRESENTATIVE EDITH WARREN
REPRESENTATIVE LAURA WILEY

NOTICE OF CHARGES OF UNETHICAL CONDUCT BY REPRESENTATIVE THOMAS E. WRIGHT

The House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments against Representative Thomas E. Wright, having convened for hearing the report of preliminary investigative findings on questions of possible unethical and unlawful conduct, hereby finds that there is probable cause to believe that Representative Thomas E. Wright, a member of the House of Representatives, has engaged in unethical and unlawful conduct during his tenure as a member of the North Carolina House of Representatives by committing the following acts specified in Counts 1 through 8 of this Notice. The Committee, by unanimous vote of the members present, hereby charges that the conduct specified in Counts 1 through 8 should be considered against Representative Thomas E. Wright:

COUNT 1

Between on or about March 13, 2002 and on or about March 15, 2002, while a member of the North Carolina House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by orally and in writing improperly and unethically soliciting Torlen L. Wade, Acting Director of the North Carolina Department of Health and Human Services Office of Research, Demonstrations, and Rural Health Development, to write and mail to him a fraudulent letter stating that such Office was endorsing The Community's Health Foundation's project to convert a building located on the 900 block of 4th Street in Wilmington, North Carolina into Community's Health Foundation offices, New Hanover Community Health Center offices, and a History Museum and committing $150,000.00 in funding toward the completion of that project. At the time of the solicitation, Thomas E. Wright was an officer of The Community's Health Foundation, Inc., located at 322 South 17th Street in Wilmington, North Carolina. Thomas E. Wright confirmed his earlier oral solicitation by having his legislative assistant type the necessary details needed in the commitment letter in an e-mail that was sent to Torlen L. Wade by use of his State e-mail account and on a State computer, both of which were authorized for him based on his position as a member of the North Carolina House of Representatives. At the time of the oral solicitation, the typing and sending of the

e-mail, and the typing and sending of the Torlen L. Wade letter, both Thomas E. Wright and Torlen L. Wade knew that the Office of Rural Health would not make such a grant and that Thomas E. Wright would use the letter in seeking to fraudulently obtain funding for The Community's Health Foundation from other sources such as financial institutions and other organizations that make grants and that would believe and rely on the false representations in Torlen L. Wade's letter.

COUNT 2

On or about April 5, 2002, while a member of the North Carolina House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by, orally and in writing, improperly, fraudulently, and unethically presenting to a representative of Coastal Federal Bank as a factor to consider in whether to loan $150,000.00 to The Community's Health Foundation, Inc., a corporation of which Wright was an officer, a letter from Torlen L. Wade, Acting Director of the Office of Research, Demonstrations, and Rural Health Development of the North Carolina Department of Health and Human Services, falsely stating that the Office endorsed the Foundation's museum conversion effort and was committed to funding the project in the amount of $150,000.00 and that the award of the funding would occur by June 30, 2002. At the time Thomas E. Wright presented the letter to the representative of Coastal Federal Bank, he knew that the assertions in the letter were false, that the commitment of funds was not authorized, and that the award of funding would not be forthcoming. The $150,000.00 loan to The Community's Health Foundation, Inc. obtained from Coastal Federal Bank was made in part relying on the contents of the fraudulent letter presented by Thomas E. Wright.

COUNT 3

On or about December 15, 2003, while a member of the North Carolina House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, and unethically converting money intended to be a charitable contribution to The Community's Health Foundation, Inc. to his own personal use. Thomas E. Wright wrote a letter on the letterhead stationery of The Community's Health Foundation, Inc. to a representative of AstraZeneca Pharmaceuticals, LP, requesting as the Foundation's president a donation to the Foundation, a charitable organization that Thomas E. Wright represented as qualified to receive tax-deductible donations, that would be used by the Foundation for various health related purposes, including but not limited to educational initiatives, a needs assessment, identification of trends and bridging the gap of minority health care for an underserved population in New Hanover County. Thereafter, when on December 15, 2003, a representative of AstraZeneca Pharmaceuticals, LP signed and sent to Thomas E. Wright and The Community's Health Foundation, Inc., a check made out to "Communitys Hlth Found Inc" in the amount of

$2,400.00, Thomas E. Wright deposited that check into his own personal account rather than into the account of The Community's Health Foundation, Inc.

COUNT 4

On or about February 6, 2004, while a member of the North Carolina House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, and unethically converting money intended to be a charitable contribution to The Community's Health Foundation, Inc. to his own personal use. Thomas E. Wright wrote a letter on the letterhead stationery of The Community's Health Foundation, Inc. to a representative of Anheuser-Busch Companies, Inc., requesting as the Foundation's president a donation to the Foundation, a charitable organization that Thomas E. Wright represented as qualified to receive tax-deductible donations, that would be used by the Foundation for acquisition and development of a building in Wilmington, North Carolina that would serve as a museum. Thereafter, on March 5, 2004, when a representative of Anheuser-Busch Companies, Inc. signed and sent to Thomas E. Wright and The Community's Health Foundation, Inc., a check made out to "Communitys Health Foundation Inc" in the amount of $5,000.00, Thomas E. Wright deposited that check into his own personal account rather than into the account of The Community's Health Foundation, Inc.

COUNT 5

On or about April 1, 2004, while a member of the North Carolina House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, and unethically converting money intended to be a charitable contribution to The Community's Health Foundation, Inc. to his own personal use. Thomas E. Wright wrote an invoice on the letterhead stationery of The Community's Health Foundation, Inc. to a representative of AT&T Corp. as a solicitation of a charitable contribution to the Foundation, a charitable organization that Thomas E. Wright represented as qualified to receive tax-deductible donations. Thereafter, on April 1, 2004, when a representative of AT&T Corp. signed and sent to Thomas E. Wright and The Community's Health Foundation, Inc., a check made out to "Communitys Health Foundation I" in the amount of $1,500.00, Thomas E. Wright deposited that check into his own personal account rather than into the account of The Community's Health Foundation, Inc.

COUNT 6

Between October 28, 2001 and November 21, 2001, while a member of the North Carolina House of Representatives, Thomas E. Wright did engage in a pattern of conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, and unethically converting to his own personal use money loaned by South East Community Credit Union to a

charitable organization, The Community's Health Foundation, Inc. On or about October 28, 2001, without approval of the board of directors of The Community's Health Foundation, Inc., Thomas E. Wright solicited and obtained from South East Community Credit Union, a business line of credit in the amount of $10,000.00 for The Community's Health Foundation, Inc. Thereafter, between October 28, 2001 and November 21, 2001, he personally obtained funds three times based on that line of credit in the total amount of $9,910.27, which he failed to turn over to the Foundation, put into a bank account for the Foundation, or use for the benefit of the Foundation, instead converting those funds to his own use and benefit by depositing them in his own account without the knowledge and approval of the Board of Directors of the Foundation.

COUNT 7

Between January 1, 2000 and January 31, 2007, while a member of the North Carolina House of Representatives, Thomas E. Wright did improperly, fraudulently, and unethically engage in a pattern of conduct unbecoming and unfitting a member of the House of Representatives by intentionally failing to disclose approximately $185,000.00 in contributions received by his campaign during that time period, which disclosures are required by law and are intended to safeguard the public trust and to preserve the integrity of the electoral process, the integrity of the House of Representatives, and the integrity of the legislative process.

COUNT 8

Between on or about October, 2001 and on or about April, 2004, while a member of the North Carolina House of Representatives, Thomas E. Wright did engage in a pattern of conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, deceptively, and unethically soliciting financial institutions and corporations for loans and donations to a charitable corporation, The Community's Health Foundation, Inc., and by converting to his own personal use money loaned or contributed to that charitable organization. As part of this pattern of conduct, Thomas E. Wright solicited a false document and used that false document in one of his loan solicitations.

Adopted January 9, 2008.

Representative Rick Glazier
by O. Walker Reagan, Committee Co-counsel

Representative Rick Glazier, Chair
House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments against Representative Thomas E. Wright

01-10-08 – WR

CERTIFICATE OF SERVICE

The Attorney whose signature appears below certifies that a copy of the attached Notice of Charges was duly served upon Representative Thomas E. Wright, and his attorneys, Irving Joyner and Douglas Harris, by depositing a copy of same in the United States mail, first class postage prepaid and addressed to Representative Thomas E. Wright, 322 S. 17th Street, Wilmington, NC 28401, Irving Joyner, Attorney at Law, P.O. Box 374, Cary, NC 27512-0374, and Douglas Harris, Attorney at Law, 1698 Natchez Trace, Greensboro, NC 27455.

This the 11th day of January, 2008.

O. Walker Reagan
Committee Co-counsel
300 N. Salisbury Street, Suite 200
Raleigh, NC 27603

STATE OF NORTH CAROLINA
COUNTY OF WAKE

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE SELECT COMMITTEE
FILE NO. _____

RECEIVED
JAN 25 2008
3:15 pm
HOUSE PRINCIPAL CLERK
NC GENERAL ASSEMBLY
STATE LEGISLATIVE BUILDING
RALEIGH, NC 27601-1096

NORTH CAROLINA GENERAL ASSEMBLY	)	
	)	
V.	)	RESPONSE TO ETHICS
	)	COMPLAINT
REPRESENTATIVE THOMAS WRIGHT,	)	
Respondent.	)	

The Respondent in the above captioned matter, Representative Thomas Wright, hereby responds to the ethics allegations contained in a complaint issued by the North Carolina House Select Committee regarding alleged conduct committed by Respondent which has been deemed by committee members to constitute unethical and unlawful on January 11, 2008 by showing the following:

COUNTS # 1 & 2

1. Respondent specifically denies that any contacts and interactions with Torlen Wade on either March 13, 2002 or March 15, 2002 occurred while Respondent was acting or serving in his capacity as a member of the North Carolina General Assembly and/or that his contacts and interactions with Torlen Wade were improper, illegal or unethical. Additionally, Respondent denies that the purported Wade letter was used to secure a loan from the Coastal Federal Bank in the amount of $150,000 for the Community Health Foundation

2. The conduct alleged in the Ethics complaint as Counts # 1 & 2 does not constitute ethical and/or criminal conduct over which the Legislative Ethics Committee has jurisdiction to consider.

3. Merely soliciting and/or obtaining a letter from a State employee which contains untrue information does not constitute a criminal and/or ethical violation.

4. Respondent did not use nor intend to use a letter which was obtained from a State Employee to obtain a loan, grant or other funding for the Community Health Foundation.

COUNT 3

5. Respondent specifically denies that he improperly, fraudulently and unethically solicited and converted money received from the AstraZeneca Pharmaceuticals, LP which was intended for the work of the Community Health Foundation to his own use

6. The conduct alleged in the Ethics complaint as Count # 3 does not constitute ethical and/or criminal conduct over which the House Select Committee has jurisdiction to consider.

COUNT # 4

7. Respondent specifically denies that he improperly, fraudulently and unethically solicited and converted money received from the Anheuser-Busch Companies, Inc. which was intended for the work of the Community Health Foundation to his own use

8. The conduct alleged in the Ethics complaint as Count # 4 does not constitute ethical and/or criminal conduct over which the House Select Committee has jurisdiction to consider.

COUNT # 5

9. Respondent specifically denies that he improperly, fraudulently and unethically solicited and converted money received from the AT & T Corp. which was intended for the work of the Community Health Foundation to his own use

10. The conduct alleged in the Ethics complaint as Count # 5 does not constitute ethical and/or criminal conduct over which the House Select Committee has jurisdiction to consider.

COUNT # 6

11. Respondent specifically denies that he improperly, fraudulently and unethically solicited and converted money received as a "business line of credit" from the South East Community Credit Union which was intended for the work of the Community Health Foundation to his own use

12. The conduct alleged in the Ethics complaint as Count # 6 does not constitute ethical and/or criminal conduct over which the House Select Committee has jurisdiction to consider.

COUNT # 7

13. Respondent specifically denies that between January 1, 2000 and January 31, 2007 that he improperly, fraudulently and unethically failed to disclose contributions in the amount of $185,000 received by his campaign which were required by law.

14. This allegation is so vague and over-broad that it does not put Respondent on notice of the specific contributions which the House Select Committee contends were not reported and does not provide any information from which Respondent can make this determination. As such,

this allegation violates Respondent's Due Process Rights under the Federal and State Constitutions.

COUNT # 8

15. This allegation, a purported summary of Counts 1 through 7 of this complaint, is denied.

FURTHER RESPONSES TO COUNTS 1 THROUGH 8

16. The allegations contained in the complaint does not constitute conduct committed by Respondent, who happens to be an elected Legislator, who was then acting within his official role or capacity as a member of the North Carolina General Assembly and a participant in the lawmaking process.

17. The House Select Committee is barred from considering the allegations contained in the complaint due to the expiration of its investigative and prosecutorial mandate and applicable Statute of Limitation and/or constitutes laches in that the House Select Committee has failed to allege and consider this matter in a timely manner pursuant to N.C. Gen. Stat. § 15A-120-102(a)(7).

18. The allegations contained in the complaint involves conduct which did not constitute a criminal and/or ethical violation at the time that it was allegedly committed and the House Select Committee's consideration of this complaint at this time is not authorized by N.C. Gen. Stat. § 120-102(a)(5) and (7) and violates the State and Federal Constitutions..

19. The conduct alleged in the complaint involves conduct which was allegedly committed during a past and closed session of the North Carolina General Assembly and said conduct did not violate any ethics rules and constitute criminal conduct at that time. The House Select Committee can not constitutionally be empowered to investigate conduct committed during past legislative sessions of the North Carolina General Assembly and the assumption of this authorization is contrary to N.C. Gen. Stat. § 120-102 and the Federal and State Constitutions.

20. The creation of the House Select Committee and actions which it has taken in this matter by initiating misconduct allegations against the Respondent, prosecuting those allegations and determining their validity violate State and federal Constitutional Rights of Due Process and Equal Protection.

21. The creation of the House Select Committee and actions which it has taken in this matter by initiating misconduct allegations against the Respondent, prosecuting those allegations

and determining their validity violates Article II, Section 20 of the North Carolina Constitution.

22. The actions of the House Select Committee violate Article VI, Section 8 by seeking to disqualify Respondent from a legislative office in the North Carolina House General Assembly to which he was duly elected where he has not been convicted or adjudged guilty, by any competent authority, of treason, a felony, corruption or malpractice in office nor has he been removed from office by impeachment.

WHEREFORE, the Respondent, after responding to the complaint issued by the House Select Committee, respectfully moves to dismiss this matter, or, in the alternative, suspend any further proceedings or actions regarding this matter until criminal charges which have been lodged against the Respondent in the Wake County Superior Court have been resolved.

This the 25th day of January, 2008.

Irving Joyner
Attorney for Representative Thomas Wright
P.O. Box 374
Cary, North Carolina 27512-0374
Telephone:(919)319-8353

CERTIFICATE OF SERVICE

The Attorney whose signature appears below certifies that a copy of the attached Response to Ethics complaint was duly served upon the North Carolina General Assembly's Legislative Ethics Committee by hand-delivering copies of same to the North Carolina Legislative Office Building, 300 North Salisbury Street, Suite 200, Raleigh, North Carolina 27603 addressed separately to Attorney O. Walker Reagan, Senator Dan Clodfelter and Representative Rick Glazier and by depositing a copy of same in the United States mail, first class postage prepaid and addressed to Attorney William Hart, North Carolina Department of Justice, P.O. Box 629, Raleigh, North Carolina 27602.

This the 25th day of January, 2008

Irving Joyner

Received electronically

STATE OF NORTH CAROLINA

COUNTY OF WAKE

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE SELECT COMMITTEE TO
INVESTIGATE ALLEGED MISCONDUCT
COUNTS 1 - 8
FILE NO. C-LEC-07-002

RECEIVED
JAN 25 2008
@ 4:40 p.m.
HOUSE PRINCIPAL CLERK
NC GENERAL ASSEMBLY
STATE LEGISLATIVE BUILDING
RALEIGH, NC 27601-1096

NORTH CAROLINA GENERAL ASSEMBLY,

v.

REPRESENTATIVE THOMAS WRIGHT

MOTION TO CONTINUE AND MOTION TO HOLD IN ABEYANCE

COMES NOW the Respondent, Representative Thomas Wright, and hereby moves the House Select Committee to Investigate Alleged Misconduct to continue this matter and hold this matter in abeyance pending the resolution of the criminal charges. In support of said Motion, Respondent shows the following:

1. The additional charges being considered by The Committee against Representative Thomas Wright are the same and/or intricately linked to the charges pending against him in Wake County Superior Court. Those charges have a Constitutionally guaranteed right of a jury trial and will be determined by a jury later this year.

2. If the Legislative proceeding goes forward, the proceeding can and will do great harm to the criminal process and will raise substantial Constitutional issues.

3. The Legislative process would necessarily be an action taken by the State simultaneously with the action taken by the State in Wake County Superior Court. The Legislative proceeding would also necessarily involve massive adverse publicity which would undeniably pollute the jury pool and risk that a fair trial could not be conducted.

4. The Legislative Committee also risks a Constitutionally unaccepted dilemma in which the jury might vote to remove Thomas Wright for violations and then a jury might find him not guilty of precisely the same charges. This would raise due process issues under both the North Carolina and the United States Constitutions and would do grave damage to the democratic process.

WHEREFORE, the Respondent moves that the House Select Committee to Investigate Alleged Misconduct continue this matter and hold all charges in abeyance until after the criminal charges pending in Wake County Superior Court are heard by a jury..

This the 25th day of January, 2008.

/S/

Douglas S. Harris
Attorney for Respondent

1698 Natchez Trace
Greensboro, North Carolina 27455
Telephone: 336-288-0284

Certificate of Service

This is to certify that I have this day served the foregoing Motion to Continue and to Motion to Hold in Abeyance on the House Select Committee to Investigate Alleged Misconduct of Representative Thomas Wright by forwarding same by facsimile and by first-class U.S. Mail, postage prepaid, to the names, addresses, and facsimile numbers for the House Select Committee as listed below.

Ms. Denise Weeks
House Principal Clerk
NC General Assembly
State Legislative Building
Raleigh, NC 27601-1096
Facsimile: 919-715-2881

Mr. O. Walker Reagan
Committee Co-Counsel
300 N. Salisbury Street, Suite 200
Raleigh, NC 27603
Facsimile: 919-715-8365

This the 25th day of January, 2008.

Douglas S. Harris
Attorney for Plaintiff

1698 Natchez Trace
Greensboro, NC 27455
Telephone: 336-288-0284

received electronically

STATE OF NORTH CAROLINA

COUNTY OF WAKE

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE SELECT COMMITTEE TO
INVESTIGATE ALLEGED MISCONDUCT
COUNTS 1 - 8
FILE NO. C-LEC-07-002

RECEIVED
JAN 25 2008
4:40 PM
HOUSE PRINCIPAL CLERK
NC GENERAL ASSEMBLY
STATE LEGISLATIVE BUILDING
RALEIGH, NC 27601-1096

NORTH CAROLINA GENERAL ASSEMBLY,

v.

REPRESENTATIVE THOMAS WRIGHT

MOTION TO CONTINUE AND MOTION TO HOLD IN ABEYANCE

- not verified
- ally & conclusions

COMES NOW the Respondent, Representative Thomas Wright, and hereby moves the House Select Committee to Investigate Alleged Misconduct to continue this matter and hold this matter in abeyance pending the resolution of the criminal charges. In support of said Motion, Respondent shows the following:

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2. If the Legislative proceeding goes forward, the proceeding can and will do great harm to the criminal process and will raise substantial Constitutional issues.

3. The Legislative process would necessarily be an action taken by the State simultaneously with the action taken by the State in Wake County Superior Court. The Legislative proceeding would also necessarily involve massive adverse publicity which would undeniably pollute the jury pool and risk that a fair trial could not be conducted.

6th Amendment right to move to dismiss instead to jury

4. The Legislative Committee also risks a Constitutionally unaccepted dilemma in which the jury might vote to remove Thomas Wright for violations and then a jury might find him not guilty of precisely the same charges. This would raise due process issues under both the North Carolina and the United States Constitutions and would do grave damage to the democratic process.

WHEREFORE, the Respondent moves that the House Select Committee to Investigate Alleged Misconduct continue this matter and hold all charges in abeyance until after the criminal charges pending in Wake County Superior Court are heard by a jury.

This the 25th day of January, 2008.

/s/

Douglas S. Harris
Attorney for Respondent

1698 Natchez Trace
Greensboro, North Carolina 27455
Telephone: 336-288-0284

Certificate of Service

This is to certify that I have this day served the foregoing Motion to Continue and to Motion to Hold in Abeyance on the House Select Committee to Investigate Alleged Misconduct of Representative Thomas Wright by forwarding same by facsimile and by first-class U.S. Mail, postage prepaid, to the names, addresses, and facsimile numbers for the House Select Committee as listed below.

Ms. Denise Weeks
House Principal Clerk
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Facsimile: 919-715-2881

Mr. O. Walker Reagan
Committee Co-Counsel
300 N. Salisbury Street, Suite 200
Raleigh, NC 27603
Facsimile: 919-715-8365

This the 25th day of January, 2008.

Douglas S. Harris
Attorney for Plaintiff

1698 Natchez Trace
Greensboro, NC 27455
Telephone: 336-288-0284

1) Motion to Dismiss all counts generally for lack of jurisdiction

   a. Walker Reagan
      i. No issue of jurisdiction for the House committee
      ii. Only jurisdiction issues would be whether the House has the authority to discipline its member for these matters under this process
      iii. Even if the Committee was acting outside its authorization, I think that is only relevant as to whether the House wants to consider its recommendations

   b. LEC has jurisdiction to investigate Representative Wright
      i. N.C. Const. Art. II § 20 – Each house shall be judge of the qualifications and elections of its own members
      ii. General Assembly of North Carolina, Session 2007, RULE 28.1(c)(4) – After the committee has concluded its inquiries into the alleged violations, the Committee shall dispose of the matter by taking one of the following actions…Refer the matter to the House for appropriate action.
      iii. The General Assembly has inherent authority under the N.C. Constitution to govern/investigate its own members
      iv. LEC has explicit authority to conduct investigation into the conduct of any member and upon completion, LEC may refer the matter to the House for appropriate action
      v. If this motion calls to question the jurisdiction of:
         1. General Assembly – fails for lack of ripeness
         2. LEC – fails for explicit authority granted by the Legislative Rules

availability of the meeting room and that no conflicts will exist with the meetings of other bodies. All standing committee and permanent subcommittee meetings shall adjourn no later than:

(1) 15 minutes preceding a regular session of the House, and

(2) 10 minutes preceding the hour of the next regularly scheduled standing committee or permanent subcommittee meeting.

(g) Any call or notice of a standing committee or permanent subcommittee meeting between legislative sessions shall be mailed to each member of the standing committee or permanent subcommittee at least five days prior to such meeting. If a member of the body so requests in writing to the chair of the standing committee or permanent subcommittee, the member shall be notified by certified mail of the meetings.

(h) During standing committee and permanent subcommittee meetings, the chair may exercise the right to vote, or may reserve this right until there is a tie, in which event the chair may vote, but in no instance may the chair vote twice on the same question.

RULE 28.1. **Ethics Committee Investigations Into Violations of the Open Meetings Law.** – (a) On its own motion, or in response to signed and sworn complaint of any individual filed with the Standing Committee on Ethics, the Committee shall inquire into any alleged violation by members of the House of the Open Meetings Law (Article 33C of Chapter 143 of the General Statutes), as the same may be amended in the future.

(b) If, after such preliminary investigation as it may make, the Committee determines to proceed with an inquiry into the conduct of any individual, the Committee shall notify the individual as to the fact of the inquiry and the charges against the individual and shall schedule one or more hearings on the matter. The individual shall have the right to present evidence, cross-examine witnesses, and be represented by counsel at any hearings.

(c) After the Committee has concluded its inquiries into the alleged violations, the Committee shall dispose of the matter by taking one of the following actions:

(1) Dismiss the complaint and take no further action.

(2) Issue a private letter of reprimand to the legislator, if the legislator unintentionally violated the provisions of the Open Meetings Law.

(3) Issue a public letter of reprimand if the violation of the Open Meetings Law was intentional or if the legislator has previously received a private letter of reprimand. The Chair of the Committee on Ethics shall have the public letter of reprimand spread on the pages of the House Journal.

(4) Refer the matter to the House for appropriate action.

RULE 29. **Notice of Standing Committee and Permanent Subcommittee Meetings and Hearings.** – Public notice of all standing committee and permanent subcommittee meetings shall be given in the House. The chair of the standing committee or permanent subcommittee shall notify or cause to be notified the sponsor

Article 33C.

Meetings of Public Bodies.

§ 143-318.9. Public policy.

Whereas the public bodies that administer the legislative, policy-making, quasi-judicial, administrative, and advisory functions of North Carolina and its political subdivisions exist solely to conduct the people's business, it is the public policy of North Carolina that the hearings, deliberations, and actions of these bodies be conducted openly. (1979, c. 655, s. 1.)

§ 143-318.10. All official meetings of public bodies open to the public.

(a) Except as provided in G.S. 143-318.11, 143-318.14A, 143-318.15, and 143-318.18, each official meeting of a public body shall be open to the public, and any person is entitled to attend such a meeting.

(b) As used in this Article, "public body" means any elected or appointed authority, board, commission, committee, council, or other body of the State, or of one or more counties, cities, school administrative units, constituent institutions of The University of North Carolina, or other political subdivisions or public corporations in the State that (i) is composed of two or more members and (ii) exercises or is authorized to exercise a legislative, policy-making, quasi-judicial, administrative, or advisory function. In addition, "public body" means the governing board of a "public hospital" as defined in G.S. 159-39 and the governing board of any nonprofit corporation to which a hospital facility has been sold or conveyed pursuant to G.S. 131E-8, any subsidiary of such nonprofit corporation, and any nonprofit corporation owning the corporation to which the hospital facility has been sold or conveyed.

(c) "Public body" does not include (i) a meeting solely among the professional staff of a public body, or (ii) the medical staff of a public hospital or the medical staff of a hospital that has been sold or conveyed pursuant to G.S. 131E-8.

(d) "Official meeting" means a meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body. However, a social meeting or other informal assembly or gathering together of the members of a public body does not constitute an official meeting unless called or held to evade the spirit and purposes of this Article.

(e) Every public body shall keep full and accurate minutes of all official meetings, including any closed sessions held pursuant to G.S. 143-318.11. Such minutes may be in written form or, at the option of the public body, may be in the form of sound or video and sound recordings. When a public body meets in closed session, it shall keep a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired. Such accounts may be a written narrative, or video or audio recordings. Such minutes and accounts shall be public records within the meaning of the Public Records Law, G.S. 132-1 et seq.; provided, however, that minutes or an account of a closed session conducted in compliance with G.S. 143-318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session. (1979, c. 655, s. 1; 1985 (Reg. Sess., 1986), c. 932, s. 4; 1991, c. 694, ss. 1, 2; 1993 (Reg. Sess., 1994), c. 570, s. 1; 1995, c. 509, s. 135.2(p); 1997-290, s. 1; 1997-465, s. 27.)

§ 143-318.11. Closed sessions.

(a) Permitted Purposes. – It is the policy of this State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required:

(1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.

(2) To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.

(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.

(4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.

(5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.

(7) To plan, conduct, or hear reports concerning investigations of alleged criminal

misconduct.

(8) To formulate plans by a local board of education relating to emergency response to incidents of school violence.

(9) To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.

(b) Repealed by Session Laws 1991, c. 694, s. 4.

(c) Calling a Closed Session. – A public body may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a) of this section. A motion based on subdivision (a)(1) of this section shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on subdivision (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the public body expects to receive advice during the closed session.

(d) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 570, s. 2. (1979, c. 655, s. 1; 1981, c. 831; 1985 (Reg. Sess., 1986), c. 932, s. 5; 1991, c. 694, ss. 3, 4; 1993 (Reg. Sess., 1994), c. 570, s. 2; 1995, c. 509, s. 84; 1997-222, s. 2; 1997-290, s. 2; 2001-500, s. 2; 2003-180, s. 2.)

§ 143-318.12. Public notice of official meetings.

(a) If a public body has established, by ordinance, resolution, or otherwise, a schedule of regular meetings, it shall cause a current copy of that schedule, showing the time and place of regular meetings, to be kept on file as follows:

(1) For public bodies that are part of State government, with the Secretary of State;

(2) For the governing board and each other public body that is part of a county government, with the clerk to the board of county commissioners;

(3) For the governing board and each other public body that is part of a city government, with the city clerk;

(4) For each other public body, with its clerk or secretary, or, if the public body does not have a clerk or secretary, with the clerk to the board of county commissioners in the county in which the public body normally holds its meetings.

If a public body changes its schedule of regular meetings, it shall cause the revised schedule to be filed as provided in subdivisions (1) through (4) of this subsection at least seven calendar days before the day of the first meeting held pursuant to the revised schedule.

(b) If a public body holds an official meeting at any time or place other than a time or place shown on the schedule filed pursuant to subsection (a) of this section, it shall give public notice of the time and place of that meeting as provided in this subsection.

(1) If a public body recesses a regular, special, or emergency meeting held pursuant to public notice given in compliance with this subsection, and the time and place at which the meeting is to be continued is announced in open session, no further notice shall be required.

(2) For any other meeting, except an emergency meeting, the public body shall cause written notice of the meeting stating its purpose (i) to be posted on the principal bulletin board of the public body or, if the public body has no such

bulletin board, at the door of its usual meeting room, and (ii) to be mailed or delivered to each newspaper, wire service, radio station, and television station, which has filed a written request for notice with the clerk or secretary of the public body or with some other person designated by the public body. The public body shall also cause notice to be mailed or delivered to any person, in addition to the representatives of the media listed above, who has filed a written request with the clerk, secretary, or other person designated by the public body. This notice shall be posted and mailed or delivered at least 48 hours before the time of the meeting. The public body may require each newspaper, wire service, radio station, and television station submitting a written request for notice to renew the request annually. The public body shall charge a fee to persons other than the media, who request notice, of ten dollars ($10.00) per calendar year, and may require them to renew their requests quarterly.

(3) For an emergency meeting, the public body shall cause notice of the meeting to be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written request, which includes the newspaper's, wire service's, or station's telephone number, for emergency notice with the clerk or secretary of the public body or with some other person designated by the public body. This notice shall be given either by telephone or by the same method used to notify the members of the public body and shall be given immediately after notice has been given to those members. This notice shall be given at the expense of the party notified. An "emergency meeting" is one called because of generally unexpected circumstances that require immediate consideration by the public body. Only business connected with the emergency may be considered at a meeting to which notice is given pursuant to this paragraph.

(c) Repealed by Session Laws 1991, c. 694, s. 6. (1979, c. 655, s. 1; 1991, c. 694, ss. 5, 6.)

§ 143-318.13. Electronic meetings; written ballots; acting by reference.

(a) Electronic Meetings. – If a public body holds an official meeting by use of conference telephone or other electronic means, it shall provide a location and means whereby members of the public may listen to the meeting and the notice of the meeting required by this Article shall specify that location. A fee of up to twenty-five dollars ($25.00) may be charged each such listener to defray in part the cost of providing the necessary location and equipment.

(b) Written Ballots. – Except as provided in this subsection or by joint resolution of the General Assembly, a public body may not vote by secret or written ballot. If a public body decides to vote by written ballot, each member of the body so voting shall sign his or her ballot; and the minutes of the public body shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the clerk or secretary to the public body immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

(c) Acting by Reference. – The members of a public body shall not deliberate, vote, or otherwise take action upon any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the public body to understand what is being deliberated, voted, or acted upon. However, this subsection does not prohibit a public body from deliberating, voting, or otherwise

taking action by reference to an agenda, if copies of the agenda, sufficiently worded to enable the public to understand what is being deliberated, voted, or acted upon, are available for public inspection at the meeting. (1979, c. 655, s. 1.)

§ 143-318.14. Broadcasting or recording meetings.

(a) Except as herein below provided, any radio or television station is entitled to broadcast all or any part of a meeting required to be open. Any person may photograph, film, tape- record, or otherwise reproduce any part of a meeting required to be open.

(b) A public body may regulate the placement and use of equipment necessary for broadcasting, photographing, filming, or recording a meeting, so as to prevent undue interference with the meeting. However, the public body must allow such equipment to be placed within the meeting room in such a way as to permit its intended use, and the ordinary use of such equipment shall not be declared to constitute undue interference; provided, however, that if the public body, in good faith, should determine that the size of the meeting room is such that all the members of the public body, members of the public present, and the equipment and personnel necessary for broadcasting, photographing, filming, and tape-recording the meeting cannot be accommodated in the meeting room without unduly interfering with the meeting and an adequate alternative meeting room is not readily available, then the public body, acting in good faith and consistent with the purposes of this Article, may require the pooling of such equipment and the personnel operating it; and provided further, if the news media, in order to facilitate news coverage, request an alternate site for the meeting, and the public body grants the request, then the news media making such request shall pay any costs incurred by the public body in securing an alternate meeting site. (1979, c. 655, s. 1.)

§ 143-318.14A. Legislative commissions, committees, and standing subcommittees.

(a) Except as provided in subsection (e) below, all official meetings of commissions, committees, and standing subcommittees of the General Assembly (including, without limitation, joint committees and study committees), shall be held in open session. For the purpose of this section, the following also shall be considered to be "commissions, committees, and standing subcommittees of the General Assembly":

(1) The Legislative Research Commission;
(2) The Legislative Services Commission;
(3) **(Repealed effective July 1, 2007)** The Advisory Budget Commission;
(4) The Joint Legislative Utility Review Committee;
(5) The Joint Legislative Commission on Governmental Operations;
(6) The Joint Legislative Commission on Municipal Incorporations;
(7) Repealed by Session Laws 1997, c. 443, s. 12.30, effective August 28, 1997.
(8) The Joint Select Committee on Low-Level Radioactive Waste;
(9) The Environmental Review Commission;
(10) The Joint Legislative Transportation Oversight Committee;
(11) The Joint Legislative Education Oversight Committee;
(12) The Joint Legislative Commission on Future Strategies for North Carolina;
(13) The Commission on Children with Special Needs;
(14) The Legislative Committee on New Licensing Boards;
(15) The Agriculture and Forestry Awareness Study Commission;
(16) The North Carolina Study Commission on Aging; and
(17) The standing Committees on Pensions and Retirement.

(b) Reasonable public notice of all meetings of commissions, committees, and standing subcommittees of the General Assembly shall be given. For purposes of this subsection, "reasonable public notice" includes, but is not limited to:

(1) Notice given openly at a session of the Senate or of the House; or

(2) Notice mailed or sent by electronic mail to those who have requested notice, and to the Legislative Services Office, which shall post the notice on the General Assembly web site.

G.S. 143-318.12 shall not apply to meetings of commissions, committees, and standing subcommittees of the General Assembly.

(c) A commission, committee, or standing subcommittee of the General Assembly may take final action only in an open meeting.

(d) A violation of this section by members of the General Assembly shall be punishable as prescribed by the rules of the House or the Senate.

(e) The following sections shall apply to meetings of commissions, committees, and standing subcommittees of the General Assembly: G.S. 143-318.10(e) and G.S. 143-318.11, G.S. 143-318.13 and G.S. 143-318.14, G.S. 143-318.16 through G.S. 143-318.17. (1991, c. 694, s. 7; 1991 (Reg. Sess., 1992), c. 785, s. 4; c. 1030, s. 42; 1993, c. 321, s. 169.2(f); 1997-443, s. 12.30; 2003-374, s. 1; 2006-203, s. 93.)

§ 143-318.15. (Repealed effective July 1, 2007) Advisory Budget Commission and appropriation committees of General Assembly; application of Article.

(a) The provisions of this Article shall not apply to meetings of the Advisory Budget Commission held for the purpose of actually preparing the budget required by the provisions of the Executive Budget Act (Article 1, Chapter 143, General Statutes of North Carolina), but nothing in this Article shall be construed to amend, repeal or supersede the provisions of G.S. 143-10 (or any similar statutes hereafter enacted) requiring public hearings to secure information on any and all estimates to be included in the budget and providing for other procedures and practices incident to the preparation and adoption of the budget required by the State Budget Act.

(b) This Article does not amend, repeal or supersede the provisions of G.S. 143-14, relating to the meetings of the appropriations committees and subcommittees of the General Assembly. (1979, c. 655, s. 1; 2006-203, s. 94.)

§ 143-318.16. Injunctive relief against violations of Article.

(a) The General Court of Justice has jurisdiction to enter mandatory or prohibitory injunctions to enjoin (i) threatened violations of this Article, (ii) the recurrence of past violations of this Article, or (iii) continuing violations of this Article. Any person may bring an action in the appropriate division of the General Court of Justice seeking such an injunction; and the plaintiff need not allege or prove special damage different from that suffered by the public at large. It is not a defense to such an action that there is an adequate remedy at law.

(b) Any injunction entered pursuant to this section shall describe the acts enjoined with reference to the violations of this Article that have been proved in the action.

(c) Repealed by Session Laws 1985 (Reg. Sess., 1986), c. 932, s. 3, effective October 1, 1986. (1979, c. 655, s. 1; 1985 (Reg. Sess., 1986), c. 932, s. 3.)

§ 143-318.16A. Additional remedies for violations of Article.

(a) Any person may institute a suit in the superior court requesting the entry of a

judgment declaring that any action of a public body was taken, considered, discussed, or deliberated in violation of this Article. Upon such a finding, the court may declare any such action null and void. Any person may seek such a declaratory judgment, and the plaintiff need not allege or prove special damage different from that suffered by the public at large. The public body whose action the suit seeks to set aside shall be made a party. The court may order other persons be made parties if they have or claim any right, title, or interest that would be directly affected by a declaratory judgment voiding the action that the suit seeks to set aside.

(b) A suit seeking declaratory relief under this section must be commenced within 45 days following the initial disclosure of the action that the suit seeks to have declared null and void; provided, however, that any suit for declaratory judgment brought pursuant to this section that seeks to set aside a bond order or bond referendum shall be commenced within the limitation periods prescribed by G.S. 159-59 and G.S. 159-62. If the challenged action is recorded in the minutes of the public body, its initial disclosure shall be deemed to have occurred on the date the minutes are first available for public inspection. If the challenged action is not recorded in the minutes of the public body, the date of its initial disclosure shall be determined by the court based on a finding as to when the plaintiff knew or should have known that the challenged action had been taken.

(c) In making the determination whether to declare the challenged action null and void, the court shall consider the following and any other relevant factors:

(1) The extent to which the violation affected the substance of the challenged action;

(2) The extent to which the violation thwarted or impaired access to meetings or proceedings that the public had a right to attend;

(3) The extent to which the violation prevented or impaired public knowledge or understanding of the people's business;

(4) Whether the violation was an isolated occurrence, or was a part of a continuing pattern of violations of this Article by the public body;

(5) The extent to which persons relied upon the validity of the challenged action, and the effect on such persons of declaring the challenged action void;

(6) Whether the violation was committed in bad faith for the purpose of evading or subverting the public policy embodied in this Article.

(d) A declaratory judgment pursuant to this section may be entered as an alternative to, or in combination with, an injunction entered pursuant to G.S. 143-318.16.

(e) The validity of any enacted law or joint resolution or passed simple resolution of either house of the General Assembly is not affected by this Article. (1985 (Reg. Sess., 1986), c. 932, s. 1; 1991, c. 694, s. 8.)

§ 143-318.16B. Assessments and awards of attorneys' fees.

When an action is brought pursuant to G.S. 143-318.16 or G.S. 143-318.16A, the court may make written findings specifying the prevailing party or parties, and may award the prevailing party or parties a reasonable attorney's fee, to be taxed against the losing party or parties as part of the costs. The court may order that all or any portion of any fee as assessed be paid personally by any individual member or members of the public body found by the court to have knowingly or intentionally committed the violation; provided, that no order against any individual member shall issue in any case where the public body or that individual member seeks the advice of an attorney, and such advice is followed. (1985 (Reg. Sess., 1986), c. 932, s. 2; 1993 (Reg. Sess., 1994), c. 570, s. 3.)

§ 143-318.16C. Accelerated hearing; priority.

Actions brought pursuant to G.S. 143-318.16 or G.S. 143-318.16A shall be set down for immediate hearing, and subsequent proceedings in such actions shall be accorded priority by the trial and appellate courts. (1993 (Reg. Sess., 1994), c. 570, s. 4.)

§ 143-318.16D. Local acts.

Any reference in any city charter or local act to an "executive session" is amended to read "closed session". (1993 (Reg. Sess., 1994), c. 570, s. 4.)

§ 143-318.17. Disruptions of official meetings.

A person who willfully interrupts, disturbs, or disrupts an official meeting and who, upon being directed to leave the meeting by the presiding officer, willfully refuses to leave the meeting is guilty of a Class 2 misdemeanor. (1979, c. 655, s. 1; 1993, c. 539, s. 1028; 1994, Ex. Sess., c. 24, s. 14(c).)

§ 143-318.18. Exceptions.

This Article does not apply to:

(1) Grand and petit juries.

(2) Any public body that is specifically authorized or directed by law to meet in executive or confidential session, to the extent of the authorization or direction.

(3) The Judicial Standards Commission.

(3a) The North Carolina Innocence Inquiry Commission.

(4) Repealed by Session Laws 1991, c. 694, s. 9.

(4a) The Legislative Ethics Committee.

(4b) A conference committee of the General Assembly.

(4c) A caucus by members of the General Assembly; however, no member of the General Assembly shall participate in a caucus which is called for the purpose of evading or subverting this Article.

(5) Law enforcement agencies.

(6) A public body authorized to investigate, examine, or determine the character and other qualifications of applicants for professional or occupational licenses or certificates or to take disciplinary actions against persons holding such licenses or certificates, (i) while preparing, approving, administering, or grading examinations or (ii) while meeting with respect to an individual applicant for or holder of such a license or certificate. This exception does not amend, repeal, or supersede any other statute that requires a public hearing or other practice and procedure in a proceeding before such a public body.

(7) **(Effective until July 1, 2007)** Any public body subject to the Executive Budget Act (G.S. 143-1 et seq.) and exercising quasi-judicial functions, during a meeting or session held solely for the purpose of making a decision in an adjudicatory action or proceeding.

(7) **(Effective July 1, 2007)** Any public body subject to the State Budget Act, Chapter 143C of the General Statutes and exercising quasi-judicial functions, during a meeting or session held solely for the purpose of making a decision in an adjudicatory action or proceeding.

(8) The boards of trustees of endowment funds authorized by G.S. 116-36 or G.S.

116-238.

(9) Repealed by Session Laws 1991, c. 694, s. 9.

(10) The Board of Awards.

(11) The General Court of Justice. (1979, c. 655, s. 1; 1985, c. 757, s. 206(e); 1991, c. 694, s. 9; 2006-184, s. 6; 2006-203, s. 95.)

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2) Motion to Dismiss Count 1 as not alleging criminal or unethical conduct

a. Walker Reagan
   i. Denies constitutes conduct over which the LEC has jurisdiction. Not clear if intended to say the HSC or the House, or just a carry over from the response to the LEC charge
   ii. Case law, commentaries and historical precedent holds that legislative bodies have inherent authority to discipline their members
      1. Contained within that authority to discipline is the authority to determine what acts will be subject to discipline
      2. Put another way, the absence of an articulated code of conduct does not preclude the body taking action against a member
      3. Likewise, the existence of some articulated standards (like Article 14 of Chapter 120) is not exclusive

If fraud conduct = fraud, is your claim fraud is not unethical because we do not say so in a Leg. code? What has to be in the Code?

b. Allegation of criminal conduct is not required / Unethical conduct has been alleged
   i. Although most, if not all, of the expulsions and exclusions of House of Representatives members on the Federal level have resulted due to criminal conduct, such conduct is not required by the U.S. Constitution
   ii. The N.C. Constitution does not explicitly grant expulsion power in Art. II
      1. The omission can be argued as a limitation on the House's power to expel or exclude a member
      2. Ambiguity that "each house shall be judge of the qualifications and elections of its own" could also be interpreted to give the House a wide berth in the investigations→expulsions of its members
   iii. The counts facing Rep. Wright all involve inherently "unethical" conduct
      1. Use of position to commit fraud (*per se* unethical/bad faith)
      2. Habitual failing to disclose campaign contributions

3) Motion to Dismiss Count 7 as vague, overbroad, and a violation of due process of law and the state constitution

   a. Walker Reagan
      i. I have some concerns that this allegation may have some merit. While I think Alec presented sufficient evidence to find probable cause, I am not sure the wording of the Count is sufficient to give the necessary minimal notice. Bill and Alec may be able to argue it is adequate.
      ii. One possible solution would be for the Committee on the 11th to amend Count 7, possible by incorporating by reference the chart Alec had which I understood delineated the specific contributions that were not properly reported.
      iii. I think if Wright is provided with a list of specific contributions it will defuse this argument.

   b. Evidence is not required in a complaint
      i. This information would be readily available during the discovery period of a civil action
      ii. Arguably, Rep. Wright has this information since it was gleaned from his own banking records
      iii. Amending Count 7 to incorporate the spreadsheet detailing the undisclosed contributions would render this motion moot

4) Motion to Dismiss Counts 1-8 for lack of jurisdiction on grounds the conduct was not committed in Wright's lawmaking capacity

   a. Walker Reagan
      i. I think this argument may be relevant to jurisdiction of the LEC but I do not believe it is applicable, based on our research, to the broader jurisdiction of the House.
      ii. We believe the House can discipline for conduct committed outside the lawmaking process.

   b. Capacity as a Legislator v. Lawmaking Process
      i. The alleged conduct was not committed during the lawmaking process but due to Rep. Wright's capacity as a lawmaker
      ii. Rep. Wright's position as a legislator, and the knowledge of others that he is a representative, enabled the alleged conduct to take place
      iii. Again the N.C. Const. is silent as to a power of expulsion and therefore the grounds for expulsion
         1. U.S. House – "the impeachment provisions were aimed at preventing 'the possibility of tyrannical, oppressive, corrupt and willful use of the power connected with a public office.'" 41 Fordham L. Rev. 49
         2. The Counts allege that Rep. Wright's misconduct stemmed from his position as a N.C. House member
            a. Fraudulently acquired a loan and "tax-deductible" contributions from corporations
            b. Very nature of receiving campaign contributions is contingent on the fact that Rep. Wright is an incumbent member receiving contributions for reelection

5) Motion to Dismiss all counts on statute of limitations grounds and violation of 15A-120-102(a)(7)

a. Walker Reagan
   i. There is no statute with a citation of 15A-120-102(a)(7). I presume this is intended to refer to G.S. 120-102(a)(7)
   ii. 120-102(a)(7) refers to the permissible power of the LEC to propose rules of legislative ethics and conduct, and when these rules are adopted by the House and Senate, the rules shall be the standard for that term.
   iii. No rules have been proposed by the LEC nor adopted by the House and Senate. But in any event, this statutory section does not set out any time limitations, other than possibly the term during which these rules are adopted.
   iv. I don't think that this statute is relevant to this argument since this matter is not before the LEC.

b. N.C. Gen. Stat. §§ 15A-102 through 15A-130. Reserved for future codification purposes.
   i. Under N.C. Gen. Stat. § 120-102(a)(7) the Committee may "propose rules of legislative ethics and conduct."
   ii. No statute of limitations is present in this subsection
   iii. However, traditionally the US Congress has distrusted their power to expel a member for misconduct committed either during prior Congresses or before entering Congress
      1. Congress (again at the Federal level) will probably not expel a member for prior misconduct, except in extreme cases. 81 Harv. L. Rev. 673, 684 (1968).
      2. Discovery Doctrine? LEC did not know of Rep. Wright's alleged misconduct until criminal indictment

NO SOL in Constitution
no SOL in state law

~~SOL is~~

Ensuring agenda SOL could be Tolled by equitable estoppel (Lorch Judge Dupree opinion)!

§ 120-102. Powers and duties of Committee.

(a) In addition to the other powers and duties specified in this Article, the Committee may:

(1) through (4) Repealed by Session Laws 2006-201, s. 10, effective January 1, 2007.

(5) Prepare a list of ethical principles and guidelines to be used by legislators and legislative employees to identify potential conflicts of interest and prohibited behavior, and to suggest rules of conduct that shall be adhered to by legislators and legislative employees.

(5a) Advise each General Assembly committee of specific danger areas where conflicts of interest may exist and to suggest rules of conduct that should be adhered to by committee members in order to avoid conflict.

(6) Advise General Assembly members or render written opinions if so requested by the member about questions of ethics or possible points of conflict and suggested standards of conduct of members upon ethical points raised.

(6a) Review, modify, or overrule advisory opinions issued to legislators by the State Ethics Commission under G.S. 138A-13.

(7) Propose rules of legislative ethics and conduct. The rules, when adopted by the House of Representatives and the Senate, shall be the standards adopted for that term.

(8) Upon receipt of information that a legislator owes money to the State and is delinquent in making repayment of such obligation, investigate and dispose of the matter according to the terms of this Article.

(9) Investigate alleged violations in accordance with G.S. 120-103.1 and hire separate legal counsel, through the Legislative Services Commission, for these purposes.

(10) Adopt procedures to implement this Article.

(11) Perform other duties as may be necessary to accomplish the purposes of this Article.

(b) G.S. 120-19.1 through G.S. 120-19.8 shall apply to the proceedings of the Legislative Ethics Committee as if it were a joint committee of the General Assembly, except that both cochairs shall sign all subpoenas on behalf of the Committee. Notwithstanding any other law, every State agency, local governmental agency, and units and subdivisions thereof shall make available to the Committee any documents, records, data, statements or other information, except tax returns or information relating thereto, which the Committee designates as being necessary for the exercise of its powers and duties. (1975, c. 564, s. 1; 1979, c. 864, s. 3; 1991, c. 700, s. 1; 2006-201, s. 10.)

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6) Motion to Dismiss all counts on grounds of laches
   a. Walker Reagan
      i. While it is not unreasonably to raise the issue of laches for a delayed prosecution based on old information that may now be less available to the respondent and that thereby impairs his ability to defend himself, I am not sure how that applies in this case.
      ii. It is probably true that the some of the campaign reporting irregularities have been in the public domain for as many as 5 or 6 years. But the board of elections only made that finding recently.
         1. I don't know what the SOL is for the election law violations. — what is SOL to Elect Comm viol?
         2. If they were misdemeanors, the 2-year SOL may have run on those.
         3. If they are felonies, there is not SOL.
      iii. Clearly not all of the allegations deal with conduct that is now stale. And I am not sure how Wright can show that he is prejudiced by the delay in prosecuting the action.
   b. Doctrine of Laches
      i. Question – What is the law of the doctrine of laches
         1. Does the asserter of the doctrine have to have clean hands
         2. If the asserter has by fraud kept the deception from being uncovered does that bar him from then asserting the doctrine as a defense to an action because of the age of the case once uncovered?
         3. Does the asserter of the doctrine need to show proof or evidence of prejudice from the delay in proceeding
            a. Memories faded of key witnesses,
            b. Death of witnesses or
            c. Evisceration of critical proof?

prejudice

      ii. Answer
         1. Laches is recognized in NC as an affirmative defense, N.C. Gen. Stat. § 1-1A Rule 8(c)
         2. Like any other affirmative defense (contributory negligence, duress, assumption of risk), laches must be plead in the responsive pleading or it is waived as a defense
         3. The burden of proof to establish and unreasonable delay is on the asserter
         4. Laches is based on grounds of public policy, requiring for peace the discouragement of stale demands
         5. Statutes of Limitations are binding on courts, but doctrine of laches is not, 51 Am. Jur. 2d, Limitation of Actions § 8 (West 2000)
            a. Laches is open to a reasonableness interpretation
            b. Laches involves a balancing of the equitable circumstances of each case; differing from SOL's mechanical application of a time bar
         6. *Larsen v. Sedberry*, 54 N.C. App. 166, 167 (1981). Laches applies where:

a. Difficulty of doing entire justice due to
    i. Death of principal witness or witnesses, or
    ii. From the original transaction having become obscured by time
b. And the difficulty is attributable to
    i. Gross negligence, or
    ii. Deliberate delay of the opposing party

7. Analysis
    a. Conscience, god faith, and reasonable diligence is required to bring a claim
        i. Presumably there is no difficulty to do "entire justice"
        ii. If there is difficulty, it cannot be attributed to any gross negligence or deliberate delay on the part of the LEC
        iii. LEC could argue discovery doctrine for any delay in bringing this matter
    b. The doctrine of laches should not bar LEC from moving forward with the probable cause hearing of Rep. Wright

7) Motion to Dismiss all counts on jurisdictional grounds in that the investigation is not authorized under 120-102 (a) (5) and (7)

   a. Walker Reagan
      i. 120-102(a)(5) and (7) again refer to the powers of the LEC to recommend rules of conduct.
      ii. This statute does not apply to the HSC and I do not believe it serves as a limitation on the jurisdiction of the House to act to discipline its members

   b. LEC jurisdictional grounds are identified in House Rule 28.1
      i. General Assembly authorized to make its own rules
      ii. General Assembly may on its own motion…

8) Motion to Dismiss all counts on grounds the legislature is not constitutionally empowered to investigate, prosecute and discipline for conduct committed in past legislative sessions and violates 120-102 as well as the federal and state constitutions

   a. Walker Reagan
      i. Refers to authority of the HSC, when reference should be to powers of the House. Again, 120-102 applies to powers of the LEC, not the House.
         1. Presumably Wright may be trying to argue that the only matters he can be sanctioned for are violations of duly adopted rules of ethical conduct and since no rules have been adopted under 120-102 he cannot be disciplined for actions that do not constitute violations of duly adopted rules.
         2. I don't believe that is true for the reasons set forth in our answer to #2 above.
      ii. The issue of whether the 2007 General Assembly can discipline for acts committed in prior General Assemblies is an interesting question.
         1. The ***Powell*** case seems to address that. There is also precedent in other states for doing so.
         2. I think it is a good argument for him to make but I think is a fundamental question that the courts in NC have not decided so I think you are free to proceed on.
      iii. As to the federal constitution coming into play, I think Wright can only get there on the due process issue under a property right concept. Otherwise, the federal constitution is not going to override the State's constitution on who can be a legislator and the power of the legislature to judge the qualifications of its members.
   b. Prior Misconduct
      i. The tendency of the US Congress has been to not expel a current member for indiscretions that took place prior to his or her election to the position.
      ii. However, the violations discussed in case law were known, or should have been known, by the electorate prior to the member's election.
      iii. Here, although the alleged acts took place as far back as 2001, arguably nobody in Rep. Wright's district was aware of this misconduct until he was indicted
      iv. Extenuating Circumstances
         1. The fraudulent nature of the misconduct alleged here does not lend itself to be discovered and thoroughly investigated within a 2-year term
         2. Additionally, the individual instances of failing to disclose campaign contributions may not rise pass the level of misconduct; however, over time, analyzing the collective non-disclosed contributions shows the habitual nature of the misconduct
         3. Lastly, the fraudulent acquisition of a loan and corporate contributions was not discovered immediately and therefore not brought to the LEC's attention

continuous.

v. Together these extenuating circumstances can go to the "fitness" of Rep. Wright to participate as a member of the N.C. House; an area of qualification historically reserved for Houses of parliament to investigate

9) Motion to Dismiss all counts on grounds the creation of the House Select Committee and its actions generally violate due process and equal protection

a. Walker Reagan
   i. I don't think there are any arguments about the HSC's right to investigate this matter.
   ii. The question should be whether the House can sanction a member for this conduct, and if so, how.
      1. The HSC is established under House Rules. The right to challenge its existence or jurisdiction is procedural under the Rules of the House and can only be raised by a member of the body to the House itself.
      2. The HSC is only advisory to the House and has no independent power to sanction. Any violation of due process would be for actions or failure to act by the House.
      3. To the extent that the House relies on the actions of its committee, if the committee's process does not provide for adequate due process, and the House does not otherwise grant minimal due process, then that might be a problem.
      4. Again the argument should be to actions and procedures followed by the House, and not specifically actions or procedures of the HSC.

b. Due Process and Equal Protection challenges
   i. Due Process – prohibits a house of Congress from expelling a member on grounds that bear "no rational relation to legitimate concerns of the legislature."[1]
   ii. Equal Protection – prohibits a house of Congress from arbitrarily expelling certain members on the grounds of wealth, age, race or profession.[2]
   iii. LEC is merely adhering to its explicit authority under the House Rules to inquire into alleged violations
      1. LEC has notified Rep. Wright and given him opportunity to appear with counsel at hearings
      2. No specific allegations have been made by Rep. Wright concerning arbitrary treatment due to his wealth, age, race, or progession
      3. LEC may proceed with an inquiry into the conduct and shall schedule one or more hearings[3]
      4. LEC has not yet taken any action authorized under House Rule 28.1(c) therefore this motion is not yet ripe
      5. The inquiry is still in the LEC, not yet in the House, therefore this motion is not ripe

no evid. presented to support argument.

[1] *US v. Ballin*, 144 U.S. 1, 5 (1892).
[2] 41 Fordham L. Rev. 43, 51 (1972).
[3] House Rule 28.1(b)

10) Motion to Dismiss all counts on grounds the creation of the House Select Committee and its actions generally violate Article II, Section 20 of the NC Constitution

a. Walker Reagan
    i. Again the issue is not whether the HSC is improperly constituted or its actions are unconstitutional, but whether the House has acted properly.
    ii. Again the HSC is purely advisory and has no independent authority to sanction
    iii. As to whether the House acts properly under Art. II, Sec. 20, the question is whether the House's constitutional authority to sit in judgment of the qualifications of its members applies to expulsion or just exclusion.
    iv. It also goes to the issue whether the House's ability to sanction a member is limited to this constitutional grant, or whether the common law right of legislative bodies to discipline its members also applies. There are unchallenged precedents in NC, and court cases in other states, that have upheld this inherent power of a legislature.

b. Again this motion fails for ripeness
    i. The HSC was properly created and has yet to complete its inquiry, has not yet acted
    ii. Discussions of expulsion, exclusion, or other sanctions are premature
    iii. Although in civil suits the matter of whether a remedy is available is a factor of the claim's justiciability, to dismiss these Counts because the issue of possible sanctions is unclear would allow the accused to disable the authority of the HSC despite probable cause of misconduct
    iv. A bifurcated approach could be appropriate
        1. Determination of misconduct
            a. Yes→proceed to recommendations for House to act
            b. No→drop the matter

11) Motion to Dismiss all counts on grounds the Select Committee's actions violate Article VI, Section 8 of the NC Constitution by seeking expulsion where the legislator has not been adjudged guilty or convicted of a felony or corruption or malpractice by a competent authority
    a. Walker Reagan
        i. The power to remove by impeachment only applies to the Executive and Judicial branch, not the legislative branch.
        ii. The question is whether Art. VI, Sec. 8 applies to legislators, and if so, is it a limiting power, i.e. the only reason a person can be removed?
            1. If so, then the question is whether Wright's actions constitute corruption or malpractice in office.
            2. I am not sure, other than the Wade matter, that Wright's actions were corruption or malpractice in office, unless you argue that it constitutes a violation of his oath of office.
            3. Our research on the oath of office seems to show that the House oath does not include a promise to uphold the laws of the State, only the US constitution and federal laws, and the State constitution.
        iii. The other question is whether Art. VI, Sec. 8 limits the common law authority of a legislature to discipline its members. We have no cases in NC on point, but other states have upheld the common law authority when not otherwise restricted by the constitution.
        iv. The other issue inherent in this motion to dismiss is whether the House can act on conduct other than criminal convictions.
            1. The NC cases interpreting Art. VI, Sec. 8 seem to say that conviction of a crime in a criminal court is not required, but that an adjudication of criminal misconduct by a duly constituted body other than a criminal court is all that is required.
            2. Another process with adequate due process that makes a finding or an adjudication of criminal misconduct is sufficient. I think there are precedents in other states as well where a legislator has been expelled for criminal misconduct prior to a criminal conviction.
    b. Expulsion has not yet been recommended to the House
        i. Motion not ripe unless Committee refers expulsion/exclusion to the House under House Rule 28.1(c)(4)
        ii. Criminal conviction is not required for an adjudication:
            1. "Under N.C. Const. Art. VI § 8, the word 'adjudged' means 'to decide or rule upon as a judge or with judicial or quasi-judicial powers'..."[1]
            2. "...the word 'guilty' denotes evil and intentional wrongdoing, and refers to conscious and culpable acts, but it does not necessarily mean or require a criminal conviction or a jury finding."[2]

[1] Strong's North Carolina Index 4th, Public Offices and Employees § 8
[2] *Id.*

12) Motion to Continue or Hold in Abeyance any hearing in this matter where the failure to do so would possibly prejudice Wright's rights to a fair criminal trial and prejudice the possible jury pool.
    a. Walker Reagan
        i. I think there are good fairness arguments here but I am not sure these go to the House's authority to act before a criminal conviction.
            1. If anything, it seems that by the House proceeding before the criminal trial, it might jeopardize a conviction, and give more credence to Wright's arguments that a conviction should be thrown out.
        ii. On the fairness argument, I think Wright can argue that he cannot adequately defend himself before the House without the risk of incriminating himself and that he should not have to give up his constitutional right against self-incrimination in order to save his legislative seat.
            1. I think an argument could be made that he can still defend himself without testifying himself.
            2. His arguments that he should not have to show his hand in the criminal case before trial by showing it in the House proceeding doesn't hold much water with me since some, if not all, of the evidence may have to be disclosed prior to trial in the criminal proceeding anyway.
        iii. As to prejudicing the jury pool, while the House proceedings might have some impact, I am not sure how much attention this matter is getting in Wake County outside the General Assembly. Even if it does, Wright can always make a motion to move the trial to another county.
        iv. The bottom line might be whether the House feels that a criminal conviction is more important than any earlier expulsion and, therefore, in order to be sure not to undermine a possible criminal conviction, the House delays acting until the criminal process is concluded. Otherwise, I don't know of any constitutional arguments as to why the House has to defer to or is contingent upon action in the criminal case.

    b. Balancing Test
        i. One side – possibly removing a representative thereby eventually providing the citizens of his district to be represented
        ii. Other side – going into uncharted legal territory regarding the expulsion of a NC House member prior to a criminal conviction
            1. Possibly hindering the process of the criminal trial and/or providing grounds for appeal in the criminal adjudication
        iii. It seems to me that a recommendation to the House to pursue a vote for expulsion, prior to a criminal conviction, could open a can of worms
            1. In the criminal trial
                a. Right against self-incrimination
                b. Jury pool tainting

c. At least enough so to preserve for appeal, i.e. further draw out criminal adjudication

2. In the General Assembly
    a. If Rep. Wright is acquitted at the trial level after being expelled from the General Assembly this could open another can of worms
    b. Previous questions again arise
        i. What is "adjudication"
        ii. Fairness – less difficult standard of review for NCGA to met than for Wake County DA
3. However, all the while, the citizens of Rep. Wright's district are not effectively represented at the General Assembly
    a. Public policy – is it worth potentially elongating the criminal process and breaking new ground in the area of member expulsion…This is the question
    b. Wake DA has to make a case – if Rep. Wright is not sanctioned under a standard that is less than a reasonable doubt it will be difficult to convict at the trial court
    c. Time considerations
        i. Date of criminal trial, continuances, etc.
        ii. Date of session starting
        iii. Time to replace Rep. if expelled

NOTICE OF CHARGES OF UNETHICAL CONDUCT
BY REPRESENTATIVE THOMAS E. WRIGHT

The House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments against Representative Thomas E. Wright, having convened for hearing on the report of preliminary investigative findings on questions of possible unethical conduct, hereby finds that there is probable cause to believe that Representative Thomas E. Wright has engaged in unethical conduct during his tenure as a member of the North Carolina House of Representatives by committing the following acts:

COUNT 1

Between on or about March 13, 2002 and on or about March 15, 2002, while a member of the North Carolina House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by orally and in writing improperly and unethically soliciting Torlen L. Wade, Acting Director of the North Carolina Department of Health and Human Services Office of Research, Demonstrations, and Rural Health Development, to write and mail to him a fraudulent letter stating that such Office was endorsing The Community's Health Foundation's project to convert a building located on the 900 block of 4th Street in Wilmington, North Carolina into Community's Health Foundation offices, New Hanover Community Health Center offices, and a History Museum and committing $150,000.00 in funding toward the completion of that project. At the time of the solicitation, Thomas E. Wright was the Chairman of The Community's Health Foundation, Inc., located at 322 South 17th Street in Wilmington, North Carolina. Thomas E. Wright confirmed his earlier oral solicitation by having his legislative assistant type the necessary details needed in the commitment letter in an e-mail that was sent to Torlen L. Wade by use of his State e-mail account and on a State computer, both of which were authorized for him based on his position as a member of the North Carolina House of Representatives. At the time of the oral solicitation, the typing and sending of the e-mail, and the typing and sending of the Torlen L. Wade letter, both Thomas E. Wright and Torlen L. Wade knew that the Office of Rural Health would not make such a grant and that Thomas E. Wright would use the letter in seeking to fraudulently obtain funding for The Community's Health Foundation from other sources such as financial institutions and other organizations that make grants and that would believe and rely on the false representations in Torlen L. Wade's letter.

COUNT 2

On or about April 5, 2002, while a member of the North Carolina House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by, orally and in writing, improperly, fraudulently, and unethically presenting to a representative of Coastal Federal Bank as a factor to consider in whether to loan $150,000.00 to The Community's Health Foundation, Inc., a corporation of which Wright was the President, a letter from Torlen L. Wade, Acting Director of the Office of

Research, Demonstrations, and Rural Health Development of the North Carolina Department of Health and Human Services, falsely stating that the Office endorsed the Foundation's museum conversion effort and was committed to funding the project in the amount of $150,000.00 and that the award of the funding would occur by June 30, 2002. At the time Thomas Wright presented the letter to the representative of Coastal Federal Bank, he knew that the assertions in the letter were false, that the commitment of funds was not authorized, and that the award of funding would not be forthcoming. The $150,000.00 loan to The Community's Health Foundation, Inc. obtained from Coastal Federal Bank was made in part relying on the contents of the fraudulent letter presented by Thomas Wright.

COUNT 3

On or about December 15, 2003, while a member of the North Carolina House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, and unethically converting money intended to be a charitable contribution to The Community's Health Foundation, Inc. to his own personal use. Thomas Wright wrote a letter on the letterhead stationery of The Community's Health Foundation, Inc. to a representative of AstraZeneca Pharmaceuticals, LP, requesting as the Foundation's president a donation to the Foundation, a charitable organization qualified to receive tax-deductible donations, that would be used by the Foundation for various health related purposes, including but not limited to educational initiatives, a needs assessment, identification of trends and bridging the gap of minority health care for an underserved population in New Hanover County. Thereafter, when on December 15, 2003, a representative of AstraZeneca Pharmaceuticals, LP signed and sent to Thomas Wright and The Community's Health Foundation, Inc., a check made out to "Communitys Hlth Found Inc" in the amount of $2,400.00, Thomas Wright deposited that check into his own personal account rather than into the account of The Community's Health Foundation, Inc.

COUNT 4

On or about February 6, 2004, while a member of the North Carolina House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, and unethically converting money intended to be a charitable contribution to The Community's Health Foundation, Inc. to his own personal use. Thomas Wright wrote a letter on the letterhead stationery of The Community's Health Foundation, Inc. to a representative of Anheuser-Busch Companies, Inc., requesting as the Foundation's president a donation to the Foundation, a charitable organization qualified to receive tax-deductible donations, that would be used by the Foundation for acquisition and development of a building in Wilmington, North Carolina that would serve as a museum. Thereafter, on March 5, 2004, when a representative of Anheuser-Busch Companies, Inc. signed and sent to Thomas Wright and The Community's Health Foundation, Inc., a check made out to "Communitys Health Foundation Inc" in the amount of $5,000.00, Thomas Wright deposited that check into his own personal account rather than into the account of The Community's Health

Foundation, Inc.

COUNT 5

On or about April 1, 2004, while a member of the North Carolina House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, and unethically converting money intended to be a charitable contribution to The Community's Health Foundation, Inc. to his own personal use. Thomas Wright wrote an invoice on the letterhead stationery of The Community's Health Foundation, Inc. to a representative of AT&T Corp. as a solicitation of a charitable contribution to the Foundation, a charitable organization qualified to receive tax-deductible donations. Thereafter, on April 1, 2004, when a representative of AT&T Corp. signed and sent to Thomas Wright and The Community's Health Foundation, Inc., a check made out to "Communitys Health Foundation I" in the amount of $1,500.00, Thomas Wright deposited that check into his own personal account rather than into the account of The Community's Health Foundation, Inc.

COUNT 6

Between October 28, 2001 and November 21, 2001, while a member of the North Carolina House of Representatives, Thomas E. Wright did engage in a pattern of conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, and unethically converting to his own personal use money loaned by South East Community Credit Union to a charitable organization, The Community's Health Foundation, Inc. On or about October 28, 2001, without approval of the other incorporators of The Community's Health Foundation, Inc., Thomas E. Wright solicited and obtained from South East Community Credit Union, a business line of credit in the amount of $10,000.00 for The Community's Health Foundation, Inc. Thereafter, between October 28, 2001 and November 21, 2001, he personally obtained funds three times based on that line of credit in the total amount of $9,910.27, which he failed to turn over to the Foundation, put into a bank account for the Foundation, or use for the benefit of the Foundation, instead converting those funds to his own use and benefit by depositing them in his own account without the knowledge and approval of the Board of Directors of the Foundation.

COUNT 7

Between January 1, 2000 and January 31, 2007, while a member of the North Carolina House of Representatives, Thomas E. Wright did improperly, fraudulently, and unethically engage in a pattern of conduct unbecoming and unfitting a member of the House of Representatives by intentionally failing to disclose approximately $185,000.00 in contributions received by his campaign during that time period, which disclosures are required by law and are intended to safeguard the public trust and to preserve the integrity of the electoral process, the integrity of the House of Representatives, and the integrity of the legislative process.

COUNT 8

Between on or about October, 2001 and on or about April, 2004, while a member of the North Carolina House of Representatives, Thomas E. Wright did engage in a pattern of conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, deceptively, and unethically soliciting financial institutions and corporations for loans and donations to a charitable corporation, The Community's Health Foundation, Inc., and by converting to his own personal use money loaned or contributed to that charitable organization. As part of this pattern of conduct, Thomas E. Wright solicited a false document and used that false document in one of his loan solicitations.

House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Regarding Representative Thomas E. Wright

January 9, 2008

Exhibits 1-11
Presented by William P. Hart, Outside Committee Co-Counsel

1. Incorporation papers - The Community's Health Foundation, Inc.
2. E-mail from Thomas Wright to Torlen Wade
3. Letter from Torlen Wade to Thomas Wright
4. Foreclosure papers
5. Letter from Thomas Wright to Anheuser-Busch Companies, Inc.
6. Checks from corporations to The Community's Health Foundation, Inc.
7. Interview of Torlen Wade by Kim Strach
8. Interview of Kim Strach by Bill Dowdy
9. Chart of campaign contributions
10. False pretense
11. Obstruction of justice

240995157

Exhibit 1
January 9, 2008

State of North Carolina
Department of the Secretary of State

SOSID: 588358
Date Filed: 4/18/2001 3:59 PM
Elaine F. Marshall
North Carolina Secretary of State

ARTICLES OF INCORPORATION
NONPROFIT CORPORATION

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 corporation is: The Community's Health Foundation, Inc.

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

3. The street address and county of the initial registered office of the corporation is:

   Number and Street 322 S. 17th Street

   City, State, Zip Code Wilmington, NC 28401 County New Hanover

4. The mailing address *if different from the street address* of the initial registered office is:

   same

5. The name of the initial registered agent is:

   Thomas E. Wright

6. The name and address of each incorporator is as follows:
   Thomas E. Wright, 322 S. 17th St., Wilmington, NC 28401
   Daniel Gottovi, MD, 116 Martingale Ln., Wilmington, NC 28409
   James Lofton, 117 Avant Dr., Wilmington, NC 28405
   Bessie Flinderburg, 414 S. 14th St., Wilmington, NC 28401

7. (Check either a or b below.)
   a. x The corporation will have members.
   b. ___ The corporation will not have members.

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

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

10. The street address and county of the principal office of the corporation is:

    925 North 4th St., Wilmington, NC 28401 County New Hanover

11. The mailing address *if different from the street address* of the principal office is:

    Same

Ex. 1

Purpose of Corporation

This corporation is organized for the following purpose(s) (*check as applicable*):

____religious,

_x_charitable,

_x_educational,

____testing for public safety,

_x_scientific,

____literary,

____fostering national or international amateur sports competition, and/or

____prevention of cruelty to children or animals,

including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under Sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1986 (herein the "Code") (or the corresponding provisions of any future United States Internal Revenue Code).

Prohibited Activities

No part of the net earnings of the corporation shall inure to the benefit of or be distributable to, its members, directors, officers, or other private persons except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of purposes set forth in these articles of incorporation. No substantial part of the activities of the corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation, and the corporation shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provisions of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 501(c)(3) of the Code or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Code.

Distributions Upon Dissolution

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

This is the ____ day of _____, 20____.

Thomas E. Wright

Signature of incorporator

Raleigh

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

NOTES:
Filing fee is $60. This document and one exact or conformed copy of these articles must be filed with the Secretary of State.

February 2000

Form N-01

CORPORATIONS DIVISION

P. O. BOX 29622

RALEIGH, NC 27626-0622

04/11/2001 11:54 919-807-2063

Exhibit 2
January 9, 2008

Subject: Per our conversation
Date: Wed, 13 Mar 2002 16:47:04 -0500
From: "Vanda Wilson-Wormack (Rep. Wright)" <wrightla2@ncleg.net>
To: "Torlen Wade (E-mail)" <torlen.wade@ncmail.net>

Torlen,

Per our conversation, the letter of endorsement should be addressed to Chairman Thomas E. Wright, Community's Health Foundation, Inc. 322 South 17th Street Wilmington, NC 28401.

The language should include $150,000 in funding to be received no later than July or August.

The building will be located on the 900 block of 4th Street and will be used as office space for the Community's Health Foundation, Inc. Upon completion of the expansion project of the New Hanover Community Health Center, an effort would be made to convert the building into a History Museum.

Please fax the letter of endorsement to (910) 343-3339 and mail the hard copy to
Community's Health Foundation
322 South 17th Street
Wilmington, NC 28401.

If you have any further questions or comments, please call the office at (919) 733-5754 or (910) 232-1007.

Thanks

Thomas Wright

Exhibit 3
January 9, 2008

North Carolina Department of Health and Human Services
Office of Research, Demonstrations, and
Rural Health Development
2009 Mail Service Center • Raleigh, North Carolina 27699-2009
Tel 919-733-2040 • Fax 919-733-8300

James D. Bernstein, Director

Michael F. Easley, Governor
Carmen Hooker Odom, Secretary

March 15, 2002

Thomas E. Wright, Chairman
Community's Health Foundation
322 South 17th Street
Wilmington, NC 28401

Dear Mr. Wright:

On behalf of the Office of Research, Demonstrations, and Rural Health Development, I am writing to enthusiastically endorse the Community's Health Foundation's effort to convert the building located on the 900 block of 4th Street into Foundation offices, New Hanover Community Health Center offices and into a History Museum.

With this endorsement, the Office is committing $150,000 in funding toward the completion of this conversion project. The funding will be awarded by June 30, 2002.

We wish you all the best as you embark on this important project.

Sincerely,

Torlen L. Wade
Acting Director

TLW/lw

(1)
17

Exhibit 4
January 9, 2008

2004034119

FOR REGISTRATION REGISTER OF DEEDS
REBECCA T. CHRISTIAN
NEW HANOVER COUNTY, NC
2004 JUN 28 03:40:12 PM
BK:4385 PG:765-766 FEE:$12.00

INSTRUMENT # 2004034119

NOTICE OF FORECLOSURE

Drawn By: H. Terry Hutchens, PA
PRESENT RECORD OWNER: The Community Health Foundation, Inc.
aka The Community's Health Foundation, Inc

Mail To: H. Terry Hutchens, PA
P.O. Box 1028
Fayetteville, North Carolina 28302
Case No: 597.69856

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

This notice of foreclosure is filed for recordation pursuant to the provisions of N.C.G.S. 45-38.

GRANTOR: Thomas E. Wright, President of The Community Health Foundation Inc. and Daniel Gottovi, Treasurer of The Community Health Foundation, Inc.

ORIGINAL TRUSTEE: Michael C. Gerald

BENEFICIARY: Coastal Federal Bank

in the amount of $150,000.00 recorded in Book 3259, Page 842, and foreclosed and conveyed to John L. Battle and wife, Mary A. Battle on May 18, 2004.

See Book 4340, Page 911, and Appointment of Substitute Trustee recorded in Book 4052, Page 756.

This the 22nd day of June, 2004.

H. TERRY HUTCHENS, PA
SUBSTITUTE TRUSTEE

BY: Debra L. Milligan
Debra L. Milligan
Assistant Vice President

REBECCA T. CHRISTIAN
REGISTER OF DEEDS, NEW HANOVER
216 NORTH SECOND STREET

WILMINGTON, NC 28401

Filed For Registration:	06/28/2004 03:40:12 PM
Book:	RE 4385 Page: 765-766
Document No.:	2004034119
	N/F 2 PGS $12.00
Recorder:	MARVIS ANN STORER

State of North Carolina, County of New Hanover

REBECCA T. CHRISTIAN , REGISTER OF DEEDS

By: Marvis Ann Storer
Deputy/~~Assistant~~ Register of Deeds

YELLOW PROBATE SHEET IS A VITAL PART OF YOUR RECORDED DOCUMENT.
PLEASE RETAIN WITH ORIGINAL DOCUMENT AND SUBMIT FOR RE-RECORDING.

2004034119
2004034119

Exhibit 5
January 9, 2008

THE COMMUNITY'S HEALTH FOUNDATION, INC.

Thomas E. Wright, President
322 S 17th Street
Wilmington, NC 28401
Ofc. #(910) 343-9842
Fed Tax ID# 56-2252434

February 6, 2004

Mr. Lewis McKinney
Anheuser-Busch Companies, Inc.
1 Busch Place, 202-8
St. Louis, Missouri 63118

Markle
Okay for
$500 ea.

Dear Mr. McKinney,

The Community's Health Foundation, Inc is requesting your support in the acquisition and development of a building in Wilmington, North Carolina that will serve as a historical relic and museum about the 1898 Race Riot that occurred in Wilmington, North Carolina. The museum will exhibit historical events that took place and recapture these moments for future generations to explore, examine, and uncover the truth about such a horrific time in American History. This is a very important endeavor for the community of Wilmington, the state of North Carolina and our nation.

We are requesting your support to aid this foundation's efforts. Please make the check payable to **The Community's Health Foundation, Inc.**, in care of **Thomas E. Wright.** Contributions are tax deductible under the 501 (c) (3) of the Internal Revenue Code. **Our Tax Id# is 56-2252434.**

If you need to contact me or need additional information, please do not hesitate to give me a call. Again, thanks for your support.

Sincerely,

Thomas E. Wright

Board
EXHIBIT
10

Che[redacted]made Payable to Communitys Health Foundation Inc and [redacted]osited into Thomas Wright's Personal Checking Account [redacted]k of America 681775071

Date Cleared Bank Account	Transaction Type	Date Reported	Report Shown On	Check Number	Date Check Written	Payor	Comments	Check Number
7/26/2004	Check			$ 1,500.00	4/1/2004	AT&T Payable through The Northern Trust Company	PAYABLE TO COMMUNITYS HEALTH FOUNDATION	11390100
8/11/2004	Check			$ 2,400.00	12/15/2003	AstraZeneca Pharmaceuticals LP	PAYABLE TO COMMUNITYS HEALTH FOUNDATION INC	12343708
8/11/2004	Check			$ 5,000.00	3/5/2004	Anheuser-Busch Cos., Inc	PAYABLE TO COMMUNITYS HEALTH FOUNDATION INC	1000204578

Exhibit 6
January 9, 2008

Amount:	$1,500.00	Sequence Number:	6200948986
Account:	31172621	Capture Date:	07/26/2004
Bank Number:	07192382	Check Number:	11390100

DO NOT CASH WITHOUT BLUE / GREEN BACKGROUND -- POSITIVE IDENTIFICATION REQUIRED

70-2382/719

AT&T

The Northern Trust Company
Chicago, IL 0710
Payable through Northern Trust Bank / DuPage, Oak Brook, IL
Account Number 31172621

Check No.	Payable Mo. Day Yr.
11390100	04|01|04

AP Payment

ONE THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS IN US DOLLARS

PAY TO THE ORDER OF
COMMUNITYS HEALTH FOUNDATION I
322 S 17TH ST
WILMINGTON NC 28401

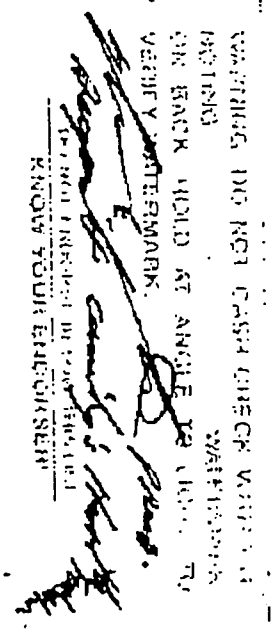
$******1,500.00

PLEASE CASH PROMPTLY. VOID AFTER 180 DAYS

VENDOR NO. 483977 INVOICE NO. OTPC

Edward M. Dwyer
Authorized Signature

⑈11390100⑈ ⑆071923828⑆03117262 1⑈ ⑈0000150000⑈



BANK OF AMERICA-NA CAP
0453000194 E6465 10 P1
07/26/04

Amount:	$2,400.00	Sequence Number:	6400501485
Account:	3299924268	Capture Date:	08/11/2004
Bank Number:	06111278	Check Number:	12343708

AstraZeneca

AstraZeneca Pharmaceuticals LP
1800 Concord Pike
PO Box 15437
Wilmington, DE 19850-5437

30020579 06 12343708

DOCUMENT NO.
12343708

MONTH	DAY	YEAR
12	15	03

PAY TWO THOUSAND FOUR-HUNDRED AND 00/100 DOLLARS

64-1278
611

$ **2,400.00

TO THE ORDER OF
COMMUNITYS HLTH FOUND INC
322 S 17TH ST
WILMINGTON NC 28401

Bank of America Customer Connection
Bank of America, N.A.
Atlanta, DeKalb County, Georgia

Authorized Signature

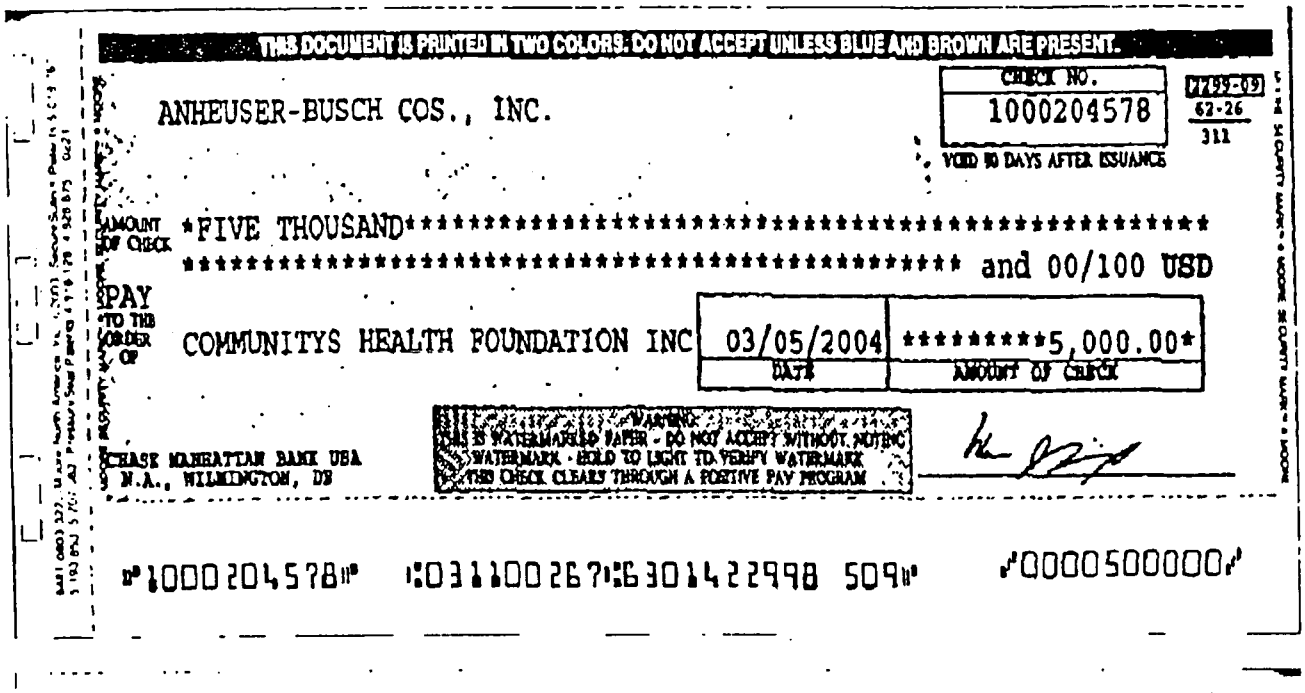
VOID AFTER 180 DAYS

THE BACK OF THIS DOCUMENT HAS THE ASTRAZENECA LOGO PRINTED IN WHITE INK IN MULTIPLE POSITIONS - HOLD AT AN ANGLE TO VIEW - VOID IF NOT PRESENT

⑈12343708⑈ ⑆061112788⑆ 329 992 4268⑈ ⑈0002400000⑈

Confidential Treatment Requested by Bank of America

Amount:	$5,000.00	Sequence Number:	6400501484
Account:	6301422998509	Capture Date:	08/11/2004
Bank Number:	03110026	Check Number:	1000204578



THIS DOCUMENT IS PRINTED IN TWO COLORS. DO NOT ACCEPT UNLESS BLUE AND BROWN ARE PRESENT.

ANHEUSER-BUSCH COS., INC.

CHECK NO. 1000204578

VOID 90 DAYS AFTER ISSUANCE

62-26
311

AMOUNT OF CHECK *FIVE THOUSAND********** and 00/100 USD

PAY TO THE ORDER OF COMMUNITYS HEALTH FOUNDATION INC

DATE	AMOUNT OF CHECK
03/05/2004	*********5,000.00*

CHASE MANHATTAN BANK USA N.A., WILMINGTON, DE

WARNING: THIS IS WATERMARKED PAPER - DO NOT ACCEPT WITHOUT NOTING WATERMARK - HOLD TO LIGHT TO VERIFY WATERMARK. THIS CHECK CLEARS THROUGH A POSITIVE PAY PROGRAM

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Exhibit 7
January 9, 2008

NORTH CAROLINA STATE BOARD OF ELECTIONS
CAMPAIGN FINANCE INVESTIGATION

MEMORANDUM OF INTERVIEW

In re:	Thomas Wright	Location:	State Board of Elections
Case #:	2006-CF-051		4:15pm
Date:	5/11/2007		

Participants: Torlen Wade
Kim Strach
Amy Strange

After being advised of the identities of the interviewing parties and the nature of the interview, Torlen Wade provided the following information:

Mr. Wade advised that he is the Director of the Division of Rural Health and Community Care, which is a division of the Department of Health and Human Services. Over the years he has been very active in setting up community health centers. He was asked if he recalled a grant award letter from his office to The Community's Health Foundation for a building loan in 2002. Mr. Wade immediately stated that he did remember such a letter. He recalled that Representative Wright asked him for a letter to secure a loan for a building he wanted to utilize as a museum. Representative Wright told Mr. Wade that he didn't expect him to actually provide the money, but he needed him to provide a letter stating that the Division would allocate these funds. Representative Wright further told him he wouldn't use the letter. Mr. Wade stated that his Division did not have the funding nor could they use their funding for the purpose that Representative Wright wanted. Mr. Wade stated that he told Representative Wright that the activities of the museum were not the type of activities funded by Mr. Wade's office. Representative Wright indicated that he understood and that he had already secured the money he needed. However, he needed a letter to show he had the funding. Mr. Wade stated that he probably shouldn't have written it, but he knew he wouldn't have to provide the funding because Representative Wright assured him he wouldn't hold him to the letter. In order to clarify that there was no actual grant award

intended, Mr. Wade was specifically asked if his Division provided any funding to The Community's Health Foundation. Mr. Wade stated that his Division did not provide any funding to The Community's Health Foundation. He stated that Representative Wright told him he didn't expect any money and that he didn't intend to use the letter.

Mr. Wade stated that he had worked with Wright and Dr. Dan Gottovi on the New Hanover Community Health Center and other projects. He stated that Wright had been extremely helpful in projects they had worked on.

Wade stated that he would provide a copy of the letter to our office. We provided him our fax number and expressed how we needed the letter for the May 15, 2007, hearing. He stated that he thought he had the letter in a file and would provide it to us.

Mr. Wade indicated that he would be out of town the week of May 15, 2007, attending a conference at Harvard University. He explained that his division was being considered for National recognition. He further indicated that he would be traveling with Secretary Hooker-Odom.

This memorandum was prepared on 5/15/2007, utilizing notes taken during the interview. I certify that this memorandum contains an accurate summary of all pertinent matters discussed during the interview.

Amy Strange/CF Compliance Specialist	Kim Strach/Deputy Director
Name/Title	Name/Title

Exhibit 8
January 9, 2008

KIMBERLY WESTBROOK STRACH, Deputy Director, State Board of Elections, 506 North Harrington Street, Raleigh, NC, Telephone: (919) 715-2334

Interviewed Thursday, October 11, 2007, 9:25am, by telephone by Bill Dowdy.

Strach was interviewed to determine what led her to interview **TORLEN WADE** and to determine if she was aware that **THOMAS WRIGHT** was seeking funding which included a museum.

Strach stated that she was attempting to find out about a loan from Coastal Federal Bank to The Community Health Foundation, Inc.

She stated in an interview on May 8, 2207, had stated that at Coastal Federal Bank, when questioned by about why the bank had made the loan to The Community Health Foundation, had shown Lofton a copy of some type of grant letter from a State agency.

When was interviewed on May 10, 2007 about Coastal Federal Bank's loan to The Community Health Foundation, stated there was a grant verification letter for the amount of the loan or higher and the letter was from the Golden Leaf Foundation or N. C. Rural Health.

As a result of the aforementioned information, **TORLEN WADE** was called in and interviewed by Strach and Amy Strange of the State Board of Elections on May 11, 2007.

The interview of **TORLEN WADE** began with Amy Strange asking **TORLEN WADE** if his agency had issued a grant award letter to The Community Health Foundation for a building loan in 2002. **TORLEN WADE** responded that he recalled a letter he had written as a result of **THOMAS WRIGHT** asking him to write a letter to secure a loan for a building he wanted to use as a museum. **WADE,** who became seemingly upset, stated that he should not have written the letter because N. C. Rural Health did not have the funding and N. C. Rural Health could not provide funding for a museum. and had both stated during interviews that **THOMAS WRIGHT** had an interest in using some portion of the building for a memorial or museum commemorating the 1898 race riots. **WADE** was not provided any information about **WRIGHT'S** purpose for the building, only that he had secured a loan for the building.

Strach stated that **WADE** related that **WRIGHT** said he did not expect **WADE** to provide any money but he just needed a letter that stated the funds would be allocated. **WADE** also stated that **THOMAS WRIGHT** indicated he had already secured the money he needed but he needed a letter to show he had the funds. **WADE** further stated that **THOMAS WRIGHT** told him that he did not intend on using **TORLEN WADE'S** letter.

According to **TORLEN WADE**, he had worked with **THOMAS WRIGHT** and Dr. Dan Gottovi on the New Hanover Community Health Center and other projects and he had found **THOMAS WRIGHT** to be very helpful.

Strach stated she did not recall any discussion with **TORLEN WADE** during this interview that the loan or funding in question involved the New Hanover Community Health Center or about the New Hanover Community Health Center moving its administrative offices to the Lofton property or about The Community Health Foundation, Inc. having its offices in the same building.

BD 10/11/07

Committee to Elect Thomas E. Wright
Contributions Not Disclosed
2000-2006

Exhibit 9
January 9, 2008

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
AIA PAC		Bank of America 5071	$ 500.00	3/24/2000	2000 First Quarter Plus
Alexander	William	Bank of America 5071	$ 100.00	3/13/2000	2000 First Quarter Plus
Bone	Roger	Bank of America 5071	$ 250.00	3/24/2000	2000 First Quarter Plus
Crossland	Thomas	Bank of America 1059	$ 100.00	4/3/2000	2000 First Quarter Plus
DUKE ENERGY CORP PAC		Bank of America 5071	$ 500.00	3/23/2000	2000 First Quarter Plus
Duncan	Allyson	Bank of America 1059	$ 100.00	4/3/2000	2000 First Quarter Plus
Gore	Rex	Bank of America 5071	$ 100.00	3/22/2000	2000 First Quarter Plus
McCoy	John	Bank of America 1059	$ 100.00	4/3/2000	2000 First Quarter Plus
Mercer	Linwood	Bank of America 5071	$ 500.00	3/22/2000	2000 First Quarter Plus
NC ACADEMY OF TRIAL LAWYERS PAC		Bank of America 5071	$ 500.00	3/28/2000	2000 First Quarter Plus
NC ASSIST LIVING ASSOC. PAC		Bank of America 5071	$ 250.00	3/22/2000	2000 First Quarter Plus
NC Assn of Nurse Anesthetists PAC		Bank of America 5071	$ 200.00	3/10/2000	2000 First Quarter Plus
NC ASSOC OF LONG TERM CARE FACILITIES		Bank of America 5071	$ 300.00	3/22/2000	2000 First Quarter Plus
NC BEER AND WINE WHOLESALERS ASSOC. PAC		Bank of America 5071	$ 400.00	3/24/2000	2000 First Quarter Plus
NC DENTAL PAC		Bank of America 5071	$ 1,000.00	3/15/2000	2000 First Quarter Plus
NC DENTAL PAC		Bank of America 5071	$ 500.00	3/22/2000	2000 First Quarter Plus
NC HCFA PAC		Bank of America 5071	$ 500.00	3/22/2000	2000 First Quarter Plus
NC HOSPITAL ASSOC		Bank of America 5071	$ 1,000.00	3/15/2000	2000 First Quarter Plus
NC LUPAC		Bank of America 5071	$ 500.00	3/22/2000	2000 First Quarter Plus
NC MEDICAL SOCIETY		Bank of America 1059	$ 1,000.00	4/13/2000	2000 First Quarter Plus
NC REALTORS PAC		Bank of America 5071	$ 1,000.00	4/6/2000	2000 First Quarter Plus
NC STATE AFL-CIO COPE-PAC		Bank of America 1059	$ 100.00	5/10/2000	2000 First Quarter Plus
Plage	Robert	Bank of America 5071	$ 250.00	3/15/2000	2000 First Quarter Plus
Roff	Roger	Bank of America 5071	$ 1,000.00	4/6/2000	2000 First Quarter Plus
ROSEMAN	L.A.	Bank of America 5071	$ 250.00	3/15/2000	2000 First Quarter Plus
Snyder	Richard	Bank of America 1059	$ 100.00	4/3/2000	2000 First Quarter Plus
Sutton	William	Bank of America 5071	$ 100.00	3/13/2000	2000 First Quarter Plus
Taylor	Joseph	Bank of America 5071	$ 300.00	3/22/2000	2000 First Quarter Plus
WARWICK	Nurham	Bank of America 5071	$ 500.00	3/23/2000	2000 First Quarter Plus
Wright	Thomas	Bank of America 1059	$ 100.00	4/3/2000	2000 First Quarter Plus
Anderson	Anthony	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Bowden	Jimmy	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Clarida	Jimmy	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Cliette	Pat	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Dees	Doris	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Evans	J.B.	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
George	Eugene	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
George	Roosevelt	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
George	Sarah	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Gerald	Carvin	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Gerald	Paul	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Hayes	Raymond	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
High	James	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Hill	Nancy	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Hill	Dewey	Bank of America 1059	$ 100.00	5/10/2000	2000 Second Quarter

Committee to Elect Thomas E. Wright
Contributions Not Disclosed
2000-2000

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
Jenkins	Geraldine	Bank of America 1059	$ 100.00	4/21/2000	2000 Second Quarter
Jones	Anne	Bank of America 1059	$ 100.00	4/21/2000	2000 Second Quarter
KEEP CONLON ON COUNCIL		Bank of America 1059	$ 100.00	4/25/2000	2000 Second Quarter
Lawrence	David	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
McKenzie	Amon	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Mercer	Leo	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
METROLINA AREA RADIOLOGISTS FOR QUALITY IN		Bank of America 5071	$ 1,000.00	5/12/2000	2000 Second Quarter
Parker	Constance	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Phipps	William	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Powell	Tonya	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Recko	Marc	Bank of America 1059	$ 100.00	5/2/2000	2000 Second Quarter
Sands	Alexander	Bank of America 1059	$ 100.00	4/21/2000	2000 Second Quarter
Sasser	Rhone	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Simpson	Jereline	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Soles	R.C	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Spaulding	James	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Spaulding	John	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Stines	Suzette	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Timmons	Jo Ann	Bank of America 1059	$ 100.00	4/21/2000	2000 Second Quarter
Troy	Harold	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Troy	Ralph	Bank of America 1059	$ 100.00	5/2/2000	2000 Second Quarter
Tyler	R. Mitchel	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Webster	John	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Webster	Victoria	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
White	Robert	Bank of America 1059	$ 100.00	5/1/2000	2000 Second Quarter
Wright	Thomas	Bank of America 1059	$ 200.00	5/3/2000	2000 Second Quarter
AT&T PAC		Bank of America 5071	$ 500.00	11/6/2000	2000 Third Quarter Plus
BADDOUR FOR NC HOUSE		Bank of America 5071	$ 500.00	8/4/2000	2000 Third Quarter Plus
Cutting	Robert	Bank of America 5071	$ 200.00	8/4/2000	2000 Third Quarter Plus
McCaffray	Edmund	Bank of America 5071	$ 100.00	8/4/2000	2000 Third Quarter Plus
NC Anesthesiologists PAC		Bank of America 5071	$ 300.00	11/6/2000	2000 Third Quarter Plus
NC ASSN LONG TERM CARE FACS PAC		Bank of America 5071	$ 250.00	11/6/2000	2000 Third Quarter Plus
NC BANK PAC		Bank of America 5071	$ 250.00	8/4/2000	2000 Third Quarter Plus
NC ORTHOPAEDIC PAC		Bank of America 5071	$ 250.00	8/4/2000	2000 Third Quarter Plus
NCHBA BUILD PAC		Bank of America 5071	$ 1,000.00	10/17/2000	2000 Third Quarter Plus
BROWN & WILLIAMSTON TOBACCO CORP. EMP PAC		Bank of America 5071	$ 250.00	11/16/2000	2000 Fourth Quarter
CVS Corp Fed PAC		Bank of America 5084	$ 500.00	12/29/2000	2000 Fourth Quarter
GE COMPANY, PAC		Bank of America 5071	$ 500.00	11/6/2000	2000 Fourth Quarter
Hemingway	Jerome	Bank of America 1059	$ 100.00	12/7/2000	2000 Fourth Quarter
MICROSOFT CORP PAC		Bank of America 5071	$ 250.00	11/16/2000	2000 Fourth Quarter
Mottola	D	Bank of America 5071	$ 500.00	11/6/2000	2000 Fourth Quarter
NC DEMOCRATIC HOUSE PAC		Bank of America 5071	$ 500.00	11/16/2000	2000 Fourth Quarter
NC HOSPITAL ASSOC		Bank of America 5071	$ 500.00	11/16/2000	2000 Fourth Quarter
NC PORK COUNCIL		Bank of America 5071	$ 500.00	11/6/2000	2000 Fourth Quarter
OPTOMETRY PAC		Bank of America 5071	$ 500.00	11/16/2000	2000 Fourth Quarter

Committee to Elect [illegible]mas E. Wright
Contributions [illegible]Disclosed
2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
Wilson	Lanny	Bank of America 5071	$ 1,000.00	11/6/2000	2000 Fourth Quarter
Cash Contributions		Bank of America 5071	$ 250.00	4/19/2001	2001 Mid Year Semi-Annual
Cash Contributions		Bank of America 5071	$ 800.00	5/18/2001	2001 Mid Year Semi-Annual
International Paper PAC (IP PAC)		Bank of America 5071	$ 500.00	1/26/2001	2001 Mid Year Semi-Annual
LAMB GROUP, INC.		Bank of America 5071	$ 1,500.00	1/29/2001	2001 Mid Year Semi-Annual
NOVARTIS EMPL GOOD GOVT FUND		Bank of America 5071	$ 200.00	4/18/2001	2001 Mid Year Semi-Annual
Cash Contributions		Bank of America 5071	$ 1,400.00	11/7/2001	2001 Year End Semi-Annual
Cash Contributions		Bank of America 5071	$ 500.00	11/23/2001	2001 Year End Semi-Annual
Alley	Zeb	Bank of America 5071	$ 250.00	4/2/2002	2002 First Quarter Plus
BELL SOUTH EMPLOYEES NC PAC		Bank of America 5071	$ 1,000.00	3/1/2002	2002 First Quarter Plus
Bone	Roger	Bank of America 5071	$ 200.00	4/2/2002	2002 First Quarter Plus
COMMITTEE FOR EDMISTEN		Bank of America 5071	$ 500.00	4/2/2002	2002 First Quarter Plus
GLAXOSMITHKLINE PAC		Bank of America 5071	$ 1,000.00	3/1/2002	2002 First Quarter Plus
Goodman	John	Bank of America 5071	$ 500.00	4/2/2002	2002 First Quarter Plus
HOUSE PAC		Bank of America 5071	$ 500.00	4/2/2002	2002 First Quarter Plus
JIM BLACK CAMPAIGN FUND		Bank of America 5071	$ 1,000.00	4/2/2002	2002 First Quarter Plus
MERCK PAC		Bank of America 5071	$ 1,000.00	3/22/2002	2002 First Quarter Plus
NC Amusement Machine Assoc. PAC Acct		Bank of America 5071	$ 1,000.00	4/9/2002	2002 First Quarter Plus
NC AUTO DEALERS PAC		Bank of America 5071	$ 500.00	4/2/2002	2002 First Quarter Plus
NC BEER/WINE WHOLESALERS PAC		Bank of America 5071	$ 500.00	4/9/2002	2002 First Quarter Plus
NC FIN. ASSOC. PAC		Bank of America 5071	$ 500.00	4/2/2002	2002 First Quarter Plus
NC HOSPITAL ASSN. PAC		Bank of America 5071	$ 2,000.00	4/2/2002	2002 First Quarter Plus
NC REALTORS PAC		Bank of America 5071	$ 500.00	4/2/2002	2002 First Quarter Plus
AIA PAC		Bank of America 1059	$ 250.00	5/29/2002	2002 Second Quarter
AMERICAN INTER. GROUP, INC. EMPLOY PAC		Bank of America 1059	$ 500.00	6/11/2002	2002 Second Quarter
AT&T PAC		Bank of America 5071	$ 500.00	5/6/2002	2002 Second Quarter
BANK OF AMERICA NC PAC		Bank of America 1059	$ 500.00	5/29/2002	2002 Second Quarter
CITIGROUP, INC. PAC		Bank of America 1059	$ 250.00	5/29/2002	2002 Second Quarter
COMMITTEE FOR EDMISTEN		Bank of America 1059	$ 500.00	6/11/2002	2002 Second Quarter
CREDIT UNION POLITICAL ACTION PAC		Bank of America 5071	$ 250.00	4/29/2002	2002 Second Quarter
DOMINION PAC		Bank of America 1059	$ 250.00	5/29/2002	2002 Second Quarter
DUKE ENERGY CORP. PAC- STATE		Bank of America 1059	$ 500.00	5/29/2002	2002 Second Quarter
ELI LILLY & CO. PAC		Bank of America 1059	$ 750.00	6/11/2002	2002 Second Quarter
JEFFERSON PILOT STATE GOOD GOV. COMM.		Bank of America 1059	$ 300.00	6/11/2002	2002 Second Quarter
JOHNSON&JOHNSON EMPLOY GOOD GOV FUND		Bank of America 1059	$ 500.00	6/11/2002	2002 Second Quarter
NC BANK PAC		Bank of America 5071	$ 600.00	4/29/2002	2002 Second Quarter
NC BEER & WINE WHOLESALERS ASSOC. PAC		Bank of America 1059	$ 250.00	5/29/2002	2002 Second Quarter
NC DENTAL PAC		Bank of America 5071	$ 500.00	5/21/2002	2002 Second Quarter
NC TRUCKING ASSOC. CGG		Bank of America 1059	$ 250.00	5/29/2002	2002 Second Quarter
VERIZON GOOD GOVT CLUB - NC		Bank of America 1059	$ 100.00	5/29/2002	2002 Second Quarter
VERIZON GOOD GOVT CLUB - NC		Bank of America 1059	$ 150.00	5/29/2002	2002 Second Quarter
NC DENTAL PAC		Bank of America 5071	$ 500.00	7/5/2002	2002 Interim
Cash Contributions		Bank of America 5071	$ 1,200.00	9/6/2002	2002 Third Quarter Plus
Cash Contributions		Bank of America 5071	$ 1,000.00	10/7/2002	2002 Third Quarter Plus
FOOD LION LLC, PAC		Bank of America 1059	$ 100.00	12/24/2002	2002 Fourth Quarter

Committee to Elect T[redacted]s E. Wright
Contributions No[redacted]sclosed
2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
Lofton	Wayne	Bank of America 5071	$ 3,000.00	11/4/2002	2002 Fourth Quarter
REAP		Bank of America 1059	$ 250.00	12/24/2002	2002 Fourth Quarter
Simpson	Cleveland	Bank of America 1059	$ 100.00	10/29/2002	2002 Fourth Quarter
Simpson	Jereline	Bank of America 1059	$ 100.00	10/29/2002	2002 Fourth Quarter
Sutton	William	Bank of America 5071	$ 100.00	10/23/2002	2002 Fourth Quarter
Thomas Wright Campaign		Bank of America 5071	$ 3,000.00	11/4/2002	2002 Fourth Quarter
Thomas Wright Campaign		Bank of America 1059	$ 1,050.00	11/29/2002	2002 Fourth Quarter
Abbott Laboratories		Bank of America 5071	$ 250.00	2/14/2003	2003 Mid Year Semi-Annual
NC Veterinary Medical Association		Bank of America 5071	$ 100.00	2/14/2003	2003 Mid Year Semi-Annual
Allstate Insurance Company PAC		Bank of America 5071	$ 250.00	10/15/2003	2003 Year End Semi-Annual
Cigna Corporation		Bank of America 5071	$ 150.00	10/15/2003	2003 Year End Semi-Annual
Cash Contributions		Bank of America 5071	$ 4,000.00	4/6/2004	2004 First Quarter Plus
Dameron	Allan	Bank of America 5071	$ 1,000.00	4/8/2004	2004 First Quarter Plus
Rudd	SR	Bank of America 5071	$ 1,000.00	4/8/2004	2004 First Quarter Plus
ALTRIA GROUP PAC		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
Bank of America PAC		Bank of America 5071	$ 1,000.00	5/5/2004	2004 Second Quarter
BELLSOUTH PAC		First Citizens Bank 5211	$ 500.00	4/23/2004	2004 Second Quarter
BLUE CROSS PAC		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
BUILD PAC		First Citizens Bank 5211	$ 1,000.00	4/23/2004	2004 Second Quarter
CAPA-PAC Carolina Asphalt Assoc. PAC		Bank of America 5071	$ 500.00	5/12/2004	2004 Second Quarter
CASH AMERICA PAC		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
Cash Contributions		Bank of America 5071	$ 600.00	6/22/2004	2004 Second Quarter
Causey	Brian	First Citizens Bank 5211	$ 150.00	4/23/2004	2004 Second Quarter
Causey	Sidney	First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
CITIZENS FOR HIGHER EDUCATION		First Citizens Bank 5211	$ 2,000.00	5/17/2004	2004 Second Quarter
COCA-COLA PAC		First Citizens Bank 5211	$ 250.00	4/23/2004	2004 Second Quarter
COREPAC		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
Davis	Chris	First Citizens Bank 5211	$ 125.00	4/23/2004	2004 Second Quarter
DAVITA INC. PAC		First Citizens Bank 5211	$ 500.00	4/23/2004	2004 Second Quarter
DOMINION PAC		First Citizens Bank 5211	$ 300.00	4/23/2004	2004 Second Quarter
Eckerd	Jack	First Citizens Bank 5211	$ 300.00	5/7/2004	2004 Second Quarter
ELI LILLY PAC		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
Eudy	Kenneth	First Citizens Bank 5211	$ 250.00	5/17/2004	2004 Second Quarter
Hines	David	First Citizens Bank 5211	$ 125.00	4/23/2004	2004 Second Quarter
INTL PAPER PAC		First Citizens Bank 5211	$ 500.00	4/23/2004	2004 Second Quarter
Kelly	David	First Citizens Bank 5211	$ 50.00	4/23/2004	2004 Second Quarter
McKim	Catherine	Bank of America 5071	$ 50.00	6/18/2004	2004 Second Quarter
Mills	Fred	First Citizens Bank 5211	$ 250.00	5/3/2004	2004 Second Quarter
Moore	Robert	First Citizens Bank 5211	$ 250.00	4/23/2004	2004 Second Quarter
NATIONWIDE PAC		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
NC Amusement Machine Assoc. PAC Acct		Bank of America 5071	$ 1,000.00	5/12/2004	2004 Second Quarter
NC BANK PAC		First Citizens Bank 5211	$ 800.00	5/3/2004	2004 Second Quarter
NC DENTAL PAC		First Citizens Bank 5211	$ 1,000.00	4/23/2004	2004 Second Quarter
NC FARM BUREAU PAC		First Citizens Bank 5211	$ 250.00	4/23/2004	2004 Second Quarter
NC HOSPITAL ASSN PAC		First Citizens Bank 5211	$ 1,000.00	5/3/2004	2004 Second Quarter

Committee to Ele[illegible]omas E. Wright
Contributions [illegible] Disclosed
2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
NC ORTHOPAEDIC PAC		First Citizens Bank 5211	$ 500.00	5/17/2004	2004 Second Quarter
NC PORK COUNCIL PAC		First Citizens Bank 5211	$ 125.00	4/23/2004	2004 Second Quarter
NC PORK COUNCIL PAC		First Citizens Bank 5211	$ 250.00	5/17/2004	2004 Second Quarter
NC RPAC		First Citizens Bank 5211	$ 1,000.00	5/3/2004	2004 Second Quarter
NC STATE AFL-CIO COPE-PAC		First Citizens Bank 5211	$ 100.00	5/3/2004	2004 Second Quarter
NCAE PAC		First Citizens Bank 5211	$ 500.00	4/23/2004	2004 Second Quarter
NCAE PAC		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
NCHCFA PAC		First Citizens Bank 5211	$ 500.00	5/17/2004	2004 Second Quarter
NMRS NC STATE PAC		First Citizens Bank 5211	$ 250.00	5/3/2004	2004 Second Quarter
Norfolk Southern Corporation Good Govt Fund		Bank of America 5071	$ 100.00	5/19/2004	2004 Second Quarter
NOVARTIS PAC		First Citizens Bank 5211	$ 200.00	4/23/2004	2004 Second Quarter
OB-GYN Political Action & Education Comm		Bank of America 5071	$ 500.00	5/19/2004	2004 Second Quarter
PAC FOR MH-DD-SAS		First Citizens Bank 5211	$ 100.00	5/17/2004	2004 Second Quarter
Progress Energy Employees' Carolinas PAC		Bank of America 5071	$ 1,000.00	5/4/2004	2004 Second Quarter
REAP		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
RJR PAC		First Citizens Bank 5211	$ 500.00	5/3/2004	2004 Second Quarter
Thomas Wright Campaign		Bank of America 5071	$ 1,900.00	5/4/2004	2004 Second Quarter
Thomas Wright Campaign		Bank of America 5071	$ 1,000.00	6/2/2004	2004 Second Quarter
Thorpe	Bill	First Citizens Bank 5211	$ 50.00	4/23/2004	2004 Second Quarter
TIME WARNER PAC		First Citizens Bank 5211	$ 200.00	4/23/2004	2004 Second Quarter
VERIZON PAC		First Citizens Bank 5211	$ 175.00	4/23/2004	2004 Second Quarter
Bayer Corporation PAC		Bank of America 5071	$ 500.00	9/24/2004	2004 Third Quarter Plus
Ciardella	Margaret	First Citizens Bank 5211	$ 100.00	7/23/2004	2004 Third Quarter Plus
Davis	Allen	First Citizens Bank 5211	$ 250.00	8/19/2004	2004 Third Quarter Plus
Edwards	Melinda	First Citizens Bank 5211	$ 100.00	7/23/2004	2004 Third Quarter Plus
FRIENDS OF STAN WATSON		First Citizens Bank 5211	$ 250.00	7/23/2004	2004 Third Quarter Plus
Giddeons	Diane	First Citizens Bank 5211	$ 100.00	9/17/2004	2004 Third Quarter Plus
Grear	Peter	First Citizens Bank 5211	$ 50.00	7/23/2004	2004 Third Quarter Plus
Haddock	Nancy	First Citizens Bank 5211	$ 350.00	7/23/2004	2004 Third Quarter Plus
McCoy	Catrecia	First Citizens Bank 5211	$ 50.00	8/19/2004	2004 Third Quarter Plus
Morison	Roxie	First Citizens Bank 5211	$ 50.00	10/7/2004	2004 Third Quarter Plus
NCAE PAC		First Citizens Bank 5211	$ 1,000.00	7/23/2004	2004 Third Quarter Plus
SPRINT PAC		First Citizens Bank 5211	$ 500.00	8/19/2004	2004 Third Quarter Plus
Thomas Wright Campaign		Bank of America 5071	$ 3,000.00	9/17/2004	2004 Third Quarter Plus
Weston	Jonathan	First Citizens Bank 5211	$ 500.00	8/19/2004	2004 Third Quarter Plus
Young	David	First Citizens Bank 5211	$ 250.00	8/19/2004	2004 Third Quarter Plus
AETNA PAC		First Citizens Bank 5211	$ 150.00	11/24/2004	2004 Fourth Quarter
BELLSOUTH PAC		First Citizens Bank 5211	$ 500.00	11/24/2004	2004 Fourth Quarter
ELECTRICITIES PAC		First Citizens Bank 5211	$ 250.00	11/24/2004	2004 Fourth Quarter
Faison	Angela	First Citizens Bank 5211	$ 25.00	11/24/2004	2004 Fourth Quarter
MANUFACTURED HOUSING PAC		First Citizens Bank 5211	$ 250.00	11/24/2004	2004 Fourth Quarter
MERCK PAC		First Citizens Bank 5211	$ 250.00	11/24/2004	2004 Fourth Quarter
MICROSOFT PAC		First Citizens Bank 5211	$ 250.00	11/24/2004	2004 Fourth Quarter
NC AUTO DEALERS PAC		First Citizens Bank 5211	$ 500.00	11/24/2004	2004 Fourth Quarter
NC PORK COUNCIL		First Citizens Bank 5211	$ 125.00	11/24/2004	2004 Fourth Quarter

Committee to Elect T[redacted]s E. Wright
Contributions Not Disclosed
2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
PIEDMONT NATURAL GAS PAC		First Citizens Bank 5211	$ 250.00	11/24/2004	2004 Fourth Quarter
Quattlebaum	Benjamin	First Citizens Bank 5211	$ 75.00	11/24/2004	2004 Fourth Quarter
Thomas Wright Campaign		Bank of America 5071	$ 2,000.00	10/29/2004	2004 Fourth Quarter
Thomas Wright Campaign		Bank of America 5071	$ 2,300.00	11/9/2004	2004 Fourth Quarter
Thomas Wright Campaign		Bank of America 5071	$ 1,500.00	11/24/2004	2004 Fourth Quarter
Thomas Wright Campaign		Bank of America 5071	$ 2,000.00	12/20/2004	2004 Fourth Quarter
Thomas Wright Campaign		Bank of America 5071	$ 600.00	12/23/2004	2004 Fourth Quarter
CIGNA PAC		First Citizens Bank 5211	$ 200.00	2/17/2005	2005 Mid Year Semi-Annual
Davis	Jared	First Citizens Bank 5211	$ 1,000.00	2/17/2005	2005 Mid Year Semi-Annual
FAM PAC		First Citizens Bank 5211	$ 500.00	2/17/2005	2005 Mid Year Semi-Annual
NCALA PAC		First Citizens Bank 5211	$ 500.00	2/17/2005	2005 Mid Year Semi-Annual
PFIZER PAC		First Citizens Bank 5211	$ 500.00	2/17/2005	2005 Mid Year Semi-Annual
Thomas Wright Campaign		Bank of America 5071	$ 1,000.00	2/17/2005	2005 Mid Year Semi-Annual
Allen	Sandra	Bank of America 5071	$ 50.00	12/21/2005	2005 Year End Semi-Annual
Bonnette	John	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
Bullock	Paula	Bank of America 5071	$ 50.00	12/21/2005	2005 Year End Semi-Annual
Cash America Inc PAC		Bank of America 5071	$ 500.00	11/18/2005	2005 Year End Semi-Annual
Chalfa	Rebecca	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
Chandler	Lorraine	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
Evans	Janet	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
Gray	Joanne	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
JM Family Ent PAC		Bank of America 5071	$ 1,000.00	11/18/2005	2005 Year End Semi-Annual
Kelly	Myra	Bank of America 5071	$ 50.00	12/21/2005	2005 Year End Semi-Annual
Lopp	Judy	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
Maree	Nancy	Bank of America 5071	$ 45.00	12/21/2005	2005 Year End Semi-Annual
Mehaffey	E	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
Murray	Timothy	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
Nelson	Gilma	Bank of America 5071	$ 50.00	12/21/2005	2005 Year End Semi-Annual
Ouellette	Richard	Bank of America 5071	$ 50.00	12/21/2005	2005 Year End Semi-Annual
Reardon	Diane	Bank of America 5071	$ 250.00	12/21/2005	2005 Year End Semi-Annual
Sito Chiropractic, PA		Bank of America 5071	$ 250.00	12/21/2005	2005 Year End Semi-Annual
Southeastern Healthcare		Bank of America 5071	$ 250.00	12/21/2005	2005 Year End Semi-Annual
Wall	Konette	Bank of America 5071	$ 50.00	12/21/2005	2005 Year End Semi-Annual
Williford	Peggy	Bank of America 5071	$ 100.00	12/21/2005	2005 Year End Semi-Annual
Anesthesia Airways, PLLC		Bank of America 5071	$ 500.00	1/26/2006	2006 First Quarter Plus
Bagshaw	Mindy	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Bell South NC PAC		Bank of America 5071	$ 1,500.00	3/16/2006	2006 First Quarter Plus
Berger	Susan	Bank of America 5071	$ 25.00	1/26/2006	2006 First Quarter Plus
Blue Cross & Blue Shield of NC PAC		Bank of America 5071	$ 1,000.00	1/17/2006	2006 First Quarter Plus
Boyd	Babette	Bank of America 5071	$ 50.00	3/31/2006	2006 First Quarter Plus
Bristol Myers Squibb PAC		Bank of America 5071	$ 500.00	1/17/2006	2006 First Quarter Plus
Brock	Danny	Bank of America 5071	$ 2,000.00	3/2/2006	2006 First Quarter Plus
Browning	Jeanne	Bank of America 5071	$ 50.00	1/17/2006	2006 First Quarter Plus
Burger	Linda	Bank of America 5071	$ 25.00	1/26/2006	2006 First Quarter Plus
Camp	Dale	Bank of America 5071	$ 1,000.00	1/17/2006	2006 First Quarter Plus

Committee to Elect Thomas E. Wright
Contributions Disclosed
2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
Caudle	Jeffery	Bank of America 5071	$ 1,150.00	1/17/2006	2006 First Quarter Plus
Clark	Yetta	Bank of America 5071	$ 125.00	3/31/2006	2006 First Quarter Plus
Coggin	Barbara	Bank of America 5071	$ 200.00	1/17/2006	2006 First Quarter Plus
Coley	Jeffery	Bank of America 5071	$ 40.00	1/17/2006	2006 First Quarter Plus
Collins	Margaret	Bank of America 5071	$ 25.00	1/26/2006	2006 First Quarter Plus
Combs	Jamie	Bank of America 5071	$ 200.00	1/17/2006	2006 First Quarter Plus
Coy	Jerry	Bank of America 5071	$ 200.00	1/17/2006	2006 First Quarter Plus
Dameron	Allan	Bank of America 5071	$ 1,000.00	3/16/2006	2006 First Quarter Plus
Dameron	Lydia	Bank of America 5071	$ 1,000.00	3/16/2006	2006 First Quarter Plus
Daniels	Windell	Bank of America 5071	$ 1,000.00	3/16/2006	2006 First Quarter Plus
Doyle	Rose	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Forbes	W. Ann	Bank of America 5071	$ 100.00	1/26/2006	2006 First Quarter Plus
Frye-Kryder	Sandra	Bank of America 5071	$ 30.00	1/26/2006	2006 First Quarter Plus
Gas Bill, Inc.		Bank of America 5071	$ 100.00	1/26/2006	2006 First Quarter Plus
Gray	R. Frank	Bank of America 5071	$ 250.00	1/17/2006	2006 First Quarter Plus
Griner	Richmond	Bank of America 5071	$ 30.00	1/17/2006	2006 First Quarter Plus
Haley	John	Bank of America 5071	$ 50.00	3/31/2006	2006 First Quarter Plus
Harp	Karen	Bank of America 5071	$ 50.00	1/17/2006	2006 First Quarter Plus
Harris	John	Bank of America 5071	$ 500.00	3/2/2006	2006 First Quarter Plus
Haynes	Brenda	Bank of America 5071	$ 50.00	1/26/2006	2006 First Quarter Plus
Headlee	Barbara	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Hilsman	Matthew	Bank of America 5071	$ 50.00	3/31/2006	2006 First Quarter Plus
Hodges	Jane	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Hoffmann-LaRoche PAC		Bank of America 5071	$ 500.00	1/17/2006	2006 First Quarter Plus
Hornberger	Carol	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Jenkins	Thomas	Bank of America 5071	$ 50.00	1/26/2006	2006 First Quarter Plus
Jordan	Erica	Bank of America 5071	$ 25.00	1/17/2006	2006 First Quarter Plus
JSM Nurse Anesthesia, PA		Bank of America 5071	$ 150.00	1/26/2006	2006 First Quarter Plus
Kane	Judy	Bank of America 5071	$ 25.00	1/26/2006	2006 First Quarter Plus
Kimball	Jimmy	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Kirkpatrick	Lisa	Bank of America 5071	$ 25.00	1/17/2006	2006 First Quarter Plus
KMB of NC, Inc		Bank of America 5071	$ 250.00	1/26/2006	2006 First Quarter Plus
Lawrance	Bruce	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Lee	Mary	Bank of America 5071	$ 250.00	1/17/2006	2006 First Quarter Plus
McGants	Gerry	Bank of America 5071	$ 500.00	1/17/2006	2006 First Quarter Plus
McVay	V. Billy	Bank of America 5071	$ 50.00	1/17/2006	2006 First Quarter Plus
Moore	Linda	Bank of America 5071	$ 250.00	1/17/2006	2006 First Quarter Plus
Morgan	Linda	Bank of America 5071	$ 50.00	1/26/2006	2006 First Quarter Plus
NC Dental PAC		Bank of America 5071	$ 500.00	3/16/2006	2006 First Quarter Plus
NC Home Builders PAC		Bank of America 5071	$ 1,000.00	1/17/2006	2006 First Quarter Plus
NC Realtors PAC		Bank of America 5071	$ 2,000.00	4/12/2006	2006 First Quarter Plus
Nitz	James	Bank of America 5071	$ 1,000.00	1/17/2006	2006 First Quarter Plus
Nitz	Lisa	Bank of America 5071	$ 1,000.00	1/17/2006	2006 First Quarter Plus
Novartis PAC		Bank of America 5071	$ 500.00	1/17/2006	2006 First Quarter Plus
Ouellette	Richard	Bank of America 5071	$ 50.00	1/26/2006	2006 First Quarter Plus

Committee to Elect T[illegible]s E. Wright
Contributions Not Disclosed
2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
Owens	Janet	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Pendergrast	Walter	Bank of America 5071	$ 75.00	1/17/2006	2006 First Quarter Plus
Pierce	Susan	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Pojeski	Stephen	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Post	Moria	Bank of America 5071	$ 75.00	1/17/2006	2006 First Quarter Plus
Reynolds	Julie	Bank of America 5071	$ 200.00	1/17/2006	2006 First Quarter Plus
Reynolds	James	Bank of America 5071	$ 500.00	1/17/2006	2006 First Quarter Plus
Ruppe	Charles	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Safeway Chevrolet		Bank of America 5071	$ 1,000.00	1/26/2006	2006 First Quarter Plus
Sangiuliano	Linda	Bank of America 5071	$ 200.00	1/17/2006	2006 First Quarter Plus
Sheids	Colleen	Bank of America 5071	$ 50.00	1/17/2006	2006 First Quarter Plus
Smith	Michael	Bank of America 5071	$ 250.00	1/17/2006	2006 First Quarter Plus
Stein	Joan	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Stine	Peggy	Bank of America 5071	$ 50.00	1/17/2006	2006 First Quarter Plus
Stoter	Shanna	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Todd	BB	Bank of America 5071	$ 50.00	3/31/2006	2006 First Quarter Plus
Tripp	Lois	Bank of America 5071	$ 100.00	1/17/2006	2006 First Quarter Plus
Tyndal	Kristy	Bank of America 5071	$ 150.00	1/17/2006	2006 First Quarter Plus
Wilson	Jill	Bank of America 5071	$ 1,000.00	3/16/2006	2006 First Quarter Plus
Wilson	Lanny	Bank of America 5071	$ 1,000.00	3/16/2006	2006 First Quarter Plus
Yates	Teresa	Bank of America 5071	$ 75.00	1/26/2006	2006 First Quarter Plus
Alley	Zeb	Bank of America 5071	$ 250.00	5/30/2006	2006 Second Quarter
CitiGroup PAC		Bank of America 5071	$ 250.00	5/30/2006	2006 Second Quarter
Clark	G. Douglas	Bank of America 5071	$ 1,000.00	5/30/2006	2006 Second Quarter
Cloud	Randolph	Bank of America 5071	$ 250.00	5/30/2006	2006 Second Quarter
Coca-Cola Consolidated PAC		Bank of America 5071	$ 250.00	5/30/2006	2006 Second Quarter
Dinkins	Michael	Bank of America 5071	$ 100.00	5/30/2006	2006 Second Quarter
Drain	Allene	Bank of America 5071	$ 50.00	5/30/2006	2006 Second Quarter
Friends of Forestry PAC		Bank of America 5071	$ 500.00	5/30/2006	2006 Second Quarter
Friends of OT PAC		Bank of America 5071	$ 250.00	5/30/2006	2006 Second Quarter
Gramblicka	David	Bank of America 5071	$ 300.00	4/24/2006	2006 Second Quarter
Hunton & Williams PAC		Bank of America 5071	$ 250.00	5/30/2006	2006 Second Quarter
Lennon	Lawrence	Bank of America 5071	$ 50.00	5/30/2006	2006 Second Quarter
Matria Healthcare, Inc.		Bank of America 5071	$ 1,500.00	5/30/2006	2006 Second Quarter
Mottola	D	Bank of America 5071	$ 300.00	5/30/2006	2006 Second Quarter
NC Assoc of Auto Dealers PAC (NCAutoPAC)		Bank of America 5071	$ 500.00	5/30/2006	2006 Second Quarter
NC Association of Convenience Stores PAC		Bank of America 5071	$ 500.00	5/30/2006	2006 Second Quarter
NC Association of Educators PAC		Bank of America 5071	$ 500.00	5/30/2006	2006 Second Quarter
NP PAC		Bank of America 5071	$ 1,000.00	5/30/2006	2006 Second Quarter
Reeves	Venitta	Bank of America 5071	$ 2,000.00	5/30/2006	2006 Second Quarter
RJ Reynolds PAC		Bank of America 5071	$ 1,000.00	5/30/2006	2006 Second Quarter
Shepard	Leo	Bank of America 5071	$ 30.00	5/30/2006	2006 Second Quarter
Synder	Richard	Bank of America 5071	$ 100.00	4/24/2006	2006 Second Quarter
Taylor	Walker	Bank of America 5071	$ 50.00	4/24/2006	2006 Second Quarter
Taylor	Julie	Bank of America 5071	$ 200.00	5/30/2006	2006 Second Quarter

Committee to Elect Thomas E. Wright
Contributions Not Disclosed
2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
Turner	Jeffery	Bank of America 5071	$ 100.00	5/30/2006	2006 Second Quarter
Walker	Kevin	Bank of America 5071	$ 2,000.00	5/30/2006	2006 Second Quarter
Bank of America PAC		Bank of America 5071	$ 500.00	8/25/2006	2006 Third Quarter Plus
BAYER PAC		Bank of America 5071	$ 250.00	10/6/2006	2006 Third Quarter Plus
Beach	Martin	Bank of America 5071	$ 50.00	10/6/2006	2006 Third Quarter Plus
Duke Energy State PAC		Bank of America 5071	$ 1,000.00	10/6/2006	2006 Third Quarter Plus
FBC Combined PAC		Bank of America 5071	$ 300.00	9/1/2006	2006 Third Quarter Plus
Glaxo Smith Kline PAC		Bank of America 5071	$ 1,500.00	10/6/2006	2006 Third Quarter Plus
Haddock	Nancy	Bank of America 5071	$ 250.00	8/25/2006	2006 Third Quarter Plus
JM Family Enterprises PAC		Bank of America 5071	$ 1,500.00	10/6/2006	2006 Third Quarter Plus
Marshburn	Carl	Bank of America 5071	$ 1,000.00	9/15/2006	2006 Third Quarter Plus
Nationwide Carolina Political Participation Fund		Bank of America 5071	$ 500.00	10/6/2006	2006 Third Quarter Plus
NC Academy of Trial Lawyers		Bank of America 5071	$ 500.00	10/6/2006	2006 Third Quarter Plus
NC Dental PAC		Bank of America 5071	$ 750.00	9/1/2006	2006 Third Quarter Plus
REAP		Bank of America 5071	$ 200.00	8/14/2006	2006 Third Quarter Plus
Wyeth Good Government Fund		Bank of America 5071	$ 1,000.00	10/6/2006	2006 Third Quarter Plus
Assoc for Home and Hospice Care PAC		Bank of America 5071	$ 300.00	11/6/2006	2006 Fourth Quarter
Bill Faison for House		Bank of America 5071	$ 1,000.00	11/6/2006	2006 Fourth Quarter
CSX PAC		Bank of America 5071	$ 250.00	11/6/2006	2006 Fourth Quarter
Drive Committee PAC		Bank of America 5071	$ 750.00	11/6/2006	2006 Fourth Quarter
Eli Lilly PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
Engineers PAC of NC		Bank of America 5071	$ 400.00	11/6/2006	2006 Fourth Quarter
Enterprise Rent A Car PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
EP PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
Feezor	Allen	Bank of America 5071	$ 100.00	11/6/2006	2006 Fourth Quarter
GE PAC		Bank of America 5071	$ 750.00	11/6/2006	2006 Fourth Quarter
International Paper PAC (IP PAC)		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
Lorillard PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
Manufactured Housing PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
Mottola	D	Bank of America 5071	$ 300.00	11/6/2006	2006 Fourth Quarter
NC AHU PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
NC Assoc of Convenience Stores PAC		Bank of America 5071	$ 250.00	11/6/2006	2006 Fourth Quarter
NC Auto Dealer PAC (NC AUTO PAC)		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
NC Bank PAC		Bank of America 5071	$ 800.00	11/6/2006	2006 Fourth Quarter
NC Beer & Wine Wholesalers Assn PAC		Bank of America 5071	$ 1,500.00	11/6/2006	2006 Fourth Quarter
NC Chiropractic PAC		Bank of America 5071	$ 1,000.00	11/6/2006	2006 Fourth Quarter
NC Medical Society Federal PAC		Bank of America 5071	$ 1,000.00	11/6/2006	2006 Fourth Quarter
NC PGA PAC		Bank of America 5071	$ 300.00	11/6/2006	2006 Fourth Quarter
NC Pork Council PAC		Bank of America 5071	$ 250.00	11/6/2006	2006 Fourth Quarter
NC State Optremetric Society PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
NC Time Warner PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
Novartis PAC		Bank of America 5071	$ 750.00	11/6/2006	2006 Fourth Quarter
OB GYN PAC		Bank of America 5071	$ 250.00	11/6/2006	2006 Fourth Quarter
PAC for MH-DD-SAS		Bank of America 5071	$ 100.00	11/6/2006	2006 Fourth Quarter
Resident Lenders of NC PAC		Bank of America 5071	$ 300.00	11/6/2006	2006 Fourth Quarter

Committee to Elect T[illegible]as E. Wright
Contributions N[illegible]isclosed
2000-2006

CONTRIBUTOR		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	REPORT CONTRIBUTION SHOULD APPEAR
LAST NAME	FIRST NAME				
Simpson	Cleveland	Bank of America 5071	$ 250.00	11/6/2006	2006 Fourth Quarter
Southeastern Radiology Org PAC		Bank of America 5071	$ 2,000.00	11/6/2006	2006 Fourth Quarter
Wachovia PAC		Bank of America 5071	$ 500.00	11/6/2006	2006 Fourth Quarter
TOTAL			$ 185,000.00		
Checks Made Payable to Community's Health Foundation		BANK ACCOUNT	AMOUNT	DEPOSIT DATE	
At&T		Bank of America 5071	$ 1,500.00	7/26/2004	
AstraZeneca Pharmaceuticals, LP		Bank of America 5071	$ 2,400.00	8/11/2004	
Anheuser-Busch Companies, Inc.		Bank of America 5071	$ 5,000.00	8/11/2004	
TOTAL			$ 8,900.00		
TOTAL CONTRIBUTIONS NOT DISCLOSED			$ 193,900.00		

Thomas Edward Wright
Democrat, New Hanover County

Ninety-Eighth Representative District: Portions of Brunswick, Columbus, New Hanover and Pender counties

Early Years
Born in Wilmington, New Hanover County, on August 7, 1955, to William Dallas, I, and Sarah Gibbs Wright.

Educational Background
John T. Hoggard High School, 1973; College Transfer, Southeastern Community College, 1973-75; Psychology and Biology, UNC-Wilmington, 1978-80; Paramedic, Coastal Carolina Community College, 1988.

Professional Background
Business/Instructor, Wrightway Safety & Health Co., Inc. (President and Owner); EMS Instructor, Cape Fear Community College.

Political Activities
Member, N.C. House, 1993-Present; Wilmington City Council, 1990-93.

Business/Professional, Charitable/Civic or Community Service Organizations
National Association of EMS Instructors; N.C. Association of Paramedics; N.C. Association of Emergency Medical Technicians.

Elective and Appointed Boards and Commissions
Chair, Board of Directors, New Hanover Community Health Center; Chair, N.C. Minority Health Advisory Council; Cancer Control and Coordination Commission.

Personal Information
Married, Joyce Nixon Wright. Four children. Member, Saint Mary Catholic Church.

Committee Assignments
Chair, Appropriations Subcommittee on Capital; Congressional Redistricting; Health. Member, Appropriations, Appropriations Subcommittee on Health and Human Services.

Thomas Edward Wright

Democrat, New Hanover County

Eighteenth Representative District: Portions of Brunswick, Columbus and New Hanover counties

Early Years

Born in Wilmington, New Hanover County, on August 7, 1955, to William Dallas, I, and Sarah Gibbs Wright.

Educational Background

John T. Hoggard High School, 1973; College Transfer, Southeastern Community College, 1973-75; Psychology and Biology, UNC-Wilmington, 1978-80; Paramedic, Coastal Carolina Community College, 1988.

Professional Background

EMS Instructor.

Political Activities

Member, N.C. House of Representatives, 1993-Present; Wilmington City Co... 1990-93.

Business/Professional, Charitable/Civic or Community Service Organizations

National Association of EMS Instructors; N.C. Association of Paramedics; ... Association of Emergency Medical Technicians.

Elective and Appointed Boards and Commissions

Chair, Board of Directors, New Hanover Community Health Center; Chair... Minority Health Advisory Council; Cancer Control and Coordination Com...

Personal Information

Married, Joyce Nixon Wright. Four children. Member, Saint Mary Catholic ...

Committee Assignments

Chair, Appropriations; Member, Health, Insurance, Public Utilities, Trans...

Douglas Yates

Democrat, Sco...

Forty-Sixth Represen... Portions of Hoke, Ro... counties

Early Years

Born in Lumberton, ... March 20, 1937, to F... Elizabeth Gibson Yo...

Educational Backgr...

Laurinburg High S... Edwards Military In... Industrial Arts, Eas... 1959; M.A. Degree ... Administration, Eas... 1960; Completed 4... University to obtain ... in Education, Nova ...

Professional Backgr...

General Contractor, ...

Political Activities

Member, N.C. Hous...

Business/Professio...

Phi Delta Kappa; Li...

Elective and Appoi...

Executive Board, P... Council on Educati...

Honors and Award...

2000 Community ... 1972 Outstanding ... Educator, Laurinbu...

Personal Informati...

Married, Mildred H... Methodist Church ...

Committee Assign...

Chair, Appropriatio... ...ations and Ret... ...ations of the ...

Wilson, W. Eugene

Aging; Agriculture; Appropriations; Appropriations Subcommittee on General Government, **Vice Chair**; Local Government I; Pensions and Retirement, **Chair**.

Womble, Larry

Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Environment and Natural Resources; Finance, **Vice Chair**; Local Government II; State Government, **Chair**; Ways and Means, **Chair**.

Wray, Michael H.

Agriculture; Appropriations; Appropriations Subcommittee on Natural and Economic Resources; Commerce; Education; Education Subcommittee on Community Colleges; Transportation; Wildlife Resources, **Vice Chair**.

Wright, Thomas E.

Appropriations, **Vice Chair**; Appropriations Subcommittee on Capital, **Chair**; Appropriations Subcommittee on Health and Human Services; Health, **Chair**; Insurance; Public Utilities; Transportation, **Vice Chair**.

Yongue, Douglas Y.

Agriculture; Appropriations, **Chair**; Appropriations Subcommittee on Capital; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Ethics, **Vice Chair**; Rules, Calendar, and Operations of the House; State Government.

*****Pursuant to Rule 26(h), the following are designated ex officio members of every standing committee and permanent subcommittee: Representatives Cunningham, Eddins, and Hackney.**

*Rep. John D. Hall deceased 3/17/05 (Rep. Edward Jones appointed 4/5/05).
*Rep. Bill Culpepper resigned 1/3/06 (Rep. Timothy L. Spear appointed 1/27/06).
*Rep. Paul Miller resigned 7/7/06. (Rep. Larry D. Hall appointed 7/11/06).
**Rep. Bernard Allen deceased 10/13/06.

NC.GOV
HOMEWORK ASSISTANCE
America's Legislators Back to School Program
STORMWATER COLLECTION PROJECT

PRINTABLE VERSION

Representative Thomas E. Wright (Dem)

Standing Committee Assignments, 2007-2008 Session

Committee	Status
Appropriations	Member
Appropriations Subcommittee on Capital	Chairman
Health	Chairman
Homeland Security, Military, and Veterans Affairs	Vice-Chairman
Insurance	Member
Public Utilities	Member
Transportation	Member

Office of the Speaker

North Carolina House of Representatives
Raleigh 27601-1096

May 21, 2007

JOE HACKNEY
SPEAKER

The Honorable Daniel G. Clodfelter, Cochair
The Honorable Rick Glazier, Cochair
Legislative Ethics Committee

Dear Senator Clodfelter and Representative Glazier:

As Speaker, I have the solemn responsibility of protecting the integrity of the House of Representatives as an institution. Therefore, I am asking you to convene the Legislative Ethics Committee (LEC) so that it can investigate the alleged violation of the Legislative Ethics Act or the criminal law, or both, by Representative Thomas Wright.

As you know, the State Board of Elections (SBOE) conducted a hearing May 15, 2007, to consider allegations and evidence of alleged violations of campaign finance regulations and of other possible criminal wrongdoing. At the end of the hearing, the SBE referred the matter to the Wake County District Attorney to consider criminal charges against Representative Wright.

Due to the grave nature of the allegations and evidence, particularly that which indicates Representative Wright may have used his political office for personal financial gain, I believe it is essential that the General Assembly, through the LEC, also must conduct an investigation into this matter. As part of its investigation, I ask the LEC to review the attached order from the SBOE and the attached SBOE summary of the information analyzed for the investigation, and to consider any evidence that is available.

I ask that your committee expeditiously conduct this investigation.

Very truly yours,

Joe Hackney
Speaker

cc: The Honorable Marc Basnight
The Honorable Thomas Wright

STATE BOARD OF ELECTIONS

6400 Mail Service Center • Raleigh, North Carolina 27699-6400

GARY O. BARTLETT
Executive Director

MAILING ADDRESS:
P.O. BOX 27255
RALEIGH, NC 27611-7255

May 21, 2007

The Honorable Colon Willoughby
PO Box 31
Raleigh, NC 27602-0031

VIA HAND DELIVERY

Dear Mr. Willoughby:

The State Board of Elections conducted an investigation into alleged violations of campaign finance regulations as identified in a complaint filed by Joe Sinsheimer and additional violations identified during the investigation of the complaint. The attached order reflects the vote of the State Board members at a hearing held on May 15, 2007 to refer Representative Thomas Wright and his political committees for consideration and possible prosecution. The transcript setting forth the factual basis for the referral will be forwarded as soon as we receive it.

The State Board is very appreciative of your willingness to accept responsibility for sifting through the evidence in this matter and working with the district attorney from New Hanover County in determining whether campaign finance and related violations should be prosecuted. We will be happy to provide any records we have obtained for prosecutorial review.

Finally, the State Board respectfully requests that should criminal action be pursued against Representative Wright or his committee, that an effort be made pursuant to N.C. G.S. 163-278.27(d) to obtain reimbursement for this Board and the State of the costs of this investigation as part of any criminal penalty assessed.

Please feel free to contact either me or Kim Strach with any questions you may have concerning this referral or any other matters related to this investigation. Thank you for your assistance in this matter.

Sincerely,

Gary O. Bartlett

Gary O. Bartlett
Executive Director

Cc: The Honorable Benjamin David

NORTH CAROLINA

WAKE COUNTY

BEFORE THE STATE BOARD OF ELECTIONS

IN RE: INVESTIGATION OF COMPLAINT OF JOE SINSHEIMER ALLEGING ILLEGAL CAMPAIGN ACTIVITY BY THE THOMAS WRIGHT CAMPAIGN AND ADDITIONAL POTENTIAL VIOLATIONS IDENTIFIED DURING THE INVESTIGATION	)	ORDER

THIS MATTER CAME BEFORE THE STATE BOARD OF ELECTIONS on May 15, 2007, on the complaint of Joe Sinsheimer. Christopher Brook represented Thomas Wright and the Thomas Wright Campaign. Upon review of the complaint of Joe Sinsheimer, information gathered by the staff of this Board, the reports of the staff, campaign reports filed with this Board, and testimony and other evidence of witnesses called by this Board, the State Board orders as follows:

By unanimous vote, IT IS NOW ORDERED, ADJUDGED AND DECREED, that this complaint and the matters developed during the investigation, including the commingling of political monies with the personal funds of Thomas Wright, the failure to timely and accurately file reports which reflect an accurate accounting of the campaign contributions received or expenditures made by Thomas Wright or his Committee, possible perjury with respect to those reports, and the possible willful receipt of illegal campaign contributions, be referred to the District Attorney of Wake County for consultation with the District Attorney of New Hanover County and evaluation, review and subsequent prosecution if deemed appropriate. The staff shall provide the information it has gathered in the course of this investigation to these authorities if requested to do so.

This the 24th day of May, 2007.

Larry Leake

Larry Leake, Chairman
State Board of Elections

NORTH CAROLINA STATE BOARD OF ELECTIONS
CAMPAIGN FINANCE INVESTIGATION

OVERVIEW

In re:	Investigation of Complaint of Joe Sinsheimer alleging illegal campaign activity by the Thomas Wright Campaign and additional potential violations identified during the investigation
Case #:	2006-CF-051
Assigned to:	Kim Strach/Campaign Finance Audit and Compliance Staff

The following documents provide a summary of the information analyzed for the investigation of the Sinsheimer complaint about the Thomas Wright Campaign. The investigation of the complaint was expanded after irregularities were discovered in the audit of the financial records. Financial records were obtained for the years 2000 through early March 2007. The financial records included three bank accounts maintained by the Thomas Wright Campaign, Thomas Wright, and Thomas and Joyce Wright at Bank of America, one account at First Citizens Bank and one account at Coastal Federal Bank. Additionally, the bank records for the Community's Health Foundation were obtained and analyzed. The Community's Health Foundation was incorporated by Representative Thomas Wright.

The pertinent information is as follows and includes:

1. Complaint filed by Joe Sinsheimer

2. Sims Hugo Neu contributions and information regarding their receipt by Representative Wright.

   - Allegations of willfully delaying disclosure of contributions. Investigation found delay of reporting numerous contributions including those of Sims Hugo Neu employees. Wright was in a competitive primary and the landfill that Sims Hugo Neu was attempting to place in the Town of Navassa was extremely controversial. Wright deposited checks prior to

the primary but did not report their receipt until seven days before the general election. A sworn affidavit from Curtis Wright, talk show host, states that Wright told him in October of 2006 that he had not received contributions from employees of Sims Hugo Neu.

3. Summary of bank accounts analyzed
   - Wright had several bank accounts from 2000-2006. He commingled campaign contributions in accounts with personal receipts. Often, the campaign contributions that were deposited into commingled accounts funded personal expenditures that he would not have had the personal funds to cover. It was extremely difficult to determine the exact amount of expenditures that should have been reported by his political committee due to the commingling.

4. Campaign Finance history of the Thomas Wright Campaign (1997-present)
   - Wright has had a history of non-compliance with the Board. Even when he had designated another treasurer, he signed the campaign finance reports. Daryl Parker, treasurer of record during most of the period under investigation, never signed a disclosure report. His ex-wife was the Secretary on the bank account and did sign some checks. She indicated to staff during a telephone interview that she wrote checks at the direction of Thomas Wright without any supporting documentation. Mr. Parker was unwilling to meet and answer questions during the staff investigation. Both Parkers testified at the hearing but recalled very little specific information about the Committee.

5. Contributions not disclosed on any campaign finance report filed by the Thomas Wright Campaign
   - Wright has failed to provide disclosure of more than $211,000 since the year 2000. Using reports filed by PACs with this office, we were able to determine more than $30,000 in contributions he received from PACs that he didn't report on any campaign finance disclosure report during 1992-1999.

6. Contributions incorrectly reported
   - Of the contributions that he does disclose, over $68,000 were reported in a reporting period other than when he deposited the contribution.

7. Expenditures not disclosed on any campaign finance report filed by the Thomas Wright Campaign
   - The disclosure of expenditures was analyzed to identify those made from a "campaign" account or which were obviously campaign expenditures from a commingled account. More than $122,000 of these campaign expenditures were not reported since 2000. Because campaign contributions were deposited into accounts with personal receipts, it is difficult to determine whether more than $400,000 in expenditures were

campaign expenses or were personal expenses paid for with campaign funds. Until October 1, 2006, it was permissible for personal expenses to be paid from campaign funds so long as those expenditures were disclosed.

8. Summary of prohibited contributions
   - More than $14,000 of prohibited contributions (including checks made payable to the Community's Health Foundation) were received by Thomas Wright and deposited into one of his accounts.

9. Background information regarding legislation affecting nurse anesthetists and contributions made by nurse anesthetists in connection with a November 2005 fundraiser for Rep. Thomas Wright. This information was available to Board members as a result of the staff investigation but was not brought out at the hearing.
   - House Bill 503-Authorize Licensure/Anesthesiologist Assts. was filed on March 3, 2005. The bill among other things would require nurse anesthetists to be supervised by a physician. Nurse anesthetists were strongly opposed to this bill. House Bill 503 was referred to the Committee on Health. Rep. Wright served as Chair of this Committee. Beginning May 12, 2005, House Bill 503 was on the agenda of five meetings of the Committee on Health. On July 26, 2005, a motion was made for a favorable report to the committee substitute and for the bill to be referred to the Committee on Finance. Motion carried. Rep. Wright, Chairman of the Committee on Health, did not report the bill out of Committee. Thereafter, CRNA's approached Rep. Wright to ask him if they could plan and organize a fundraiser in his honor. Rep. Wright agreed and a fundraiser was held on November 12, 2005 at the Seaside Club in Wrightsville Beach. CRNA's and their lobbyists made contributions to the Thomas Wright Campaign at this event in the amount of $18,075.00. Rep. Wright failed to disclose $13,375.00 of these contributions. Daryl Parker testified that he remembered attending a fundraiser organized by nurses but he did not remember details.

10. The Community's Health Foundation background and summary of findings.
    - On April 18, 2001, Thomas E. Wright filed Articles of Incorporation for the Community's Health Foundation with the Secretary of State as a Non Profit Corporation. Thomas E. Wright is named as the initial registered agent and the street address of the corporation is disclosed as 925 North 4th St. Wilmington, NC 28401. The Articles of Incorporation indicate that the Corporation was set up as a 501(c)(3) not for profit corporation. However, our research indicates that the IRS "does not show an exemption by virtue of an approved application." We have found no record of this corporation receiving the tax exempt status.
    - On March 15, 2002, Torlen Wade, Acting Director of the Office of Research, Demonstrations, and Rural Health Developments, signed a letter

drafted at the request of Rep. Wright stating that the Office was committing $150,000 in funding toward the completion of the Community's Health Foundation's effort to convert the building located on the 900 block of 4th Street into Foundation offices, New Hanover Community Health Center offices and into a History Museum. The letter further states that the funding would be awarded by June 30, 2002. Mr. Wade provided this letter knowing his Office was not going to fund this project because they didn't have the money and could not use the money for the purpose of a Race Riot museum. Wright told him he didn't need him to provide the money because he had already secured the needed money, but he needed the letter to show he had funding. Wade stated that in retrospect he should not have written the letter.

- On April 5, 2002, The Community's Health Foundation signed a Promissory Note to Coastal Federal Bank for $150,000, due in six months (October 5, 2002). The note was signed by Thomas Wright and Dr. Dan Gottovi. Additionally, the Community's Health Foundation signed a note to Helyn Rogers Lofton for $150,000 also due on October 5, 2002. The Community's Health Foundation received no grants or other contributions at this time.
- Thomas E. Wright withdraws cash in the amount of $4,900 from his Campaign Account and purchases a cashier's check on October 31, 2002, to make a payment toward the Promissory Note to Coastal Federal Bank.
- Dr. Dan Gottovi wrote two checks totaling $4,324.18 between March 13th and March 18th of 2003 to Coastal Federal Bank after he received letters stating the building was in foreclosure status. His checks were an attempt to keep the building from going through foreclosure.
- No other payments are made on the Promissory Notes.
- Thomas E. Wright sent a letter on Feburary 6, 2004 to Lewis McKinney, employee of Anheuser-Busch Companies, soliciting money for the development of a building. He provided a federal tax id number and states that contributions are tax deductible. We can find no evidence that the Community's Health Foundation obtained a determination that it was a tax exempt corporation to which contributions were tax deductable. Anheuser-Busch cuts a check to the Community's Health Foundation on March 5, 2004, in the amount of $5,000. Thomas Wright deposited this check into one of his personal/campaign accounts on August 11, 2004.
- The Notice of Foreclosure for the building of The Community's Health Foundation was filed on June 22, 2004.
- Thomas Wright also deposits checks into his personal/campaign account from AT &T (corporate account) in the amount of $1,500 and Astra Zeneka (corporate account) in the amount of $2,400 on July 26, 2004 and August 11, 2004, respectively. The date on the AT&T check is April 1, 2004, and the check from Astra Zeneka was dated December 15, 2003.
- There is no transaction after the deposit of those checks in the account to which they were deposited indicating these funds were used in any way for The Community's Health Foundation.

- The bank account for The Community's Health Foundation was closed due to "charge off" on June 28, 2004.

11. Potential Election Law statutory violations
    - False certification of campaign reports is perjury:

1. **§ 163-278.32. Statements under oath.**

Any statement required to be filed under this Article shall be signed and certified as true and correct by the, media, candidate, treasurer or others required to file it, and shall be certified as true and correct to the best of the knowledge of the individual, media, candidate, treasurer or others filing the statement; provided further that the candidate shall certify as true and correct to the best of his knowledge the organizational report and appointment of treasurer filed for the candidate or the candidate's principal campaign committee. Any person making a certification under this Article knowing the information to be untrue may be prosecuted for perjury under G.S. 14-209.

2. Intentional failure of a political committee to report contributions received and expenditures made within seven days prior to the date a report is due is a violation of GS 163-278.9(b) and is misdemeanor under GS 163-278.27 (a). The statute of limitations for a criminal violation runs from the day the last report is due to be filed for the election cycle during which the violation occurred.

3. Intentional acceptance by a political committee of corporate contributions is a violation of GS 163-278.15 and violation of it is a misdemeanor as set forth in #2 above. Commingling corporate funds with individual and political committee contributions is improper.

4. The treasurer of a political committee shall keep detailed accounts, current within no more than seven days after the date of receiving a contribution or making an expenditure, of all contributions received and all expenditures made by or on behalf of the candidate, political committee, or referendum committee. G.S. 163-278.8(a). Intentional violation of this statute is a misdemeanor as set forth in #2 above.

[redacted]

State of North Carolina
Department of the Secretary of State

SOSID: 588358
Date Filed: 4/18/2001 3:59 PM
Elaine F. Marshall
North Carolina Secretary of State

ARTICLES OF INCORPORATION
NONPROFIT CORPORATION

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 corporation is: The Community's Health Foundation, Inc.

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

3. The street address and county of the initial registered office of the corporation is:

   Number and Street 322 S. 17th Street

   City, State, Zip Code Wilmington, NC 28401 County New Hanover

4. The mailing address *if different from the street address* of the initial registered office is:

   same

5. The name of the initial registered agent is:

   Thomas E. Wright

6. The name and address of each incorporator is as follows:
   Thomas E. Wright, 322 S. 17th St., Wilmington, NC 28401
   Daniel Gottovi, MD, 116 Martingale Ln., Wilmington, NC 28409
   James Lofton, 117 Avant Dr., Wilmington, NC 28405
   Bessie Funderburg, 414 S. 14th St., Wilmington, NC 28401

7. (Check either a or b below.)
   a. x The corporation will have members.
   b. ___ The corporation will not have members.

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

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

10. The street address and county of the principal office of the corporation is:

    925 North 4th St., Wilmington, NC 28401 County New Hanover

11. The mailing address *if different from the street address* of the principal office is:

    Same

Purpose of Corporation

This corporation is organized for the following purpose(s) (*check as applicable*):

____religious,

_x_charitable,

_x_educational,

____testing for public safety,

_x_scientific,

____literary,

____fostering national or international amateur sports competition, and/or

____prevention of cruelty to children or animals,

including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under Sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1986 (herein the "Code") (or the corresponding provisions of any future United States Internal Revenue Code).

Prohibited Activities

No part of the net earnings of the corporation shall inure to the benefit of or be distributable to, its members, directors, officers, or other private persons except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of purposes set forth in these articles of incorporation. No substantial part of the activities of the corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation, and the corporation shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provisions of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 501(c)(3) of the Code or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Code.

Distributions Upon Dissolution

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

This is the ____ day of _____, 20____.

Thomas E. Wright

Signature of incorporator

President

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

NOTES:
Filing fee is $60. This document and one exact or conformed copy of these articles must be filed with the Secretary of State.

January 2000

Form N-01

...TIONS DIVISION

P. O. BOX 29622

RALEIGH, NC 27626-0622

919-807-2063 04/11/2001 11:54

PROMISSORY NOTE

B-2

PRINCIPAL	LOAN DATE	MATURITY	LOAN NO	CALL/COLL	ACCOUNT	OFFICER	INITIALS
$150,000.00	04-05-2002	10-05-2002	[redacted]				

References in the shaded area are for Lender's use only and do not limit the applicability of this document to any particular loan or item.
Any item above containing "***" has been omitted due to text length limitations.

Borrower: THE COMMUNITY HEALTH FOUNDATION INC (TIN: [redacted])
322 S. 17TH STREET
WILMINGTON, NC 28401

Lender: Coastal Federal Bank
Wilmington Central Business District
100 Market Street
Wilmington, NC 28401
(910) 763-2172

Principal Amount: $150,000.00 Initial Rate: 8.250% Date of Note: April 5, 2002

PROMISE TO PAY. THE COMMUNITY HEALTH FOUNDATION INC ("Borrower") promises to pay to Coastal Federal Bank ("Lender"), or order, in lawful money of the United States of America, the principal amount of One Hundred Fifty Thousand & 00/100 Dollars ($150,000.00), together with interest on the unpaid principal balance from April 5, 2002, until paid in full.

PAYMENT. Borrower will pay this loan in one principal payment of $150,000.00 plus interest on October 5, 2002. This payment due on October 5, 2002, will be for all principal and all accrued interest not yet paid. Unless otherwise agreed or required by applicable law, payments will be applied first to accrued unpaid interest, then to principal, and any remaining amount to any unpaid collection costs and late charges. The annual interest rate for this Note is computed on a 365/360 basis; that is, by applying the ratio of the annual interest rate over a year of 360 days, multiplied by the outstanding principal balance, multiplied by the actual number of days the principal balance is outstanding. Borrower will pay Lender at Lender's address shown above or at such other place as Lender may designate in writing.

VARIABLE INTEREST RATE. The interest rate on this Note is subject to change from time to time based on changes in an independent index which is the Prime Rate as published in the "Money Rates" section of The Wall Street Journal (the "Index"). The Index is not necessarily the lowest rate charged by Lender on its loans. If the Index becomes unavailable during the term of this loan, Lender may designate a substitute index after notice to Borrower. Lender will tell Borrower the current Index rate upon Borrower's request. The interest rate change will not occur more often than each day after any change in the Index. Borrower understands that Lender may make loans based on other rates as well. The Index currently is 4.750% per annum. The interest rate to be applied to the unpaid principal balance of this Note will be at a rate of 1.500 percentage points over the Index, rounded up to the nearest 0.125 percent, resulting in an initial rate of 6.250% per annum. NOTICE: Under no circumstances will the interest rate on this Note be more than the maximum rate allowed by applicable law.

PREPAYMENT. Borrower agrees that all loan fees and other prepaid finance charges are earned fully as of the date of the loan and will not be subject to refund upon early payment (whether voluntary or as a result of default), except as otherwise required by law. Except for the foregoing, Borrower may pay without penalty all or a portion of the amount owed earlier than it is due. Early payments will not, unless agreed to by Lender in writing, relieve Borrower of Borrower's obligation to continue to make payments under the payment schedule. Rather, early payments will reduce the principal balance due. Borrower agrees not to send Lender payments marked "paid in full", "without recourse", or similar language. If Borrower sends such a payment, Lender may accept it without losing any of Lender's rights under this Note, and Borrower will remain obligated to pay any further amount owed to Lender. All written communications concerning disputed amounts, including any check or other payment instrument that indicates that the payment constitutes "payment in full" of the amount owed or that is tendered with other conditions or limitations or as full satisfaction of a disputed amount must be mailed or delivered to: Coastal Federal Bank, 3810 Oak Street Myrtle Beach, SC 29577.

LATE CHARGE. If a payment is 15 days or more late, Borrower will be charged 4.000% of the unpaid portion of the regularly scheduled payment. This late charge shall be paid to Lender by Borrower to compensate Lender for Lender's extra costs and expenses caused by the late payment.

INTEREST AFTER DEFAULT. Upon default, including failure to pay upon final maturity, at Lender's option, and if permitted by applicable law, Lender may add any unpaid accrued interest to principal and such sum will bear interest therefrom until paid at the rate provided in this Note (including any increased rate). Upon default, Lender, at its option, may, if permitted under applicable law, increase the variable interest rate on this Note to 8.500 percentage points over the Index. The interest rate will not exceed the maximum rate permitted by applicable law.

DEFAULT. Each of the following shall constitute an event of default ("Event of Default") under this Note:

Payment Default. Borrower fails to make any payment when due under this Note.

Other Defaults. Borrower fails to comply with or to perform any other term, obligation, covenant or condition contained in this Note or in any of the related documents or to comply with or to perform any term, obligation, covenant or condition contained in any other agreement between Lender and Borrower.

Default in Favor of Third Parties. Borrower or any Grantor defaults under any loan, extension of credit, security agreement, purchase or sales agreement, or any other agreement, in favor of any other creditor or person that may materially affect any of Borrower's property or Borrower's ability to repay this Note or perform Borrower's obligations under this Note or any of the related documents.

False Statements. Any warranty, representation or statement made or furnished to Lender by Borrower or on Borrower's behalf under this Note or the related documents is false or misleading in any material respect, either now or at the time made or furnished or becomes false or misleading at any time thereafter.

Insolvency. The dissolution or termination of Borrower's existence as a going business, the insolvency of Borrower, the appointment of a receiver for any part of Borrower's property, any assignment for the benefit of creditors, any type of creditor workout, or the commencement of any proceeding under any bankruptcy or insolvency laws by or against Borrower.

Creditor or Forfeiture Proceedings. Commencement of foreclosure or forfeiture proceedings, whether by judicial proceeding, self-help, repossession or any other method, by any creditor of Borrower or by any governmental agency against any collateral securing the loan. This includes a garnishment of any of Borrower's accounts, including deposit accounts, with Lender. However, this Event of Default shall not apply if there is a good faith dispute by Borrower as to the validity or reasonableness of the claim which is the basis of the creditor or forfeiture proceeding and if Borrower gives Lender written notice of the creditor or forfeiture proceeding and deposits with Lender monies or a surety bond for the creditor or forfeiture proceeding, in an amount determined by Lender, in its sole discretion, as being an adequate reserve or bond for the dispute.

Events Affecting Guarantor. Any of the preceding events occurs with respect to any guarantor, endorser, surety, or accommodation party of any of the Indebtedness or any guarantor, endorser, surety, or accommodation party dies or becomes incompetent, or revokes or disputes the validity of, or liability under, any guaranty of the Indebtedness evidenced by this Note.

Change in Ownership. Any change in ownership of twenty-five percent (25%) or more of the common stock of Borrower.

Adverse Change. A material adverse change occurs in Borrower's financial condition, or Lender believes the prospect of payment or performance of this Note is impaired.

Insecurity. Lender in good faith believes itself insecure.

LENDER'S RIGHTS. Upon default, Lender may declare the entire unpaid principal balance on this Note and all accrued unpaid interest immediately due, and then Borrower will pay that amount.

ATTORNEYS' FEES; EXPENSES. Lender may hire or pay someone else to help collect this Note if Borrower does not pay. Borrower will pay Lender that amount. This includes, subject to any limits under applicable law, Lender's attorneys' fees and Lender's legal expenses, whether or not there is a lawsuit, including attorneys' fees, expenses for bankruptcy proceedings (including efforts to modify or vacate any automatic stay or injunction), and appeals. If not prohibited by applicable law, Borrower also will pay any court costs, in addition to all other sums provided by law.

JURY WAIVER. Lender and Borrower hereby waive the right to any jury trial in any action, proceeding, or counterclaim brought by either Lender or Borrower against the other.

GOVERNING LAW. This Note will be governed by, construed and enforced in accordance with federal law and the laws of the State of North Carolina. This Note has been accepted by Lender in the State of North Carolina.

RIGHT OF SETOFF. To the extent permitted by applicable law, Lender reserves a right of setoff in all Borrower's accounts with Lender (whether checking, savings, or some other account). This includes all accounts Borrower may open in the future. However, this does not include any IRA or Keogh accounts, or any trust accounts for which setoff would be prohibited by law. Borrower authorizes Lender, to the extent permitted by applicable law, to charge or setoff all sums owing on the Indebtedness against any and all such accounts, and, at Lender's option, to administratively freeze all such accounts to allow Lender to protect Lender's charge and setoff rights provided in this paragraph.

COLLATERAL. Borrower acknowledges this Note is secured by the following collateral described in the security instruments listed herein, all the terms and conditions of which are hereby incorporated and made a part of this Note.

(A) a Deed of Trust dated April 5, 2002, to a trustee in favor of Lender on real property located in NEW HANOVER County, State of North Carolina.

PROMISSORY NOTE (Continued)

Loan No [redacted]

(B) an Assignment of All Rents to Lender on real property located in NEW HANOVER County, State of North Carolina.

SUCCESSOR INTERESTS. The terms of this Note shall be binding upon Borrower, and upon Borrower's heirs, personal representatives, successors and assigns, and shall inure to the benefit of Lender and its successors and assigns.

NOTIFY US OF INACCURATE INFORMATION WE REPORT TO CONSUMER REPORTING AGENCIES. Please notify us if we report any inaccurate information about your account(s) to a consumer reporting agency. Your written notice describing the specific inaccuracy(ies) should be sent to us at the following address: Coastal Federal Bank 2019 Oak Street Myrtle Beach, SC 29577

GENERAL PROVISIONS. Lender may delay or forgo enforcing any of its rights or remedies under this Note without losing them. Borrower and any other person who signs, guarantees or endorses this Note, to the extent allowed by law, waive presentment, demand for payment, and notice of dishonor. Upon any change in the terms of this Note, and unless otherwise expressly stated in writing, no party who signs this Note, whether as maker, guarantor, accommodation maker or endorser, shall be released from liability. All such parties agree that Lender may renew or extend (repeatedly and for any length of time) this loan or release any party or guarantor or collateral; or impair, fail to realize upon or perfect Lender's security interest in the collateral; and take any other action deemed necessary by Lender without the consent of or notice to anyone. All such parties also agree that Lender may modify this loan without the consent of or notice to anyone other than the party with whom the modification is made. The obligations under this Note are joint and several.

PRIOR TO SIGNING THIS NOTE, BORROWER READ AND UNDERSTOOD ALL THE PROVISIONS OF THIS NOTE, INCLUDING THE VARIABLE INTEREST RATE PROVISIONS. BORROWER AGREES TO THE TERMS OF THE NOTE.

BORROWER ACKNOWLEDGES RECEIPT OF A COMPLETED COPY OF THIS PROMISSORY NOTE.

BORROWER:

THE COMMUNITY HEALTH FOUNDATION INC

BY: _____
THOMAS E WRIGHT, President of THE COMMUNITY HEALTH FOUNDATION INC

BY: _____
DANIEL C TROVE, Treasurer of THE COMMUNITY HEALTH FOUNDATION INC

(5)

B-7

FOR REGISTRATION REGISTER OF DEEDS
REBECCA T. CHRISTIAN
NEW HANOVER COUNTY, NC
2002 APR 05 04:17:45 PM
BK:3759 PG:842-847 FEE:$20.00
INSTRUMENT # 2002017362

WHEN RECORDED MAIL TO:
Coastal Federal Bank
Wilmington Central Business District
109 Market Street
Wilmington, NC 28401

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

This Deed of Trust prepared by: RETURNED TO
X ALAN M. SOLANA

DEED OF TRUST SECURING FUTURE ADVANCES

THIS DEED OF TRUST is dated April 5, 2002, among THE COMMUNITY HEALTH FOUNDATION INC, whose address is 322 S. 17TH STREET, WILMINGTON, NC 28401 ("Grantor"); Coastal Federal Bank, whose address is Wilmington Central Business District, 109 Market Street, Wilmington, NC 28401 (referred to below sometimes as "Beneficiary"); and Michael C. Gerald, whose address is 2619 Oak Street, Myrtle Beach, SC 29577 (referred to below as "Trustee").

CONVEYANCE AND GRANT. NOW, THEREFORE, as security for the Indebtedness, advancements and other sums expended by the Beneficiary pursuant to this Deed of Trust and costs of collection (including attorneys' fees as provided in the Note) and other valuable consideration, the receipt of which is hereby acknowledged, Grantor has bargained, sold, given, granted and conveyed and does by these presents bargain, sell, give, grant and convey to Trustee, and Trustee's heirs or successors and assigns, for the benefit of Lender as Beneficiary, all of Grantor's right, title, and interest in and to the following described real property, together with all existing or subsequently erected or affixed buildings, improvements and fixtures; all easements, rights of way, and appurtenances; all water, water rights and ditch rights (including stock in utilities with ditch or irrigation rights); and all other rights, royalties, and profits relating to the real property, including without limitation all minerals, oil, gas, geothermal and similar matters, (the "Real Property") located in NEW HANOVER County, State of North Carolina:

grantor awards all of its rights to the property to trustee as security for indebtedness on the property.

See "EXHIBIT A", which is attached to this Deed of Trust and made a part of this Deed of Trust as if fully set forth herein.

The Real Property or its address is commonly known as 926 N. 4TH STREET, WILMINGTON, NC 28401.

To have and to hold said Real Property with all privileges and appurtenances thereunto belonging, to the Trustee, his heirs, successors and assigns forever, upon the trusts, terms and conditions and for the uses hereinafter set forth.

Grantor presently assigns to Lender (also known as Beneficiary in this Deed of Trust) all of Grantor's right, title, and interest in and to all present and future leases of the Property and all Rents from the Property. In addition, Grantor grants to Lender a Uniform Commercial Code security interest in the Personal Property and Rents.

grantor gives bank present + future leases/rents + UCC security interest

THIS DEED OF TRUST, INCLUDING THE ASSIGNMENT OF RENTS AND THE SECURITY INTEREST IN THE RENTS AND PERSONAL PROPERTY, IS GIVEN TO SECURE (A) PAYMENT OF THE INDEBTEDNESS AND (B) PERFORMANCE OF ANY AND ALL OBLIGATIONS UNDER THIS DEED OF TRUST. THIS DEED OF TRUST IS GIVEN AND ACCEPTED ON THE FOLLOWING TERMS:

FUTURE ADVANCES. The Indebtedness secured by this Deed of Trust is for present and future obligations and this Deed of Trust is given to secure all present and future obligations of Grantor to Beneficiary. The period in which future obligations may be incurred and secured by this Deed of Trust is the period between the date hereof and that date which is fifteen (15) years from the date hereof. The amount of present obligations secured by this Deed of Trust is One Hundred Fifty Thousand & 00/100 Dollars ($150,000.00) and the maximum principal amount, including present and future obligations, which may be secured by this Deed of Trust at any one time is One Hundred Fifty Thousand & 00/100 Dollars ($150,000.00.) Any additional amounts advanced by Beneficiary pursuant to the provisions of this Deed of Trust shall be deemed necessary expenditures for the protection of the security. Each future advance need not be evidenced by a written instrument or notation signed by Grantor or any other person evidencing or stipulating that such advance is secured by this Deed of Trust. All future obligations shall be considered to be made pursuant to the requirements of North Carolina General Statutes Sections 45-67, et. seq., or any amendments thereto.

indebtedness for 15 yrs.

PAYMENT AND PERFORMANCE. Except as otherwise provided in this Deed of Trust, Grantor shall pay to Lender all amounts secured by this Deed of Trust as they become due, and shall strictly and in a timely manner perform all of Grantor's obligations under the Note, this Deed of Trust, and the Related Documents.

POSSESSION AND MAINTENANCE OF THE PROPERTY. Grantor agrees that Grantor's possession and use of the Property shall be governed by the following provisions:

Possession and Use. Until the occurrence of an Event of Default, Grantor may (1) remain in possession and control of the Property; (2) use, operate or manage the Property; and (3) collect the Rents from the Property.

Duty to Maintain. Grantor shall maintain the Property in tenantable condition and promptly perform all repairs, replacements, and maintenance necessary to preserve its value.

Hazardous Substances. Grantor represents and warrants that the Property never has been, and never will be so long as this Deed of Trust remains a lien on the Property, used for the generation, manufacture, storage, treatment, disposal, release or threatened release of any Hazardous Substance in violation of any Environmental Laws. Grantor authorizes Lender and its agents to enter upon the Property to make such inspections and tests as Lender may deem appropriate to determine compliance of the Property with this section of the Deed of Trust. Grantor hereby (1) releases and waives any future claims against Lender for indemnity or contribution in the event Grantor becomes liable for cleanup or other costs under any such laws, and (2) agrees to indemnify and hold harmless Lender against any and all claims and losses resulting from a breach of this paragraph of the Deed of Trust. This obligation to indemnify shall survive the payment of the Indebtedness and the satisfaction of this Deed of Trust.

DUE ON SALE - CONSENT BY LENDER. Lender may, at Lender's option, declare immediately due and payable all sums secured by this Deed of Trust upon the sale or transfer, without Lender's prior written consent, of all or any part of the Real Property, or any interest in the Real Property. A "sale or transfer" means the conveyance of Real Property or any right, title or interest in the Real Property; whether legal, beneficial or equitable; whether voluntary or involuntary; whether by outright sale, deed, installment sale contract, land contract, contract for deed, leasehold interest with a term greater than three (3) years, lease-option contract, or by sale, assignment, or transfer of any beneficial interest in or to any land trust holding title to the Real Property, or by any other method of conveyance of an interest in the Real Property. If any Grantor is a corporation, partnership or limited liability company, transfer also includes any change in ownership of more than twenty-five percent (25%) of the voting stock, partnership interests or limited liability company interests, as the case may be, of such Grantor. However, this option shall not be exercised by Lender if such exercise is prohibited by federal law or by North Carolina law.

TAXES AND LIENS. The following provisions relating to the taxes and liens on the Property are part of this Deed of Trust:

Payment. Grantor shall pay when due (and in all events prior to delinquency) all taxes, special taxes, assessments, charges (including water and sewer), fines and impositions levied against or on account of the Property, and shall pay when due all claims for work done on or for services rendered or material furnished to the Property. Grantor shall maintain the Property free of all liens having priority over or equal to the interest of Lender under this Deed of Trust, except for the lien of taxes and assessments not due and except as otherwise provided in this Deed of Trust.

PROPERTY DAMAGE INSURANCE. The following provisions relating to insuring the Property are a part of this Deed of Trust.

Maintenance of Insurance. Grantor shall procure and maintain policies of fire insurance with standard extended coverage endorsements on a replacement basis for the full insurable value covering all Improvements on the Real Property in an amount sufficient to avoid application of any coinsurance clause, and with a standard mortgagee clause in favor of Lender. Grantor shall also procure and maintain comprehensive general liability insurance in such coverage amounts as Lender may request with Trustee and Lender being named as additional insureds in such liability insurance policies. Additionally, Grantor shall maintain such other insurance, including but not limited to hazard, business interruption, and boiler insurance, as Lender may reasonably require. Policies shall be written in form, amounts, coverages and basis reasonably acceptable to Lender and issued by a company or companies reasonably acceptable to Lender. Grantor, upon request of Lender, will deliver to Lender from time to time the policies or certificates of insurance in form satisfactory to Lender, including stipulations that coverages will not be cancelled or diminished without at least ten (10) days prior written notice to Lender. Each insurance policy also shall include an endorsement providing that coverage in favor of Lender will not be impaired in any way by any act, omission or default of Grantor or any other person. Should the Real Property be located in an area designated by the Director of the Federal Emergency Management Agency as a special flood hazard area, Grantor agrees to obtain and maintain Federal Flood Insurance, if available, within 45 days after notice is given by Lender that the Property is located in a special flood hazard area, for the full unpaid principal balance of the loan and any prior liens on the property securing the loan, up to the maximum policy limits set under the National Flood Insurance Program, or as otherwise required by Lender, and to maintain such insurance for the term of the loan.

LENDER'S EXPENDITURES. If any action or proceeding is commenced that would materially affect Lender's interest in the Property or if Grantor fails to comply with any provision of this Deed of Trust or any Related Documents, including but not limited to Grantor's failure to discharge or pay when due any amounts Grantor is required to discharge or pay under this Deed of Trust or any Related Documents, Lender on Grantor's behalf may (but shall not be obligated to) take any action that Lender deems appropriate on the Property and paying all costs for insuring, maintaining and preserving the Property. All such expenditures incurred or paid by Lender for such purposes will then bear interest at the rate charged under the Note from the date incurred or paid by Lender to the date of repayment by Grantor. All such expenses will become a part of the Indebtedness and, at Lender's option, will (A) be payable on demand; (B) be added to the balance of the Note and be apportioned among and be payable with any installment payments to become due during either (1) the term of any applicable insurance policy; or (2) the remaining term of the Note; or (C) be treated as a balloon payment which will be due and payable at the Note's maturity.

WARRANTY; DEFENSE OF TITLE. The following provisions relating to ownership of the Property are a part of this Deed of Trust:

Title. Grantor warrants that: (a) Grantor holds good and marketable title of record to the Property in fee simple, free and clear of all liens and encumbrances other than those set forth in the Real Property description or in any title insurance policy, title report, or final title opinion issued in favor of, and accepted by, Lender in connection with this Deed of Trust, and (b) Grantor has the full right, power, and authority to execute and deliver this Deed of Trust to Lender.

Defense of Title. Subject to the exception in the paragraph above, Grantor warrants and will forever defend the title to the Property against the lawful claims of all persons.

DEFAULT. Each of the following, at Lender's option, shall constitute an Event of Default under this Deed of Trust:

Payment Default. Grantor fails to make any payment when due under the Indebtedness.

Default on Other Payments. Failure of Grantor within the time required by this Deed of Trust to make any payment for taxes or insurance, or any other payment necessary to prevent filing of or to effect discharge of any lien.

Other Default. Grantor fails to comply with any other term, obligation, covenant or condition contained in this Deed of Trust, or in any of the Related Documents.

Compliance Default. Failure to comply with any other term, obligation, covenant or condition contained in this Deed of Trust, the Note or in any of the Related Documents.

Default in Favor of Third Parties. Should Grantor default under any loan, extension of credit, security agreement, purchase or sales agreement, or any other agreement, in favor of any other creditor or person that may materially affect any of Grantor's property or Grantor's ability to repay the Indebtedness or perform Grantor's obligations under this Deed of Trust or any related document.

Insolvency. The dissolution or termination of Grantor's existence as a going business, the insolvency of Grantor, the appointment of a receiver for any part of Grantor's property, any assignment for the benefit of creditors, any type of creditor workout, or the commencement of any proceeding under any bankruptcy or insolvency laws by or against Grantor.

Events Affecting Guarantor. Any of the preceding events occurs with respect to any guarantor, endorser, surety, or accommodation party of any of the Indebtedness or any guarantor, endorser, surety, or accommodation party dies or becomes incompetent, or revokes or disputes the validity of, or liability under, any Guaranty of the Indebtedness.

Adverse Change. A material adverse change occurs in Grantor's financial condition, or Lender believes the prospect of payment or performance of the Indebtedness is impaired.

Insecurity. Lender in good faith believes itself insecure.

RIGHTS AND REMEDIES ON DEFAULT. Upon the occurrence of any Event of Default under any Indebtedness, or should Grantor fail to comply with any of Grantor's obligations under this Deed of Trust, Trustee or Lender may exercise any one or more of the following rights and remedies:

Election of Remedies. Election by Lender to pursue any remedy shall not exclude pursuit of any other remedy, and an election to make expenditures or to take action to perform an obligation of Grantor under this Deed of Trust, after Grantor's failure to perform, shall not affect Lender's right to declare a default and exercise its remedies.

Accelerate Indebtedness. Lender shall have the right at its option without notice to Grantor to declare the entire Indebtedness immediately due and payable, including any prepayment penalty which Grantor would be required to pay.

Express Power of Sale Provision. Upon the application or request of Lender, it shall be lawful for and the duty of the Trustee, and the Trustee is hereby authorized and empowered, to expose to sale and to sell the Property at public auction for cash, after having first complied with all applicable requirements of North Carolina law with respect to the exercise of powers of sale contained in deeds of trust or such other sales appropriate under the circumstances; and upon any such sale, the Trustee shall convey title to the purchaser in fee simple. In the event of any sale under this Deed of Trust by virtue of the exercise of the powers granted in this Deed of Trust, or pursuant to any order and any judicial proceeding or otherwise, the Property may be sold as an entirety or in separate parcels and in such manner or order as Lender in its sole discretion may elect. Trustee shall be authorized to hold a sale pursuant to North Carolina General Statute Chapter 45. If Trustee so elects, Trustee may sell the Property covered by this Deed of Trust at one or more separate sales in any manner permitted by applicable North Carolina law, and any exercise of the powers granted in this Deed of Trust shall not extinguish or exhaust such powers, until the entire Property is sold or the Indebtedness is paid in full. If such Indebtedness is now or hereafter further secured by any chattel mortgages, pledges, contracts of guaranty, assignments of lease or other security instruments, Lender may at its option exercise the remedies granted under any of the security agreements either concurrently or independently and in such order as Lender may determine.

Foreclosure. With respect to all or any part of the Real Property, the Trustee shall have the right to foreclose by notice and sale, and Lender shall have the right to foreclose by judicial foreclosure, in either case in accordance with and to the full extent provided by applicable law.

Other Remedies. Trustee or Lender shall have any other right or remedy provided in this Deed of Trust or the Note or by law.

Sale of the Property. To the extent permitted by applicable law, Grantor hereby waives any and all rights to have the Property marshalled. In exercising its rights and remedies, the Trustee or Lender shall be free to sell all or any part of the Property together or separately, in one sale or by separate sales. Lender shall be entitled to bid at any public sale on all or any portion of the Property.

Attorneys' Fees; Expenses. If Lender institutes any suit or action to enforce any of the terms of this Deed of Trust, Lender shall be entitled to recover such sum as the court may adjudge reasonable as attorneys' fees at trial and upon any appeal. Whether or not any court action is involved, and to the extent not prohibited by law, all reasonable expenses Lender incurs that in Lender's opinion are necessary at any time for the protection of its interest or the enforcement of its rights shall become a part of the Indebtedness payable on demand and shall bear interest at the

Note rate from the date of the expenditure until repaid. Expenses covered by this paragraph include, without limitation, however subject to any limits under applicable law, Lender's attorneys' fees and Lender's legal expenses, whether or not there is a lawsuit, including attorneys' fees and expenses for bankruptcy proceedings (including efforts to modify or vacate any automatic stay or injunction), appeals, and any anticipated post-judgment collection services, the cost of searching records, obtaining title reports (including foreclosure reports), surveyors' reports, and appraisal fees, title insurance, and fees for the Trustee, to the extent permitted by applicable law. Grantor also will pay any court costs, in addition to all other sums provided by law.

MISCELLANEOUS PROVISIONS. The following miscellaneous provisions are a part of this Deed of Trust:

Governing Law. This Deed of Trust will be governed by, construed and enforced in accordance with federal law and the laws of the State of North Carolina. This Deed of Trust has been accepted by Lender in the State of North Carolina.

Time is of the Essence. Time is of the essence in the performance of this Deed of Trust.

DEFINITIONS. The following capitalized words and terms shall have the following meanings when used in this Deed of Trust. Unless specifically stated to the contrary, all references to dollar amounts shall mean amounts in lawful money of the United States of America. Words and terms used in the singular shall include the plural, and the plural shall include the singular, as the context may require. Words and terms not otherwise defined in this Deed of Trust shall have the meanings attributed to such terms in the Uniform Commercial Code:

Beneficiary. The word "Beneficiary" means Coastal Federal Bank, and its successors and assigns.

Borrower. The word "Borrower" means THE COMMUNITY HEALTH FOUNDATION INC, and all other persons and entities signing the Note in whatever capacity.

Deed of Trust. The words "Deed of Trust" mean this Deed of Trust among Grantor, Lender, and Trustee, and includes without limitation all assignment and security interest provisions relating to the Personal Property and Rents.

Environmental Laws. The words "Environmental Laws" mean any and all state, federal and local statutes, regulations and ordinances relating to the protection of human health or the environment, including without limitation the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. Section 9601, et seq. ("CERCLA"), the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499 ("SARA"), the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq., the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901, et seq., or other applicable state or federal laws, rules, or regulations adopted pursuant thereto.

Event of Default. The words "Event of Default" mean any of the events of default set forth in this Deed of Trust in the default section of this Deed of Trust.

Grantor. The word "Grantor" means THE COMMUNITY HEALTH FOUNDATION INC.

Guaranty. The word "Guaranty" means the guaranty from guarantor, endorser, surety, or accommodation party to Lender, including without limitation a guaranty of all or part of the Note.

Improvements. The word "Improvements" means all existing and future improvements, buildings, structures, mobile homes affixed on the Real Property, facilities, additions, replacements and other construction on the Real Property.

Indebtedness. The word "Indebtedness" means all principal, interest, and other amounts, costs and expenses payable under the Note or Related Documents, together with all renewals of, extensions of, modifications of, consolidations of and substitutions for the Note or Related Documents and any amounts expended or advanced by Lender to discharge Grantor's obligations or expenses incurred by Trustee or Lender to enforce Grantor's obligations under this Deed of Trust, together with interest on such amounts as provided in this Deed of Trust.

Lender. The word "Lender" means Coastal Federal Bank, its successors and assigns.

Note. The word "Note" means the promissory note dated April 5, 2002, **in the original principal amount of $150,000.00** from Grantor to Lender, together with all renewals of, extensions of, modifications of, refinancings of, consolidations of, and substitutions for the promissory note or agreement.

Personal Property. The words "Personal Property" mean all equipment, fixtures, and other articles of personal property now or hereafter owned by Grantor, and now or hereafter attached or affixed to the Real Property; together with all accessions, parts, and additions to, all replacements of, and all substitutions for, any of such property; and together with all proceeds (including without limitation all insurance proceeds and refunds of premiums) from any sale or other disposition of the Property.

Property. The word "Property" means collectively the Real Property and the Personal Property.

Real Property. The words "Real Property" mean the real property, interests and rights, as further described in this Deed of Trust.

Related Documents. The words "Related Documents" mean all promissory notes, credit agreements, loan agreements, environmental agreements, guaranties, security agreements, mortgages, deeds of trust, security deeds, collateral mortgages, and all other instruments, agreements and documents, whether now or hereafter existing, executed in connection with the Indebtedness.

Rents. The word "Rents" means all present and future rents, revenues, income, issues, royalties, profits, and other benefits derived from the Property.

Trustee. The word "Trustee" means Michael C. Gerald, whose address is 2619 Oak Street, Myrtle Beach, SC 29577 and any substitute or successor trustees.

GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS DEED OF TRUST, AND GRANTOR AGREES TO ITS TERMS.

IN WITNESS WHEREOF GRANTOR HAS CAUSED THIS DEED OF TRUST TO BE SIGNED IN GRANTOR'S CORPORATE NAME BY GRANTOR'S DULY AUTHORIZED OFFICERS AND HAS CAUSED GRANTOR'S SEAL TO BE AFFIXED TO THIS DEED OF TRUST BY THE AUTHORITY OF GRANTOR'S BOARD OF DIRECTORS ON THE DATE SHOWN AT THE BEGINNNING OF THIS DEED OF TRUST.

THIS DEED OF TRUST IS GIVEN UNDER SEAL AND IT IS INTENDED THAT THIS DEED OF TRUST IS AND SHALL CONSTITUTE AND HAVE THE EFFECT OF A SEALED INSTRUMENT ACCORDING TO LAW.

GRANTOR:

THE COMMUNITY HEALTH FOUNDATION INC

By: _____ (Seal)
THOMAS E WRIGHT, President of THE COMMUNITY HEALTH FOUNDATION INC

By: _____ (Seal)
DANIEL GOTTOVI, Treasurer of THE COMMUNITY HEALTH FOUNDATION INC

ATTEST:

_____
Secretary or Assistant Secretary Daniel Gottovi

(Corporate Seal)

The Community Health Foundation Inc
CORPORATE
SEAL

CORPORATE ACKNOWLEDGMENT

STATE OF NORTH CAROLINA)
) SS
COUNTY OF NEW HANOVER)

I, Alan M. Solana Gottovi, a Notary Public for said County and State, certify that Daniel ___ personally came before me this day and acknowledged that he or she is ___ Secretary of THE COMMUNITY HEALTH FOUNDATION INC, a corporation and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President; of THE COMMUNITY HEALTH FOUNDATION INC, respectively sealed with its corporate seal, and attested by himself or herself as its ___ Secretary.

Witness my hand and Notarial Seal this the 5 day of April, 20 02.

Notary Public

My Commission Expires:
30 May 2004

(Affix Notarial Seal Here)

ALAN M. SOLANA NOTARY PUBLIC NEW HANOVER COUNTY, NC

[illegible] All Rights Reserved.

EXHIBIT "A"

BEGINNING in the Eastern line of Fourth Street at a point 66 feet South of the Southeastern intersection of Fourth and Harnett Streets and running thence East and parallel with Harnett Street 85 feet, thence North and parallel with Fourth Street 66 feet to the Southern line of Harnett Street, thence West and along the Southern line of Harnett Street 85 feet to the Eastern line of Fourth Street, thence South along the Eastern line of Fourth Street 66 feet to the point of the Beginning The same being part of Lot 1, in Block 293, according to the official plan of the City of Wilmington, North Carolina The same being all of that property described in Deed recorded in Book 1694, Page 0001, New Hanover County Registry

(3)

P-4

FOR REGISTRATION REGISTER OF DEEDS
REBECCA T. CHRISTIAN
NEW HANOVER COUNTY, NC
2002 APR 05 04:17:45 PM
BK:3259 PG:838-841 FEE:$20.00
NC REVENUE STAMP:$650.00
INSTRUMENT # 2002017361

Excise Tax $650.00

Recording Time, Book and Page

Tax Lot No. ..... Parcel Identifier No. 4809-038-001-000

Verified by ..... County on the ..... day of ....., 19.....

by .....

Mail after recording to .....

RETURNED TO

This instrument was prepared by ALAN M. SOLANA

Brief description for the Index Pt. Lot 1, Blk 293, City

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 5 day of April 2002, XXX, by and between

GRANTOR	GRANTEE
HELYN ROGERS LOFTON & husband, JAMES S. LOFTON	THE COMMUNITY HEALTH FOUNDATION, INC. 322 S. 17th Street Wilmington, NC 28401

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Wilmington ..... Township, New Hanover County, North Carolina and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1694

Page 1

A map showing the above described property is recorded in Plat Book ..... page .....

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

2002 ad valorem taxes

Easements and Restrictions of record

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(Corporate Name)

By: .....

.....President

ATTEST:

.....Secretary (Corporate Seal)

USE BLACK INK ONLY

Helyn Rogers Lofton (SEAL)
HELYN ROGERS LOFTON

.....(SEAL)

James S. Lofton (SEAL)
JAMES S. LOFTON

.....(SEAL)

SEAL-STAMP

NORTH CAROLINA, NEW HANOVER County.

I, a Notary Public of the County and State aforesaid, certify that Helyn Rogers Lofton & James S. Lofton Grantor,

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 5 day of April 2002 xxx

My commission expires: 5/8/04 Notary Public

ALAN M. SOLANA NOTARY PUBLIC NEW HANOVER COUNTY NC

Use Black Ink

NORTH CAROLINA, ... County.

I, a Notary Public of the County and State aforesaid, certify that .....

..... Grantor,

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this ..... day of ....., 19.....

My commission expires: ..... Notary Public

The foregoing Certificate(s) of .....

.....

.....

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the 1st page hereof.

..... REGISTER OF DEEDS FOR ..... COUNTY

By ..... Deputy/Assistant - Register of Deeds

N.C. Bar Assoc. Form No. 3 © 1976, Revised 1977.

EXHIBIT "A"

BEGINNING in the Eastern line of Fourth Street at a point 66 feet South of the Southeastern intersection of Fourth and Harnett Streets and running thence East and parallel with Harnett Street 85 feet, thence North and parallel with Fourth Street 66 feet to the Southern line of Harnett Street, thence West and along the Southern line of Harnett Street 85 feet to the Eastern line of Fourth Street, thence South along the Eastern line of Fourth Street 66 feet to the point of the Beginning The same being part of Lot 1, in Block 293, according to the official plan of the City of Wilmington, North Carolina The same being all of that property described in Deed recorded in Book 1694, Page 0001, New Hanover County Registry

REBECCA T. CHRISTIAN
REGISTER OF DEEDS, NEW HANOVER
JUDICIAL BUILDING
316 PRINCESS STREET
WILMINGTON, NC 28401

Filed For Registration:	04/05/2002 04:17:45 PM
Book:	RE 3259 Page: 838-841
Document No.:	2002017361
	DEED 4 PGS $20.00
NC REAL ESTATE EXCISE TAX:	$650.00
Recorder:	JACQUELINE NELSON

State of North Carolina, County of New Hanover

The foregoing certificate of ALAN M SOLANA Notary is certified to be correct. This 5TH of April 2002

REBECCA T. CHRISTIAN, REGISTER OF DEEDS

By: _____
Deputy/Assistant Register of Deeds

2002017361
2002017361

(3)

B-5

FOR REGISTRATION REGISTER OF DEEDS
REBECCA T. CHRISTIAN
NEW HANOVER COUNTY, NC
2002 APR 05 04:17:45 PM
BK:3259 PG:853-858 FEE:$20.00
INSTRUMENT # 2002017364

SATISFACTION: The debt secured by the within Deed of Trust together with the note(s) secured thereby has been satisfied in full.

This the _____ day of _____

Signed: _____

Recording: Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. R04809-038-001-000

Verified by _____ County on the _____ day of _____

by _____

Mail after recording to HELEN ROGERS LOFTON

This instrument prepared by ALAN M. SOLANA RETURNED TO

Brief Description for the Index

NORTH CAROLINA DEED OF TRUST

THIS DEED of TRUST made this 5th day of April, 2002, by and between:

GRANTOR	TRUSTEE	BENEFICIARY
THE COMMUNITY HEALTH FOUNDATION, INC. 322 S. 17TH STREET WILMINGTON, NC 28401	ALAN M. SOLANA 210 PRINCESS STREET WILMINGTON, NC 28401	HELEN ROGERS LOFTON 117 AVANT DRIVE WILMINGTON, NC 28405

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor, Trustee, and Beneficiary as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, That whereas the Grantor is indebted to the Beneficiary in the principal sum of One Hundred Fifty Thousand and 00/100-- Dollars ($*****150,000.00), as evidenced by a Promissory Note of even date herewith, the terms of which are incorporated herein by reference. The final due date for payment of said Promissory Note, if not sooner paid, is October 5, 2002

NOW, THEREFORE, as security for said indebtedness, advancements and other sums expended by Beneficiary pursuant to this Deed of Trust and costs of collection (including attorneys fees as provided in the Promissory Note) and other valuable consideration, the receipt of which is hereby acknowledged, the Grantor has bargained, sold, given, granted and conveyed and does by these presents bargain, sell, give, grant and convey to said Trustee, his heirs, or successors, and assigns, the parcel(s) of land situated in the City of WILMINGTON, _____ Township, NEW HANOVER County, North Carolina, (the "Premises") and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

N. C. Bar Assoc. Form L-5 © 1976, Revised © September 1985 NCBA 001

SoftTo

TO HAVE AND TO HOLD said Premises with all privileges and appurtenances thereunto belonging to said Trustee, his heirs, successors, and assigns forever, upon the trusts, terms and conditions, and for the uses hereinafter set forth.

If the Grantor shall pay the Note secured hereby in accordance with its terms, together with interest thereon, and any renewals or extensions thereof in whole or in part, all other sums secured hereby and shall comply with all of the covenants, terms and conditions of this Deed of Trust, then this conveyance shall be null and void and may be cancelled of record at the request and the expense of the Grantor if, however, there shall be any default (a) in the payment of any sums due under the Note, this Deed of Trust or any other instrument securing the Note and such default is not cured within ten (10) days from the due date, or (b) if there shall be default in any of the other covenants, terms or conditions of the Note secured hereby, or any failure or neglect to comply with the covenants, terms or conditions contained in this Deed of Trust or any other instrument securing the Note and such default is not cured within fifteen (15) days after written notice, then and in any of such events, without further notice, it shall be lawful for and the duty of the Trustee, upon request of the Beneficiary, to sell the land herein conveyed at public auction for cash, after having first giving such notice of hearing as to commencement of foreclosure proceedings and obtained such findings or leave of court as may then be required by law and giving such notice and advertising the time and place of such sale in such manner as may then be provided by law, and upon such and any resales and upon compliance with the law then relating to foreclosure proceedings under power of sale to convey title to the purchaser in as full and ample manner as the Trustee is empowered. The Trustee shall be authorized to retain an attorney to represent him in such proceedings.

The proceeds of the Sale shall after the Trustee retains his commission, together with reasonable attorneys fees incurred by the Trustee in such proceeding, be applied to the costs of sale, including, but not limited to, costs of collection, taxes, assessments, costs of recording, service fees and incidental expenditures, the amount due on the Note hereby secured and advancements and other sums expended by the Beneficiary according to the provisions hereof and otherwise as required by the then existing law relating to foreclosures. The Trustee's commission shall be five percent (5%) of the gross proceeds of the sale or the minimum sum of $ _____, whichever is greater, for a completed foreclosure. In the event foreclosure is commenced, but not completed, the Grantor shall pay all expenses incurred by Trustee, including reasonable attorneys fees, and a partial commission computed as five per cent (5%) of the outstanding indebtedness or the above stated minimum sum, whichever is greater, in accordance with the following schedule, to-wit: one-fourth (¼) thereof before the Trustee issues a notice of hearing on the right to foreclosure; one-half (½) thereof after issuance of said notice; three-fourths (¾) thereof after such hearings and the greater of the full commission or minimum sum after the initial sale.

And the said Grantor does hereby covenant and agree with the Trustee as follows:

1. INSURANCE. Grantor shall keep all improvements on said land, now or hereafter erected, constantly insured for the benefit of the Beneficiary against loss by fire, windstorm and such other casualties and contingencies, in such manner and in such companies and for such amounts, not less than that amount necessary to pay the sum secured by this Deed of Trust, and as may be satisfactory to the Beneficiary. Grantor shall purchase such insurance, pay all premiums therefor, and shall deliver to Beneficiary such policies along with evidence of premium payment as long as the Note secured hereby remains unpaid. If Grantor fails to purchase such insurance, pay premiums therefor or deliver said policies along with evidence of payment of premiums thereon, then Beneficiary, at his option, may purchase such insurance. Such amounts paid by Beneficiary shall be added to the principal of the Note secured by this Deed of Trust, and shall be due and payable upon demand of Beneficiary. All proceeds from any insurance so maintained shall at the option of Beneficiary be applied to the debt secured hereby and if payable in installments, applied in the inverse order of maturity of such installments or to the repair or reconstruction of any improvements located upon the Property.

2. TAXES, ASSESSMENTS, CHARGES. Grantor shall pay all taxes, assessments and charges as may be lawfully levied against said Premises within thirty (30) days after the same shall become due. In the event that Grantor fails to so pay all same, assessments and charges as herein required, then Beneficiary, at his option, may pay the same and the amounts so paid shall be added to the principal of the Note secured by this Deed of Trust, and shall be due and payable upon demand of Beneficiary.

3. ASSIGNMENTS OF RENTS AND PROFITS. Grantor assigns to Beneficiary, in the event of default, all rents and profits from the land and any improvements thereon, and authorizes Beneficiary to enter upon and take possession of such land and improvements, to rent same, at any reasonable rate of rent determined by Beneficiary, and after deducting from any such rents the cost of collecting and collection, to apply the remainder to the debt secured hereby.

4. PARTIAL RELEASE. Grantor shall not be entitled to the partial release of any of the above described property unless a specific provision providing therefor is included in this Deed of Trust. In the event a partial release provision is included in this Deed of Trust, Grantor must strictly comply with the terms thereof. Notwithstanding anything herein contained, Grantor shall not be entitled to any release of property unless Grantor is not in default and is in full compliance with all of the terms and provisions of the Note, this Deed of Trust, and any other instrument that may be securing said Note.

5. WASTE. The Grantor covenants that he will keep the Premises herein conveyed in as good order, repair and condition as they are now, reasonable wear and tear excepted, and will comply with all governmental requirements respecting the Premises or their use, and that he will not commit or permit any waste.

6. CONDEMNATION. In the event that any or all of the Premises shall be condemned and taken under the power of eminent domain, Grantor shall give immediate written notice to Beneficiary and Beneficiary shall have the right to receive and collect all damages awarded by reason of such taking, and the right to such damages hereby is assigned to Beneficiary who shall have the discretion to apply the amount so received, or any part thereof, to the indebtedness due hereunder and if payable in installments, applied in the inverse order of maturity of such installments, or to any alteration, repair or restoration of the Premises by Grantor.

7. WARRANTIES. Grantor covenants with Trustee and Beneficiary that he is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that he will warrant and defend the title against the lawful claims of all persons whomsoever, except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

Easements and Restrictions of record.

2002 ad valorem taxes.

8. SUBSTITUTION OF TRUSTEE. Grantor and Trustee covenant and agree to and with Beneficiary that in case the said Trustee, or any successor trustee, shall die, become incapable of acting, renounce his trust, or for any reason the holder of the Note desires to replace said Trustee, then the holder may appoint, in writing, a Trustee to take the place of the Trustee; and upon the probate and registration of the same, the Trustee thus appointed shall succeed to all rights, powers and duties of the Trustee.

[X] THE FOLLOWING PARAGRAPH, 9. SALE OF PREMISES, SHALL NOT APPLY UNLESS THE BLOCK TO THE LEFT MARGIN OF THIS SENTENCE IS MARKED AND/OR INITIALED.

9. SALE OF PREMISES. Grantor agrees that if the Premises or any part thereof or interest therein is sold, assigned, transferred, conveyed or otherwise alienated by Grantor, whether voluntarily or involuntarily or by operation of law (other than: (a) the creation of a lien or other encumbrance subordinate to this Deed of Trust which does not relate to a transfer of rights of occupancy in the Premises; (b) the creation of a purchase money security interest for household appliances; (c) a transfer by devise, descent, or operation of law on the death of a joint tenant or tenant by the entirety; (d) the grant of a leasehold interest of three (3) years or less not containing an option to purchase; (e) a transfer to a relative, resulting from the death of a Grantor; (f) a transfer where the spouse or children of the Grantor become the owner of the Premises; (g) a transfer resulting from a decree of dissolution of marriage, legal separation agreement, or from an incidental property settlement agreement, by which the spouse of the Grantor becomes an owner of the Premises; (h) a transfer into an inter vivos trust in which the Grantor is and remains a beneficiary and which does not relate to a transfer of rights of occupancy in the Premises), without the prior written consent of Beneficiary, Beneficiary, at his own option, may declare the Note secured hereby and all other obligations hereunder to be forthwith due and payable. Any change in the legal or equitable title of the Premises, including the sale, conveyance or dissolution of a majority interest in the Grantor if a corporation or partnership, whether or not of record and whether or not for consideration, shall be deemed to be the transfer of an interest in the Premises.

10. ADVANCEMENTS. If Grantor shall fail to perform any of the covenants or obligations contained herein or in any other instrument given as additional security for the Note secured hereby, the Beneficiary may, but without obligation, make advances to perform such covenants or obligations, and all such sums so advanced shall be added to the principal sum, shall bear interest at the rate provided in the Note secured hereby for sums due after default and shall be due Grantor on demand of the Beneficiary. No advancement or anything contained in this paragraph shall constitute a waiver by Beneficiary or prevent such failure to perform from constituting an event of default.

11. INDEMNITY. If any suit or proceeding be brought against the Trustee or Beneficiary or if any suit or proceeding be brought which may affect the value or title of the Premises, Grantor shall defend, indemnify and hold harmless and on demand reimburse Trustee or Beneficiary from any loss, cost, damage or expense and any sums expended by Trustee or Beneficiary shall bear interest as provided in the Note secured hereby for sums due after default and shall be due and payable on demand.

12. WAIVERS. Grantor waives all rights or requirements of notice by the Trustee or Beneficiary, no delay or omission of the Trustee or Beneficiary in the exercise of any right, power or remedy arising under the Note or this Deed of Trust shall be deemed a waiver of any default or acquiescence therein or shall impair or waive the exercise of such right, power or remedy by Trustee or Beneficiary at any other time.

13. CIVIL ACTION. In the event that the Trustee is named as a party to any civil action as Trustee in this Deed of Trust, the Trustee shall be entitled to employ an attorney at law, including himself if he is a licensed attorney, to represent him in said action and the reasonable attorney's fee of the Trustee in such action shall be paid by the Beneficiary and added to the principal of the note secured by this Deed of Trust and bear interest at the rate provided in the Note for sums due after default.

14. PRIOR LIENS. Default under the terms of any instrument secured by a lien to which this Deed of Trust is subordinate shall constitute default hereunder.

15. OTHER TERMS.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(Corporate Name)

THE COMMUNITY HEALTH FOUNDATION, INC. (SEAL)

By: _____ (SEAL)

President (SEAL)

ATTEST: _____ (SEAL)

Secretary (Corporate Seal)

SEAL-STAMP

Use Black Ink

NORTH CAROLINA, _____ County.

I, a Notary Public of the County and state aforesaid, certify that _____

_____ Grantor,

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this _____ day of _____.

My Commission expires: _____ _____ Notary Public

SEAL-STAMP

Use Black Ink

NORTH CAROLINA, NEW HANOVER County.

I, a Notary Public of the County and state aforesaid, certify that Daniel Gottovi

_____,

personally appeared before me this day and acknowledged that he is _____ Secretary of THE COMMUNITY HEALTH FOUNDATION, INC. a North Carolina corporation, and that by authority duly given and as an act of the corporation, the foregoing instrument was signed in its name by its _____ President, sealed with its corporate seal and attested by himself as its _____ Secretary.

Witness my hand and official stamp or seal, this 5th day of April, 2002

My Commission expires: 05-30-2004 _____ Notary Public

ALAN M. SOLANA

The foregoing Certificate(s) of _____

_____

is certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

_____ REGISTER OF DEEDS FOR _____ COUNTY

_____ Deputy/Assistant-Register of Deeds.

By _____

SoftPro

EXHIBIT "A"

BEGINNING in the Eastern line of Fourth Street at a point 66 feet South of the Southeastern intersection of Fourth and Harnett Streets and running thence East and parallel with Harnett Street 85 feet, thence North and parallel with Fourth Street 66 feet to the Southern line of Harnett Street, thence West and along the Southern line of Harnett Street 85 feet to the Eastern line of Fourth Street, thence South along the Eastern line of Fourth Street 66 feet to the point of the Beginning The same being part of Lot 1, in Block 293, according to the official plan of the City of Wilmington, North Carolina The same being all of that property described in Deed recorded in Book 1694, Page 0001, New Hanover County Registry

REBECCA T. CHRISTIAN
REGISTER OF DEEDS, NEW HANOVER
JUDICIAL BUILDING
316 PRINCESS STREET
WILMINGTON, NC 28401

Filed For Registration:	04/05/2002 04:17:45 PM
Book:	RE 3259 Page: 853-856
Document No.:	2002017364
	D/T 4 PGS $20.00
Recorder:	JACQUELINE NELSON

State of North Carolina, County of New Hanover

The foregoing certificate of ALAN M SOLANA Notary is certified to be correct. This 5TH of April 2002

REBECCA T. CHRISTIAN , REGISTER OF DEEDS

By: _____
Deputy/~~Assistant~~ Register of Deeds

2002017364

2002017364

B-6

March 15, 2002

Thomas E. Wright, Chairman
Community's Health Foundation
322 South 17th Street
Wilmington, NC 28401

Dear Mr. Wright:

On behalf of the Office of Research, Demonstrations, and Rural Health Development, I am writing to enthusiastically endorse the Community's Health Foundation's effort to convert the building located on the 900 block of 4th Street into Foundation offices, New Hanover Community Health Center offices and into a History Museum.

With this endorsement, the Office is committing $150,000 in funding toward the completion of this conversion project. The funding will be awarded by June 30, 2002.

We wish you all the best as you embark on this important project.

Sincerely,

Torlen L. Wade
Acting Director

TLW/lw

B-7

Amount: $1,525.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6100674638
Capture Date: 05/22/2002
Check Number: 626

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

[redacted] 5/22/02

Williams 626

Date 5-20-02

66-19/530 NC
1853

Pay to the order of Rosetta B. Terry $ 1525.00

One thousand five hundred twenty-five dollars 00/100

Bank of America.

For Catering Service Daryl Dunlap

⑈053000196⑈ [redacted] 0626 ⑈0000[redacted]

Rosetta B. [redacted]

5-22-02

BOA T Co

FDO 16

610067[redacted]

Amount: $525.51
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6600405537
Capture Date: 06/04/2002
Check Number: 627

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

627

Date 5-29-02

66-19/530 NC
1853

Pay to the order of Bell South $ 525.51

Five Hundred twenty five + 51/100 Dollars

Bank of America.

For 910 - 755-0900 650 0369 Daryl D Parker

⑆053000196⑆ 00[redacted] 0627 ⑈00006[redacted]

BANK OF AMERICA,NA CAR
053000196 E215 01 P01
06/04/02

6600405537

[redacted]

Amount: $525.51
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6600405537
Capture Date: 06/04/2002
Check Number: 627

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

627

Date 5-29-02

66-19/530 NC
1853

Pay to the order of Bell South $ 525.51

Five Hundred twenty five + 51/100 Dollars

Bank of America.

For 910-755-0900 650 0369 Daniel Parker

⑆053000196⑆ [redacted] 0637 ⑈000[redacted]

BANK OF AMERICA,NA CAR
053000196 E235 01 P01
06/04/02

6600405537

[redacted]

Confidential Treatment Requested by Bank of America

WRIGHT002605

Amount: $1,051.50
Account: [redacted]
Bank Number: 05300019

Sequence Number: 7401643429
Capture Date: 09/27/2002
Check Number: 636

WDL [redacted]

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

Hunter/Mnf.193

636

Date 9-25-02

56-19/530 NC
1853

Pay to the order of US Air $ 1,051.50

one thousand fifty one & 50/100 Dollars

Bank of America.

For Air-line ticket

Daryl D. Parker

⑆053000196⑆ 00[redacted] 0636 ⑈0001051⑈50⑈

02/35

BANK OF AMERICA,NA CAR E
053000196 [illegible] 09/27/02

2376 19.

CHGO, NC 282702
1 800 5239498

FOR DEPOSIT ONLY
TO ACCOUNTS OF US AIRWAYS

Amount: $3,919.20
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6700765783
Capture Date: 09/30/2002
Check Number: 637

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

637

Date 9-25-02

56-19/530 NC
1853

Pay to the order of Port City Sign Works $ 3,919.20

Three Thousand nine Hundred nineteen 20/100 Dollars

Bank of America.

For Signs For Campaign 2002 Daryl D. Parker

⑈053000196⑈ 00[redacted] 0637 ⑈000391920⑈

FOR DEPOSIT ONLY
WACHOVIA ACC [redacted]

[redacted] WACH
CHAR, NC 282702
1 800 523-9498

BANK OF AMERICA,NA CAP
053000196 E5482 01 P01
09/30/02

6700765783

Amount: $450.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6700359108
Capture Date: 11/04/2002
Check Number: 650

650

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

Date 10-31-02

66-19/530 NC
- 1853

Pay to the order of WWOE Radio $ 450.00

four hundred fifty + -00/100 Dollars

Bank of America.

For Advertisement Dawley Dale

⑆053000196⑆ 00[redacted] 0650 ⑈0000045000⑈

WWOE Radio

053100320
110102

BANK OF AMERICA NA CAR
053000196 E625434 P01
11/04/02

6700359108

100 E TRYON [redacted]

⑆053112152⑆
UNCOMMON BANK
RD RALEIGH NC
110102 5001546512

Amount: $250.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 7401838718
Capture Date: 11/05/2002
Check Number: 648

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

648

Date 10-31-02

56-19/530 NC
1853

Pay to the order of North Whiteville Vol. Fire Dept. $ 250.00

two hundred fifty x —— 00/100 Dollars

Bank of America.

For donation

Daryle D. Parker

⑆053000196⑆ 00[redacted] 0648 ⑈0000025000⑈

0531611214 BRST #1521
2501 MOORTEN BLVD PKTG10
WILSON, NC 27893 11052002

FOR DEPOSIT ONLY
NORTH WHITEVILLE
VOLUNTEER FIRE DEPT.
[redacted]

BANK OF AMERICA,NA CAR E
053000196 E4059 01 P01
11/05/02

Amount: $127.80
Account: [redacted]
Bank Number: 05300019

Sequence Number: 7401113875
Capture Date: 11/06/2002
Check Number: 653

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

653

Date 11-5-02

66-19/530 NC
1853

Pay to the order of Snap Dragon Ice Skirts $ 127.80

one hundred twenty seven 4— 80/100 Dollars

Bank of America.
ACH R/T 053000196

For Skirts

David Drake

⑈053000196⑈ 000[redacted] ⑈0653⑈ ⑈000012780⑈

[illegible] T&B #5479
2541 NOOTEN BLVD PKY010
WILSON NC 27893 1196210[illegible]
[redacted]

BANK OF AMERICA,NA CHK E
[redacted] E4156 01 FB1
11/06/02

[illegible]

Amount:	$100.00	Sequence Number:	6400435973
Account:	[redacted]	Capture Date:	11/06/2002
Bank Number:	05300019	Check Number:	654

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

654

65-19/530 NC
1853

Date 11-5-02

Pay to the order of Gloria Stokes $ 100.00

One hundred & 00/100 Dollars

Bank of America.
ACH R/T 053000196

For Poll Worker

⑆053000196⑆ 00[redacted] 0654 ⑈00000 10000⑈

01853 063 052109 11-06-02 1[redacted]

540560136 00000000[redacted]

6400435973

By Gloria Stokes
NCNL
5 Oak Rd
Wilm NC 28409

Amount: $100.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6100664015
Capture Date: 11/06/2002
Check Number: 658

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

658

Date 11-5-02

65-19/530 NC
1853

Pay to the order of Rev. E.E. Ragin $ 100.00

one Hundred + 00/100 Dollars

Bank of America.
ACH R/T 053000196

For Poll Workers Daryl T. Parker

⑆053000196⑆ 00[redacted] 0658 ⑈00000100000⑈

11-5-02

2121 5

BANK OF AMERICA, NA. CAR
[illegible] 11/06/02
6100664015

Rev. E.E. Ragin
Aut. No. [redacted]

Amount: $100.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 7401091539
Capture Date: 11/06/2002
Check Number: 659

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

659

Date 11-5-02

66-19/530 NC
1853

Pay to the order of Earl Goodwin $ 100.00

One hundred ——— 00/100 Dollars

Bank of America.
ACH R/T 053000196

For poll worker Daniel T. Parker

⑆053000196⑆ 008[redacted] 0659 ⑈0000010000⑈

[redacted] BOAT #5454
2501 WESTERN BLVD. PKTO%
WILSON NC 27893 2105/2002
0500419274

Earl Goodwin
Acct #[redacted]

BANK OF AMERICA,NA CHK E
053000196 E4156 01 P01
11/06/02
0700863828

Amount: $100.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6400650835
Capture Date: 11/07/2002
Check Number: 656

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

No Stop

656

Date 11-5-02

56-13/530 hc
1853

Pay to the order of Debra Stokes $ 100.00

one hundred — 00/100 Dollars

Bank of America.

ACH R/T 053000196

For Poll Worker

Douglas Jackson

⑆053000196⑆ 00[redacted] 0656 ⑈00000100000⑈

01953 065 058193 11-07-02 BANK OF AMERICA, NA CAR
540560136 00000000[redacted] CHECK
6400650835 100.00

Amount: $100.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6400106194
Capture Date: 11/08/2002
Check Number: 655

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

655

Date 11-5-02

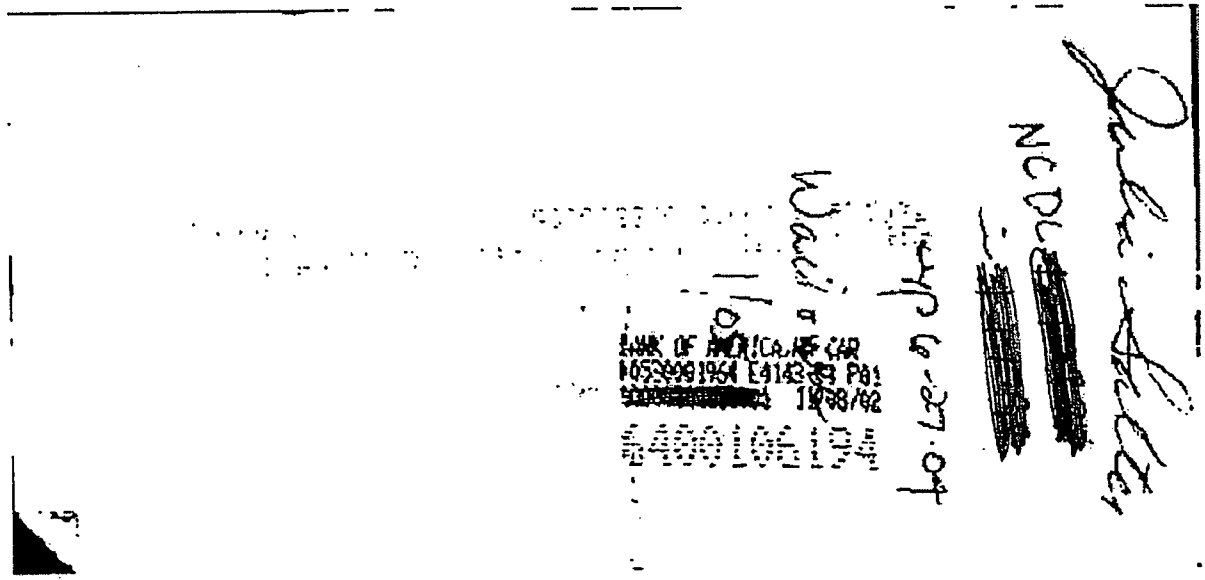
Pay to the order of Julia Salter $ 100.00

one hundred & —— 00/100 Dollars

Bank of America.
ACH R/T 053000196

For Poll worker

:053000196: 006[redacted] 0655 :00000 10000:



Amount: $239.63
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6700461031
Capture Date: 11/08/2002
Check Number: 660

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

660

Date 11-6-02

60-19/530 NC
1853

Pay to the order of Port City Sign Works $ 239.63

two hundred thirty nine & 63/100 Dollars

Bank of America.
ACH R/T 053000196

For Signs + Stands

Daryl L. Parker

⑆053000196⑆ 000[redacted] 0660 ⑈00000239⑆63⑈

FOR DEPOSIT ONLY
WACHOVIA ACC #[redacted]

55056845 WACH
CHAR, NC 110702
1 000 [redacted]

BANK OF AMERICA,NA CHR
[redacted] E4169 01 P01
11/05/02
6700461031

Confidential Treatment Requested by Bank of America

WRIGHT002700

Amount: $500.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6100543324
Capture Date: 11/12/2002
Check Number: 657

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

657

Date 11-5-02

66-19/530 NC
1853

Pay to the order of CASH $ 500.00

five hundred & —— 00/100 Dollars

Bank of America.
ACH R/T 053000196

For

Daryl G. Parker

⑆053000196⑆ 00[redacted] 0657 ⑈0000050000⑈

BANK OF AMERICA, NA CAR
[redacted] [illegible] 01 POS
11/12/02
6100543324

Amount: $275.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6700452902
Capture Date: 11/21/2001
Check Number: 625

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

625

Date 11-20-01

55-19/530 NC
1863

Pay to the order of Cingular $ 275.00

two hundred seventy five+ 00/100 Dollars

Bank of America.

For 910-232-1007

David L. Darby

⑆053000196⑆ 00[redacted] 0625 ⑈00000275⑈

FOR DEPOSIT ONLY

Cingular Wireless / BellSouth Mobility
BANK OF AMERICA
Account [redacted]
Amount Tendered: $275.00
Date: 11/20/2001
Cashier: [redacted]
Tran: [redacted]
Mobile # 910[redacted]
Cust Acct: [redacted]

B-5

Amount: $750.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6100422404
Capture Date: 06/07/2002
Check Number: 628

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

628

Date 6-7-02

66-19/530 NC
1853

Pay to the order of Thomas Wright $ 750.00

seven hundred fifty ——— w/00 Dollars

Bank of America

For Misc/ Refund Hazel Travis-Parker

⑆053000196⑆ 000[redacted] 0628 ⑈0000075000⑈

01354 023 066151 06-07 BANK OF AMERICA,NA CAR [redacted] CHG
5005601Se 0000000[redacted] 06/07/02 $750.00
6100422404

Amount: $1,050.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6200700378
Capture Date: 11/29/2002
Check Number: 664

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

664

Date 11-27-02 56-19/530 NC 1853

Pay to the order of Thomas Wright $ 1,050.00

one thousand fifty 00/100 Dollars

Bank of America.

ACH/RT 053000196

For reimbursement for fine Karen Davis-Parker

⑆053000196⑆ 0064 [redacted] 0664 ⑈0001050000⑈

BANK OF AMERICA,NA CAR
053000196 ESTM 01 P01
[redacted] 11/29/02
6200700378

Amount: $1,000.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6100137112
Capture Date: 10/30/2002
Check Number: 641

BoA ex 10/05 PIO

641

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

Date 10-28-02

55-19/530 NC 1853

Pay to the order of Thomas Wright $ 1000.00

one thousand and 00/100 Dollars

Bank of America.

For misc Karen Davis-Parker

⑈053000196⑈ 000[redacted] 0641 ⑈0000100000⑈

[redacted] $1,000.00
010851 005 090111 10-30-02 11:47 CASHED CHECK

BANK OF AMERICA,NA CHK
[redacted] 10/30/02
6100137112

B-9

Amount: $739.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6600618893
Capture Date: 12/05/2002
Check Number: 662

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

662

Date 11-6-02

56-19/530 NC
1853

Pay to the order of N.H. Printing Co. $ 739.00

seven hundred thirty nine —— 00/100 Dollars

Bank of America.

ACH R/T 053000196

5580

For 15,000 postcards Karen Davis-Parker

⑆053000196⑆ 000[redacted] 0662 ⑈00000739⑆00⑈

FOR DEPOSIT ONLY
NEW HANOVER PRINTING & PUB., INC
[redacted]

BANK OF AMERICA NA CHARLOTTE NC
[redacted]

Amount: $130.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 7401240787
Capture Date: 11/07/2002
Check Number: 661

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

661

Date 11-6-02

65-13/530 NC
1853

Pay to the order of St. Phillip AME Church $ 130.00

one hundred thirty ——— 00/100 Dollars

Bank of America.
ACH R/T 053000196

For 20 meals Karen Davis-Parker

⑆053000196⑆ 00[redacted] 0661 ⑈00000130000⑈

[redacted]

BANK OF AMERICA, AN CAR E
[redacted]

Amount: $1,063.60
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6700522351
Capture Date: 11/04/2002
Check Number: 645

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

645

Date 10-28-02

65-19/530 NC
1853

Pay to the order of Cumulus Broadcasting $ 1063 60

One thousand Sixty Three & 60/100 Dollars

Bank of America

For Advertising Laurel Davis Parker

⑆053000196⑆ 000[redacted] 0645 ⑈0000106360⑈

OT 02 31
BANK ONE, NA
[redacted]
#0740
00010

Credited To The Account
of the Within Named
Payee In Accordance With
Payees Instructions
Absence of Endorsement
Guaranteed
Bank One, NA
Lockbox Dept

[redacted]

Amount:	$500.00	Sequence Number:	6200349236
Account:	[redacted]	Capture Date:	10/31/2002
Bank Number:	05300019	Check Number:	642

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

642

Date 10-28-02 56-19/530 NC 1853

Pay to the order of Jack Bawes Campaign Comm $ 500.00

Five hundred and 00/100 Dollars

Bank of America.

For Karen Davis-Parker

⑆053000196⑆ 00[redacted] 0642 ⑈00000 50000⑈

Jack Wright mtg 4
Paul & Karen
for the house

BANK OF AMERICA/NA CHR
[redacted] E4543 01 001
10/31/02
[redacted]

OT 02 31
CENTURA BANK
ROCKY MOUNT N.C.

Amount: $314.71
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6400419944
Capture Date: 10/30/2002
Check Number: 640

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

640

Date 10-25-02

66-19/530 NC 1853

Pay to the order of Alpha Graphics $ 314.71

Three hundred fourteen 71/100 Dollars

Bank of America

For Advertising Karen Davis Parker

:053000196: 00[redacted] 0640 "000031471"

PAY TO THE ORDER OF FIRST CITIZENS BANK - NC WILMINGTON, NC 28405

FOR DEPOSIT ONLY ALPHAGRAPHICS 1241 PRINTSHOPS OF THE FUTURE

[redacted]

1135

[redacted]

:053100300: FIRST CITIZENS BANK 100 E TRYON RD RALEIGH NC 182982 [redacted]

6400419944

Amount: $2,236.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 7401130371
Capture Date: 10/29/2002
Check Number: 646

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

646

Date 10-28-02

55-19/530 MC
1853

Pay to the order of Postmaster $ 2236.00

two thousand two hundred thirty six Dollars

Bank of America.

For postage. Karen Davis-Parker

:053000196: 00[redacted] 0646 "0000223600"

01 [redacted]

BANK OF AMERICA, NA CHR
[illegible]
6A004A1216

Confidential Treatment Requested by Bank of America

Amount:	$500.00	Sequence Number:	7401532513
Account:	[redacted]	Capture Date:	10/24/2002
Bank Number:	05300019	Check Number:	638

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

638

Date 10-19-02

56-15/530 MC 1853

Pay to the order of Columbus Co. Democratic Party $ 500.00

Five hundred and no/100 Dollars

Bank of America.

For Rally

Karen Davis-Parker

⑆053000196⑆ 00[redacted] 0638 ⑈00000 50000⑈

[redacted] #5173
2901 MOTLEY BLVD PKTBLD
WILSON NC 27893 [redacted]
[redacted]

BANK OF AMERICA,NA CHK C
[redacted] E1792 02 P01
10/24/02
[redacted]

Columbus Co. Democratic Executive Committee

Amount: $500.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6400850689
Capture Date: 07/29/2002
Check Number: 633

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

633

Date 7-25-02 56-19/530 NC 1853

Pay to the order of Sid Causey for Sheriff Campaign $ 500.00

five hundred 00/100 Dollars

Bank of America.

For Contribution Karen Davis-Parker

⑆053000196⑆ 00[redacted] 0633 ⑈00000500000⑈

BANK OF AMERICA, NA
[redacted]
PAY TO THE ORDER OF
07/28/02

FIRST UNION NATL. BK-NJ
PHILADELPHIA PA

Deposit Only To

Amount: $500.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6600413210
Capture Date: 09/09/2002
Check Number: 634

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

634

Date 9-3-02

56-19/530 NC
1953

Pay to the order of Shelly Willingham $ 500.00

Five hundred 00/100 Dollars

Bank of America.

For Contribution Karen Davis-Parker

:053000196: [redacted] 0634 "000000500000"

[redacted]
Century Bank, Rocky Mt., N

BANK OF AMERICA,NA CAR
[redacted] E1667 01 P01
09/09/02
6600413210

Confidential Treatment Requested by Bank of America

WRIGHT002627

Amount:	$250.00	Sequence Number:	6700423271
Account:	[redacted]	Capture Date:	09/05/2002
Bank Number:	05300019	Check Number:	635

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

635

Date 9-3-02

56-19/530 NC 1853

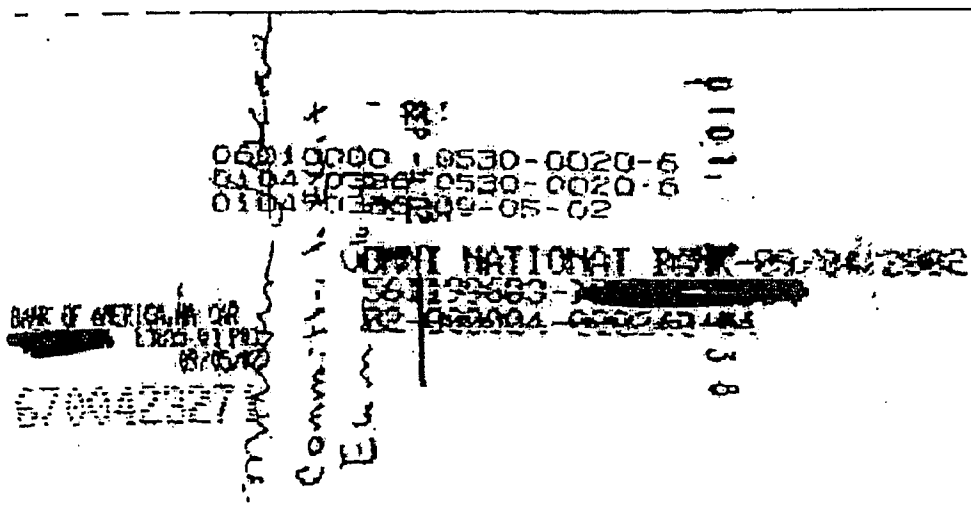
Pay to the order of Marvin Lucas $ 250.00

two hundred fifty 00/100 Dollars

Bank of America 09-05-02 060 4268 05

For E.F. Contribution Karen Davis-Parker

⑆053000196⑆ 00[redacted] 0635 ⑈00000 25000⑈



Amount: $4,000.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 7401329501
Capture Date: 07/16/2002
Check Number: 631

HSE-MBR DUES

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

631

Date 7-8-02

65-13/530 NC
1853

Pay to the order of NC House Democratic Caucus $ 4000.00

Four Thousand ——— 00/100 Dollars

Bank of America.

For

Karen Davis-Parker

⑆053000196⑆ [redacted] 0631 ⑈0000400000⑈

BANK OF AMERICA, NA CAR E
[redacted] 05300 01 P01
07/16/02
670027387S

PAY TO THE ORDER OF
BRANCH BANKING AND TRUST CO.
RALEIGH, NC 27602
01-11

NC HOUSE DEMOCRATIC COMMITTEE
FOR DEPOSIT ONLY

[redacted]

0100756655

Amount: $3,000.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 7401185991
Capture Date: 07/15/2002
Check Number: 632

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

632

Date 7-8-02

86-19/530 NC
1853

Pay to the order of Lawrence Bewley + Assoc. $ 3000.00

Three Thousand ——— 00/100 Dollars

Bank of America.

For _____ Karen Davis-Parker

⑆053000196⑆ [redacted] 0632 ⑈0000300000⑈

PAY TO THE ORDER OF
BRANCH BANKING AND TRUST CO
RALEIGH NORTH CAROLINA 27611
FOR DEPOSIT ONLY
LAWRENCE BEWLEY & ASSOCIATES
[redacted]

BANK OF AMERICA, N.A. CARY E
[redacted] E3731 01 P01
07/15/02
053000196

[redacted] 0831 #6477
2591 NORTH BLVD PE1021
WILSON NC 27893 07152002
0200146929

Amount: $454.30
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6300754529
Capture Date: 06/10/2002
Check Number: 629

629

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

Date 6-7-02

66-19/530 NC
1853

Pay to the order of Cingular Wireless $ 454.30

Four hundred fifty four 30/100 Dollars

Bank of America.

910-232-1007

For [redacted] Karen Davis-Parker

⑈053000196⑈ [redacted] 0629 ⑈000004543⓪⑈

BANK OF AMERICA CAR
[redacted] 1241 01 P01
[redacted] 06/10/02

Wacker - The Speaker wants the Ethics Committee to hear this.

Robin

Rep. Joe Hackney (Speaker)

From: Rep. Joe Hackney (Speaker)
Sent: Wednesday, May 23, 2007 12:09 PM
To: 'Joe Sinsheimer'
Subject: RE: Wright and the CRNA

Thanks. I will make sure this issue is included.
JH

From: Joe Sinsheimer [mailto:sinsheimer@bellsouth.net]
Sent: Wednesday, May 23, 2007 11:21 AM
To: Rep. Joe Hackney (Speaker)
Subject: Wright and the CRNA

Speaker Hackney.

As you will see from Mark Schreiner's article below, Rep. Wright failed to report more than $13,000 of the CRNA money that he received shortly before killing legislation that the CRNA lobby opposed. I think this is supportive of my argument that Rep. Wright (and perhaps others) killed the bill in a pay-to-play scheme. I am not going to embarrass your office by resubmitting my request for an investigation of this issue but it deserves examination by the legislature or the state ethics commission.

Joe Sinsheimer

More allegations against Wright brought to light

By Mark Schreiner
Raleigh Bureau Chief
mark.schreiner@starnewsonline.com

Raleigh | According to the N.C. State Board of Elections, Rep. Thomas Wright failed to report more than $13,000 in contributions from nurse anesthetists in 2005.

That new detail was included in a five-page "findings summary" that the board sent Monday to prosecutors in Raleigh and Wilmington seeking an investigation of the Port City Democrat.

In an interview Tuesday, Wright said he might have made mistakes on his reports but did not purposely fail to report those contributions.

It is a crime to purposely fail to disclose contributions, and it is perjury to knowingly file a false campaign finance report. Last week, the elections board alleged that Wright failed to disclose $220,000 in contributions and $234,000 in expenses. The board charged that he knowingly filed false reports, and its members voted unanimously to refer Wright's case to the Wake County prosecutor.

An earlier *Star-News* analysis of disclosure reports revealed that Wright has not reported receiving 273 donations totaling $119,607 that political committees have said they sent to him.

While the nurse group's effort to give contributions to Wright was mentioned at the elections board's

May 15 meeting, and nurses were available in the room to testify, the contributions got little more than a mention during the five-hour hearing.

After the May 15 hearing, investigator Kim Strach said, the board had Wright's banking records as well as information provided by the nurse contributors.

"They have been very helpful," she said.

The contributions were given legally, she said.

Strach refused a request to provide the list of nurse contributions, saying that information was part of the closed file of information the board would hand over to prosecutors.

Through its attorney, the nurses' trade association also refused a request for the list. The lawyer, Michael Crowell, said that was the best course of action because the information was part of a file of information that may become part of a criminal investigation.

In the board's summary, investigators said Wright received $18,075 from nurse anesthetists at a fundraiser held at the Seaside Club in Wrightsville Beach on Nov. 12, 2005, and that Wright failed to disclose $13,375 collected at that event.

What Wright did disclose receiving from nurses is spread across three quarterly reports.

He reported receiving a $2,000 donation from the N.C. Association of Nurse Anesthetists political committee on Nov. 16, 2005.

In his first 2006 campaign disclosure, Wright reported receiving $5,950 from individuals with occupations listed as CRNA, the industry acronym for a nurse anesthetist. The report doesn't indicate which contributions were given at the fundraiser and which might have been given before or after.

Making it harder to pinpoint when they were given is the fact that all of the contributions are listed as being received in February 2006. Other than those contributions, Wright reported one other contribution from a CNRA in 2006 - a $125 donation disclosed in his second quarter 2006 report.

"I recall submitting everything coming from" the nurses, he said. But if the list is not complete, he said, then "that is a mistake."

Joe Sinsheimer, who filed the original complaint against Wright to the elections board, charged that contributions were reported late to avoid controversy.

In summer 2005, Wright's health committee approved House Bill 503, a bill opposed by nurse anesthetists. Wright failed to bring the bill to the floor of the House, a move which effectively killed the bill.

Wright has said he did so because he felt the bill would hurt rural hospitals.

Mark Schreiner: (919) 835-1434

mark.schreiner@starnewsonline.com

Office of the Speaker

North Carolina House of Representatives
Raleigh 27601-1096

May 21, 2007

JOE HACKNEY
SPEAKER

The Honorable Daniel G. Clodfelter, Cochair
The Honorable Rick Glazier, Cochair
Legislative Ethics Committee

Dear Senator Clodfelter and Representative Glazier:

As Speaker, I have the solemn responsibility of protecting the integrity of the House of Representatives as an institution. Therefore, I am asking you to convene the Legislative Ethics Committee (LEC) so that it can investigate the alleged violation of the Legislative Ethics Act or the criminal law, or both, by Representative Thomas Wright.

As you know, the State Board of Elections (SBOE) conducted a hearing May 15, 2007, to consider allegations and evidence of alleged violations of campaign finance regulations and of other possible criminal wrongdoing. At the end of the hearing, the SBE referred the matter to the Wake County District Attorney to consider criminal charges against Representative Wright.

Due to the grave nature of the allegations and evidence, particularly that which indicates Representative Wright may have used his political office for personal financial gain, I believe it is essential that the General Assembly, through the LEC, also must conduct an investigation into this matter. As part of its investigation, I ask the LEC to review the attached order from the SBOE and the attached SBOE summary of the information analyzed for the investigation, and to consider any evidence that is available.

I ask that your committee expeditiously conduct this investigation.

Very truly yours,

Joe Hackney
Speaker

cc: The Honorable Marc Basnight

STATE BOARD OF ELECTIONS

6400 Mail Service Center • Raleigh, North Carolina 27699-6400

GARY O. BARTLETT
Executive Director

MAILING ADDRESS:
P.O. BOX 27255
RALEIGH, NC 27611-7255

May 21, 2007

The Honorable Colon Willoughby
PO Box 31
Raleigh, NC 27602-0031

VIA HAND DELIVERY

Dear Mr. Willoughby:

The State Board of Elections conducted an investigation into alleged violations of campaign finance regulations as identified in a complaint filed by Joe Sinsheimer and additional violations identified during the investigation of the complaint. The attached order reflects the vote of the State Board members at a hearing held on May 15, 2007 to refer Representative Thomas Wright and his political committees for consideration and possible prosecution. The transcript setting forth the factual basis for the referral will be forwarded as soon as we receive it.

The State Board is very appreciative of your willingness to accept responsibility for sifting through the evidence in this matter and working with the district attorney from New Hanover County in determining whether campaign finance and related violations should be prosecuted. We will be happy to provide any records we have obtained for prosecutorial review.

Finally, the State Board respectfully requests that should criminal action be pursued against Representative Wright or his committee, that an effort be made pursuant to N.C. G.S. 163-278.27(d) to obtain reimbursement for this Board and the State of the costs of this investigation as part of any criminal penalty assessed.

Please feel free to contact either me or Kim Strach with any questions you may have concerning this referral or any other matters related to this investigation. Thank you for your assistance in this matter.

Sincerely,

Gary O. Bartlett

Gary O. Bartlett
Executive Director

Cc: The Honorable Benjamin David

NORTH CAROLINA

WAKE COUNTY

BEFORE THE STATE BOARD OF ELECTIONS

IN RE: INVESTIGATION OF COMPLAINT OF JOE SINSHEIMER ALLEGING ILLEGAL CAMPAIGN ACTIVITY BY THE THOMAS WRIGHT CAMPAIGN AND ADDITIONAL POTENTIAL VIOLATIONS IDENTIFIED DURING THE INVESTIGATION	)	ORDER

THIS MATTER CAME BEFORE THE STATE BOARD OF ELECTIONS on May 15, 2007, on the complaint of Joe Sinsheimer. Christopher Brook represented Thomas Wright and the Thomas Wright Campaign. Upon review of the complaint of Joe Sinsheimer, information gathered by the staff of this Board, the reports of the staff, campaign reports filed with this Board, and testimony and other evidence of witnesses called by this Board, the State Board orders as follows:

By unanimous vote, IT IS NOW ORDERED, ADJUDGED AND DECREED, that this complaint and the matters developed during the investigation, including the commingling of political monies with the personal funds of Thomas Wright, the failure to timely and accurately file reports which reflect an accurate accounting of the campaign contributions received or expenditures made by Thomas Wright or his Committee, possible perjury with respect to those reports, and the possible willful receipt of illegal campaign contributions, be referred to the District Attorney of Wake County for consultation with the District Attorney of New Hanover County and evaluation, review and subsequent prosecution if deemed appropriate. The staff shall provide the information it has gathered in the course of this investigation to these authorities if requested to do so.

This the 21st day of May, 2007.

Larry Leake, Chairman
State Board of Elections

NORTH CAROLINA STATE BOARD OF ELECTIONS
CAMPAIGN FINANCE INVESTIGATION

OVERVIEW

In re:	Investigation of Complaint of Joe Sinsheimer alleging illegal campaign activity by the Thomas Wright Campaign and additional potential violations identified during the investigation
Case #:	2006-CF-051
Assigned to:	Kim Strach/Campaign Finance Audit and Compliance Staff

The following documents provide a summary of the information analyzed for the investigation of the Sinsheimer complaint about the Thomas Wright Campaign. The investigation of the complaint was expanded after irregularities were discovered in the audit of the financial records. Financial records were obtained for the years 2000 through early March 2007. The financial records included three bank accounts maintained by the Thomas Wright Campaign, Thomas Wright, and Thomas and Joyce Wright at Bank of America, one account at First Citizens Bank and one account at Coastal Federal Bank. Additionally, the bank records for the Community's Health Foundation were obtained and analyzed. The Community's Health Foundation was incorporated by Representative Thomas Wright.

The pertinent information is as follows and includes:

1. Complaint filed by Joe Sinsheimer

2. Sims Hugo Neu contributions and information regarding their receipt by Representative Wright.

    - Allegations of willfully delaying disclosure of contributions. Investigation found delay of reporting numerous contributions including those of Sims Hugo Neu employees. Wright was in a competitive primary and the landfill that Sims Hugo Neu was attempting to place in the Town of Navassa was extremely controversial. Wright deposited checks prior to

the primary but did not report their receipt until seven days before the general election. A sworn affidavit from Curtis Wright, talk show host, states that Wright told him in October of 2006 that he had not received contributions from employees of Sims Hugo Neu.

3. Summary of bank accounts analyzed
   - Wright had several bank accounts from 2000-2006. He commingled campaign contributions in accounts with personal receipts. Often, the campaign contributions that were deposited into commingled accounts funded personal expenditures that he would not have had the personal funds to cover. It was extremely difficult to determine the exact amount of expenditures that should have been reported by his political committee due to the commingling.

4. Campaign Finance history of the Thomas Wright Campaign (1997-present)
   - Wright has had a history of non-compliance with the Board. Even when he had designated another treasurer, he signed the campaign finance reports. Daryl Parker, treasurer of record during most of the period under investigation, never signed a disclosure report. His ex-wife was the Secretary on the bank account and did sign some checks. She indicated to staff during a telephone interview that she wrote checks at the direction of Thomas Wright without any supporting documentation. Mr. Parker was unwilling to meet and answer questions during the staff investigation. Both Parkers testified at the hearing but recalled very little specific information about the Committee.

5. Contributions not disclosed on any campaign finance report filed by the Thomas Wright Campaign
   - Wright has failed to provide disclosure of more than $211,000 since the year 2000. Using reports filed by PACs with this office, we were able to determine more than $30,000 in contributions he received from PACs that he didn't report on any campaign finance disclosure report during 1992-1999.

6. Contributions incorrectly reported
   - Of the contributions that he does disclose, over $68,000 were reported in a reporting period other than when he deposited the contribution.

7. Expenditures not disclosed on any campaign finance report filed by the Thomas Wright Campaign
   - The disclosure of expenditures was analyzed to identify those made from a "campaign" account or which were obviously campaign expenditures from a commingled account. More than $122,000 of these campaign expenditures were not reported since 2000. Because campaign contributions were deposited into accounts with personal receipts, it is difficult to determine whether more than $400,000 in expenditures were

campaign expenses or were personal expenses paid for with campaign funds. Until October 1, 2006, it was permissible for personal expenses to be paid from campaign funds so long as those expenditures were disclosed.

8. Summary of prohibited contributions
   - More than $14,000 of prohibited contributions (including checks made payable to the Community's Health Foundation) were received by Thomas Wright and deposited into one of his accounts.

9. Background information regarding legislation affecting nurse anesthetists and contributions made by nurse anesthetists in connection with a November 2005 fundraiser for Rep. Thomas Wright. This information was available to Board members as a result of the staff investigation but was not brought out at the hearing.
   - House Bill 503-Authorize Licensure/Anesthesiologist Assts. was filed on March 3, 2005. The bill among other things would require nurse anesthetists to be supervised by a physician. Nurse anesthetists were strongly opposed to this bill. House Bill 503 was referred to the Committee on Health. Rep. Wright served as Chair of this Committee. Beginning May 12, 2005, House Bill 503 was on the agenda of five meetings of the Committee on Health. On July 26, 2005, a motion was made for a favorable report to the committee substitute and for the bill to be referred to the Committee on Finance. Motion carried. Rep. Wright, Chairman of the Committee on Health, did not report the bill out of Committee. Thereafter, CRNA's approached Rep. Wright to ask him if they could plan and organize a fundraiser in his honor. Rep. Wright agreed and a fundraiser was held on November 12, 2005 at the Seaside Club in Wrightsville Beach. CRNA's and their lobbyists made contributions to the Thomas Wright Campaign at this event in the amount of $18,075.00. Rep. Wright failed to disclose $13,375.00 of these contributions. Daryl Parker testified that he remembered attending a fundraiser organized by nurses but he did not remember details.

10. The Community's Health Foundation background and summary of findings.
   - On April 18, 2001, Thomas E. Wright filed Articles of Incorporation for the Community's Health Foundation with the Secretary of State as a Non Profit Corporation. Thomas E. Wright is named as the initial registered agent and the street address of the corporation is disclosed as 925 North 4th St. Wilmington, NC 28401. The Articles of Incorporation indicate that the Corporation was set up as a 501(c)(3) not for profit corporation. However, our research indicates that the IRS "does not show an exemption by virtue of an approved application." We have found no record of this corporation receiving the tax exempt status.
   - On March 15, 2002, Torlen Wade, Acting Director of the Office of Research, Demonstrations, and Rural Health Developments, signed a letter

drafted at the request of Rep. Wright stating that the Office was committing $150,000 in funding toward the completion of the Community's Health Foundation's effort to convert the building located on the 900 block of 4th Street into Foundation offices, New Hanover Community Health Center offices and into a History Museum. The letter further states that the funding would be awarded by June 30, 2002. Mr. Wade provided this letter knowing his Office was not going to fund this project because they didn't have the money and could not use the money for the purpose of a Race Riot museum. Wright told him he didn't need him to provide the money because he had already secured the needed money, but he needed the letter to show he had funding. Wade stated that in retrospect he should not have written the letter.

- On April 5, 2002, The Community's Health Foundation signed a Promissory Note to Coastal Federal Bank for $150,000, due in six months (October 5, 2002). The note was signed by Thomas Wright and Dr. Dan Gottovi. Additionally, the Community's Health Foundation signed a note to Helyn Rogers Lofton for $150,000 also due on October 5, 2002. The Community's Health Foundation received no grants or other contributions at this time.
- Thomas E. Wright withdraws cash in the amount of $4,900 from his Campaign Account and purchases a cashier's check on October 31, 2002, to make a payment toward the Promissory Note to Coastal Federal Bank.
- Dr. Dan Gottovi wrote two checks totaling $4,324.18 between March 13th and March 18th of 2003 to Coastal Federal Bank after he received letters stating the building was in foreclosure status. His checks were an attempt to keep the building from going through foreclosure.
- No other payments are made on the Promissory Notes.
- Thomas E. Wright sent a letter on Feburary 6, 2004 to Lewis McKinney, employee of Anheuser-Busch Companies, soliciting money for the development of a building. He provided a federal tax id number and states that contributions are tax deductible. We can find no evidence that the Community's Health Foundation obtained a determination that it was a tax exempt corporation to which contributions were tax deductable. Anheuser-Busch cuts a check to the Community's Health Foundation on March 5, 2004, in the amount of $5,000. Thomas Wright deposited this check into one of his personal/campaign accounts on August 11, 2004.
- The Notice of Foreclosure for the building of The Community's Health Foundation was filed on June 22, 2004.
- Thomas Wright also deposits checks into his personal/campaign account from AT &T (corporate account) in the amount of $1,500 and Astra Zeneka (corporate account) in the amount of $2,400 on July 26, 2004 and August 11, 2004, respectively. The date on the AT&T check is April 1, 2004, and the check from Astra Zeneka was dated December 15, 2003.
- There is no transaction after the deposit of those checks in the account to which they were deposited indicating these funds were used in any way for The Community's Health Foundation.

- The bank account for The Community's Health Foundation was closed due to "charge off" on June 28, 2004.

11. Potential Election Law statutory violations
    - False certification of campaign reports is perjury:

1. **§ 163-278.32. Statements under oath.**

Any statement required to be filed under this Article shall be signed and certified as true and correct by the, media, candidate, treasurer or others required to file it, and shall be certified as true and correct to the best of the knowledge of the individual, media, candidate, treasurer or others filing the statement; provided further that the candidate shall certify as true and correct to the best of his knowledge the organizational report and appointment of treasurer filed for the candidate or the candidate's principal campaign committee. Any person making a certification under this Article knowing the information to be untrue may be prosecuted for perjury under G.S. 14-209.

2. Intentional failure of a political committee to report contributions received and expenditures made within seven days prior to the date a report is due is a violation of GS 163-278.9(b) and is misdemeanor under GS 163-278.27 (a). The statute of limitations for a criminal violation runs from the day the last report is due to be filed for the election cycle during which the violation occurred.

3. Intentional acceptance by a political committee of corporate contributions is a violation of GS 163-278.15 and violation of it is a misdemeanor as set forth in #2 above. Commingling corporate funds with individual and political committee contributions is improper.

4. The treasurer of a political committee shall keep detailed accounts, current within no more than seven days after the date of receiving a contribution or making an expenditure, of all contributions received and all expenditures made by or on behalf of the candidate, political committee, or referendum committee. G.S. 163-278.8(a). Intentional violation of this statute is a misdemeanor as set forth in #2 above.

[redacted]

State of North Carolina
Department of the Secretary of State

SOSID: 588358
Date Filed: 4/18/2001 3:59 PM
Elaine F. Marshall
North Carolina Secretary of State

ARTICLES OF INCORPORATION
NONPROFIT CORPORATION

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 corporation is: The Community's Health Foundation, Inc.

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

3. The street address and county of the initial registered office of the corporation is:

   Number and Street 322 S. 17th Street

   City, State, Zip Code Wilmington, NC 28401 County New Hanover

4. The mailing address *if different from the street address* of the initial registered office is:

   same

5. The name of the initial registered agent is:

   Thomas E. Wright

6. The name and address of each incorporator is as follows:
   Thomas E. Wright, 322 S. 17th St., Wilmington, NC 28401
   Daniel Gottovi, MD, 116 Mertingale Ln., Wilmington, NC 28409
   James Lofton, 117 Avant Dr., Wilmington, NC 28405
   Bessie Funderburg, 414 S. 14th St., Wilmington, NC 28401

7. (Check either a or b below.)
   a. x The corporation will have members.
   b. ___ The corporation will not have members.

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

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

10. The street address and county of the principal office of the corporation is:

    925 North 4th St., Wilmington, NC 28401 County New Hanover

11. The mailing address *if different from the street address* of the principal office is:

    Same

Purpose of Corporation

This corporation is organized for the following purpose(s) (*check as applicable*):

____religious,

_x_ charitable,

_x_ educational,

____testing for public safety,

_x_ scientific,

____literary,

____fostering national or international amateur sports competition, and/or

____prevention of cruelty to children or animals,

including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under Sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1986 (herein the "Code") (or the corresponding provisions of any future United States Internal Revenue Code).

Prohibited Activities

No part of the net earnings of the corporation shall inure to the benefit of or be distributable to, its members, directors, officers, or other private persons except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of purposes set forth in these articles of incorporation. No substantial part of the activities of the corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation, and the corporation shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provisions of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 501(c)(3) of the Code or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Code.

Distributions Upon Dissolution

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

This is the ____ day of _____, 20____.

Thomas E. Wright

Signature of Incorporator

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

NOTES:
Filing fee is $60. This document and one exact or conformed copy of these Articles must be filed with the Secretary of State.

January 2000

...TIONS DIVISION

P. O. BOX 29622

RALEIGH, NC 27626-0622

Form N-01

04/11/2001 11:54 919-807-2063

PROMISSORY NOTE

B-2

Principal	Loan Date	Maturity	Loan No	Call / Coll	Account	Officer	Initials
$150,000.00	04-05-2002	10-05-2002	[redacted]		2000		

References in the shaded area are for Lender's use only and do not limit the applicability of this document to any particular loan or item.
Any item above containing "***" has been omitted due to text length limitations.

Borrower: THE COMMUNITY HEALTH FOUNDATION INC (TIN: [redacted])
322 S. 17TH STREET
WILMINGTON, NC 28401

Lender: Coastal Federal Bank
Wilmington Central Business District
100 Market Street
Wilmington, NC 28401
(910) 763-2172

Principal Amount: $150,000.00 **Initial Rate:** 6.250% **Date of Note:** April 5, 2002

PROMISE TO PAY. THE COMMUNITY HEALTH FOUNDATION INC ("Borrower") promises to pay to Coastal Federal Bank ("Lender"), or order, in lawful money of the United States of America, the principal amount of One Hundred Fifty Thousand & 00/100 Dollars ($150,000.00), together with interest on the unpaid principal balance from April 5, 2002, until paid in full.

PAYMENT. Borrower will pay this loan in one principal payment of $150,000.00 plus interest on October 5, 2002. This payment due on October 5, 2002, will be for all principal and all accrued interest not yet paid. Unless otherwise agreed or required by applicable law, payments will be applied first to accrued unpaid interest, then to principal, and any remaining amount to any unpaid collection costs and late charges. The annual interest rate for this Note is computed on a 365/360 basis; that is, by applying the ratio of the annual interest rate over a year of 360 days, multiplied by the outstanding principal balance, multiplied by the actual number of days the principal balance is outstanding. Borrower will pay Lender at Lender's address shown above or at such other place as Lender may designate in writing.

VARIABLE INTEREST RATE. The interest rate on this Note is subject to change from time to time based on changes in an independent index which is the Prime Rate as published in the "Money Rates" section of The Wall Street Journal (the "Index"). The Index is not necessarily the lowest rate charged by Lender on its loans. If the index becomes unavailable during the term of this loan, Lender may designate a substitute index after notice to Borrower. Lender will tell Borrower the current index rate upon Borrower's request. The interest rate change will not occur more often than each day after any change in the index. Borrower understands that Lender may make loans based on other rates as well. The index currently is 4.750% per annum. The interest rate to be applied to the unpaid principal balance of this Note will be at a rate of 1.500 percentage points over the Index, rounded up to the nearest 0.125 percent, resulting in an initial rate of 6.250% per annum. NOTICE: Under no circumstances will the interest rate on this Note be more than the maximum rate allowed by applicable law.

PREPAYMENT. Borrower agrees that all loan fees and other prepaid finance charges are earned fully as of the date of the loan and will not be subject to refund upon early payment (whether voluntary or as a result of default), except as otherwise required by law. Except for the foregoing, Borrower may pay without penalty all or a portion of the amount owed earlier than it is due. Early payments will not, unless agreed to by Lender in writing, relieve Borrower of Borrower's obligation to continue to make payments under the payment schedule. Rather, early payments will reduce the principal balance due. Borrower agrees not to send Lender payments marked "paid in full", "without recourse", or similar language. If Borrower sends such a payment, Lender may accept it without losing any of Lender's rights under this Note, and Borrower will remain obligated to pay any further amount owed to Lender. All written communications concerning disputed amounts, including any check or other payment instrument that indicates that the payment constitutes "payment in full" of the amount owed or that is tendered with other conditions or limitations or as full satisfaction of a disputed amount must be mailed or delivered to: Coastal Federal Bank, 2810 Oak Street Myrtle Beach, SC 29577.

LATE CHARGE. If a payment is 15 days or more late, Borrower will be charged 4.000% of the unpaid portion of the regularly scheduled payment. This late charge shall be paid to Lender by Borrower to compensate Lender for Lender's extra costs and expenses caused by the late payment.

INTEREST AFTER DEFAULT. Upon default, including failure to pay upon final maturity, at Lender's option and if permitted by applicable law, Lender may add any unpaid accrued interest to principal and such sum will bear interest therefrom until paid at the rate provided in this Note (including any increased rate). Upon default, Lender, at its option, may, if permitted under applicable law, increase the variable interest rate on this Note to 8.500 percentage points over the Index. The interest rate will not exceed the maximum rate permitted by applicable law.

DEFAULT. Each of the following shall constitute an event of default ("Event of Default") under this Note:

Payment Default. Borrower fails to make any payment when due under this Note.

Other Defaults. Borrower fails to comply with or to perform any other term, obligation, covenant or condition contained in this Note or in any of the related documents or to comply with or to perform any term, obligation, covenant or condition contained in any other agreement between Lender and Borrower.

Default in Favor of Third Parties. Borrower or any Grantor defaults under any loan, extension of credit, security agreement, purchase or sales agreement, or any other agreement, in favor of any other creditor or person that may materially affect any of Borrower's property or Borrower's ability to repay this Note or perform Borrower's obligations under this Note or any of the related documents.

False Statements. Any warranty, representation or statement made or furnished to Lender by Borrower or on Borrower's behalf under this Note or the related documents is false or misleading in any material respect, either now or at the time made or furnished or becomes false or misleading at any time thereafter.

Insolvency. The dissolution or termination of Borrower's existence as a going business, the insolvency of Borrower, the appointment of a receiver for any part of Borrower's property, any assignment for the benefit of creditors, any type of creditor workout, or the commencement of any proceeding under any bankruptcy or insolvency laws by or against Borrower.

Creditor or Forfeiture Proceedings. Commencement of foreclosure or forfeiture proceedings, whether by judicial proceeding, self-help, repossession or any other method, by any creditor of Borrower or by any governmental agency against any collateral securing the loan. This includes a garnishment of any of Borrower's accounts, including deposit accounts, with Lender. However, this Event of Default shall not apply if there is a good faith dispute by Borrower as to the validity or reasonableness of the claim which is the basis of the creditor or forfeiture proceeding and if Borrower gives Lender written notice of the creditor or forfeiture proceeding and deposits with Lender monies or a surety bond for the creditor or forfeiture proceeding, in an amount determined by Lender, in its sole discretion, as being an adequate reserve or bond for the dispute.

Events Affecting Guarantor. Any of the preceding events occurs with respect to any guarantor, endorser, surety, or accommodation party of any of the Indebtedness or any guarantor, endorser, surety, or accommodation party dies or becomes incompetent, or revokes or disputes the validity of, or liability under, any guaranty of the Indebtedness evidenced by this Note.

Change in Ownership. Any change in ownership of twenty-five percent (25%) or more of the common stock of Borrower.

Adverse Change. A material adverse change occurs in Borrower's financial condition, or Lender believes the prospect of payment or performance of this Note is impaired.

Insecurity. Lender in good faith believes itself insecure.

LENDER'S RIGHTS. Upon default, Lender may declare the entire unpaid principal balance on this Note and all accrued unpaid interest immediately due, and then Borrower will pay that amount.

ATTORNEYS' FEES; EXPENSES. Lender may hire or pay someone else to help collect this Note if Borrower does not pay. Borrower will pay Lender that amount. This includes, subject to any limits under applicable law, Lender's attorneys' fees and Lender's legal expenses, whether or not there is a lawsuit, including attorneys' fees, expenses for bankruptcy proceedings (including efforts to modify or vacate any automatic stay or injunction), and appeals. If not prohibited by applicable law, Borrower also will pay any court costs, in addition to all other sums provided by law.

JURY WAIVER. Lender and Borrower hereby waive the right to any jury trial in any action, proceeding, or counterclaim brought by either Lender or Borrower against the other.

GOVERNING LAW. This Note will be governed by, construed and enforced in accordance with federal law and the laws of the State of North Carolina. This Note has been accepted by Lender in the State of North Carolina.

RIGHT OF SETOFF. To the extent permitted by applicable law, Lender reserves a right of setoff in all Borrower's accounts with Lender (whether checking, savings, or some other account). This includes all accounts Borrower may open in the future. However, this does not include any IRA or Keogh accounts, or any trust accounts for which setoff would be prohibited by law. Borrower authorizes Lender, to the extent permitted by applicable law, to charge or setoff all sums owing on the Indebtedness against any and all such accounts, and, at Lender's option, to administratively freeze all such accounts to allow Lender to protect Lender's charge and setoff rights provided in this paragraph.

COLLATERAL. Borrower acknowledges this Note is secured by the following collateral described in the security instruments listed herein, all the terms and conditions of which are hereby incorporated and made a part of this Note.

(A) a Deed of Trust dated April 5, 2002, to a trustee in favor of Lender on real property located in NEW HANOVER County, State of North Carolina.

PROMISSORY NOTE (Continued)

Loan No [redacted]

(B) an Assignment of All Rents to Lender on real property located in NEW HANOVER County, State of North Carolina.

SUCCESSOR INTERESTS. The terms of this Note shall be binding upon Borrower, and upon Borrower's heirs, personal representatives, successors and assigns, and shall inure to the benefit of Lender and its successors and assigns.

NOTIFY US OF INACCURATE INFORMATION WE REPORT TO CONSUMER REPORTING AGENCIES. Please notify us if we report any inaccurate information about your account(s) to a consumer reporting agency. Your written notice describing the specific inaccuracy(ies) should be sent to us at the following address: Coastal Federal Bank 2019 Oak Street Myrtle Beach, SC 29577

GENERAL PROVISIONS. Lender may delay or forgo enforcing any of its rights or remedies under this Note without losing them. Borrower and any other person who signs, guarantees or endorses this Note, to the extent allowed by law, waives presentment, demand for payment, and notice of dishonor. Upon any change in the terms of this Note, and unless otherwise expressly stated in writing, no party who signs this Note, whether as maker, guarantor, accommodation maker or endorser, shall be released from liability. All such parties agree that Lender may renew or extend (repeatedly and for any length of time) this loan or release any party or guarantor or collateral; or impair, fail to realize upon or perfect Lender's security interest in the collateral; and take any other action deemed necessary by Lender without the consent of or notice to anyone. All such parties also agree that Lender may modify this loan without the consent of or notice to anyone other than the party with whom the modification is made. The obligations under this Note are joint and several.

PRIOR TO SIGNING THIS NOTE, BORROWER READ AND UNDERSTOOD ALL THE PROVISIONS OF THIS NOTE, INCLUDING THE VARIABLE INTEREST RATE PROVISIONS. BORROWER AGREES TO THE TERMS OF THE NOTE.

BORROWER ACKNOWLEDGES RECEIPT OF A COMPLETED COPY OF THIS PROMISSORY NOTE.

BORROWER:

THE COMMUNITY HEALTH FOUNDATION INC

By: HOWARD E WRIGHT, President of THE COMMUNITY HEALTH FOUNDATION INC

By: DANIEL C TROVE, Treasurer of THE COMMUNITY HEALTH FOUNDATION INC

(5)

B-3

FOR REGISTRATION REGISTER OF DEEDS
REBECCA T. CHRISTIAN
NEW HANOVER COUNTY, NC
2002 APR 05 04:17:45 PM
BK:3259 PG:842-847 FEE:$26.00
INSTRUMENT # 2002017362

WHEN RECORDED MAIL TO:
Coastal Federal Bank
Wilmington Central Business District
109 Market Street
Wilmington, NC 28401

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

This Deed of Trust prepared by: X ALAN M. SOLANA RETURNED TO

DEED OF TRUST SECURING FUTURE ADVANCES

THIS DEED OF TRUST is dated April 5, 2002, among THE COMMUNITY HEALTH FOUNDATION INC, whose address is 322 S. 17TH STREET, WILMINGTON, NC 28401 ("Grantor"); Coastal Federal Bank, whose address is Wilmington Central Business District, 109 Market Street, Wilmington, NC 28401 (referred to below sometimes as "Lender" and sometimes as "Beneficiary"); and Michael C. Gerald, whose address is 2619 Oak Street, Myrtle Beach, SC 29577 (referred to below as "Trustee").

CONVEYANCE AND GRANT. NOW, THEREFORE, as security for the Indebtedness, advancements and other sums expended by the Beneficiary pursuant to this Deed of Trust and costs of collection (including attorneys' fees as provided in the Note) and other valuable consideration, the receipt of which is hereby acknowledged, Grantor has bargained, sold, given, granted and conveyed and does by these presents bargain, sell, give, grant and convey to Trustee, and Trustee's heirs or successors and assigns, for the benefit of Lender as Beneficiary, all of Grantor's right, title, and interest in and to the following described real property, together with all existing or subsequently erected or affixed buildings, improvements and fixtures; all easements, rights of way, and appurtenances; all water, water rights and ditch rights (including stock in utilities with ditch or irrigation rights); and all other rights, royalties, and profits relating to the real property, including without limitation all minerals, oil, gas, geothermal and similar matters, (the "Real Property") located in NEW HANOVER County, State of North Carolina:

grantor awards all of its rights to the property to trustee as security for indebtedness on the property.

See "EXHIBIT A", which is attached to this Deed of Trust and made a part of this Deed of Trust as if fully set forth herein.

The Real Property or its address is commonly known as 926 N. 4TH STREET, WILMINGTON, NC 28401.

To have and to hold said Real Property with all privileges and appurtenances thereunto belonging, to the Trustee, his heirs, successors and assigns forever, upon the trusts, terms and conditions and for the uses hereinafter set forth.

Grantor presently assigns to Lender (also known as Beneficiary in this Deed of Trust) all of Grantor's right, title, and interest in and to all present and future leases of the Property and all Rents from the Property. In addition, Grantor grants to Lender a Uniform Commercial Code security interest in the Personal Property and Rents.

grantor gives bank present + future leases/rents + UCC security interest

THIS DEED OF TRUST, INCLUDING THE ASSIGNMENT OF RENTS AND THE SECURITY INTEREST IN THE RENTS AND PERSONAL PROPERTY, IS GIVEN TO SECURE (A) PAYMENT OF THE INDEBTEDNESS AND (B) PERFORMANCE OF ANY AND ALL OBLIGATIONS UNDER THIS DEED OF TRUST. THIS DEED OF TRUST IS GIVEN AND ACCEPTED ON THE FOLLOWING TERMS:

FUTURE ADVANCES. The Indebtedness secured by this Deed of Trust is for present and future obligations and this Deed of Trust is given to secure all present and future obligations of Grantor to Beneficiary. The period in which future obligations may be incurred and secured by this Deed of Trust is the period between the date hereof and that date which is fifteen (15) years from the date hereof. The amount of present obligations secured by this Deed of Trust is One Hundred Fifty Thousand & 00/100 Dollars ($150,000.00) and the maximum principal amount, including present and future obligations, which may be secured by this Deed of Trust at any one time is One Hundred Fifty Thousand & 00/100 Dollars ($150,000.00.) Any additional amounts advanced by Beneficiary pursuant to the provisions of this Deed of Trust shall be deemed necessary expenditures for the protection of the security. Each future advance need not be evidenced by a written instrument or notation signed by Grantor or any other person evidencing or stipulating that such advance is secured by this Deed of Trust. All future obligations shall be considered to be made pursuant to the requirements of North Carolina General Statutes Sections 45-67, et. seq., or any amendments thereto.

indebtedness for 15 yrs.

PAYMENT AND PERFORMANCE. Except as otherwise provided in this Deed of Trust, Grantor shall pay to Lender all amounts secured by this Deed of Trust as they become due, and shall strictly and in a timely manner perform all of Grantor's obligations under the Note, this Deed of Trust, and the Related Documents.

POSSESSION AND MAINTENANCE OF THE PROPERTY. Grantor agrees that Grantor's possession and use of the Property shall be governed by the following provisions:

Possession and Use. Until the occurrence of an Event of Default, Grantor may (1) remain in possession and control of the Property; (2) use, operate or manage the Property; and (3) collect the Rents from the Property.

Duty to Maintain. Grantor shall maintain the Property in tenantable condition and promptly perform all repairs, replacements, and maintenance necessary to preserve its value.

Hazardous Substances. Grantor represents and warrants that the Property never has been, and never will be so long as this Deed of Trust remains a lien on the Property, used for the generation, manufacture, storage, treatment, disposal, release or threatened release of any Hazardous Substance in violation of any Environmental Laws. Grantor authorizes Lender and its agents to enter upon the Property to make such inspections and tests as Lender may deem appropriate to determine compliance of the Property with this section of the Deed of Trust. Grantor hereby (1) releases and waives any future claims against Lender for indemnity or contribution in the event Grantor becomes liable for cleanup or other costs under any such laws, and (2) agrees to indemnify and hold harmless Lender against any and all claims and losses resulting from a breach of this paragraph of the Deed of Trust. This obligation to indemnify shall survive the payment of the Indebtedness and the satisfaction of this Deed of Trust.

DUE ON SALE - CONSENT BY LENDER. Lender may, at Lender's option, declare immediately due and payable all sums secured by this Deed of Trust upon the sale or transfer, without Lender's prior written consent, of all or any part of the Real Property, or any interest in the Real Property. A "sale or transfer" means the conveyance of Real Property or any right, title or interest in the Real Property; whether legal, beneficial or equitable; whether voluntary or involuntary; whether by outright sale, deed, installment sale contract, land contract, contract for deed, leasehold interest with a term greater than three (3) years, lease-option contract, or by sale, assignment, or transfer of any beneficial interest in or to any land trust holding title to the Real Property, or by any other method of conveyance of an interest in the Real Property. If any Grantor is a corporation, partnership or limited liability company, transfer also includes any change in ownership of more than twenty-five percent (25%) of the voting stock, partnership interests or limited liability company interests, as the case may be, of such Grantor. However, this option shall not be exercised by Lender if such exercise is prohibited by federal law or by North Carolina law.

TAXES AND LIENS. The following provisions relating to the taxes and liens on the Property are part of this Deed of Trust:

Payment. Grantor shall pay when due (and in all events prior to delinquency) all taxes, special taxes, assessments, charges (including water and sewer), fines and impositions levied against or on account of the Property, and shall pay when due all claims for work done on or for services rendered or material furnished to the Property. Grantor shall maintain the Property free of all liens having priority over or equal to the interest of Lender under this Deed of Trust, except for the lien of taxes and assessments not due and except as otherwise provided in this Deed of Trust.

PROPERTY DAMAGE INSURANCE. The following provisions relating to insuring the Property are a part of this Deed of Trust.

Maintenance of Insurance. Grantor shall procure and maintain policies of fire insurance with standard extended coverage endorsements on a replacement basis for the full insurable value covering all Improvements on the Real Property in an amount sufficient to avoid application of any coinsurance clause, and with a standard mortgagee clause in favor of Lender. Grantor shall also procure and maintain comprehensive general liability insurance in such coverage amounts as Lender may request with Trustee and Lender being named as additional insureds in such liability insurance policies. Additionally, Grantor shall maintain such other insurance, including but not limited to hazard, business interruption, and boiler insurance, as Lender may reasonably require. Policies shall be written in form, amounts, coverages and basis reasonably acceptable to Lender and issued by a company or companies reasonably acceptable to Lender. Grantor, upon request of Lender, will deliver to Lender from time to time the policies or certificates of insurance in form satisfactory to Lender, including stipulations that coverages will not be cancelled or diminished without at least ten (10) days prior written notice to Lender. Each insurance policy also shall include an endorsement providing that coverage in favor of Lender will not be impaired in any way by any act, omission or default of Grantor or any other person. Should the Real Property be located in an area designated by the Director of the Federal Emergency Management Agency as a special flood hazard area, Grantor agrees to obtain and maintain Federal Flood Insurance, if available, within 45 days after notice is given by Lender that the Property is located in a special flood hazard area, for the full unpaid principal balance of the loan and any prior liens on the property securing the loan, up to the maximum policy limits set under the National Flood Insurance Program, or as otherwise required by Lender, and to maintain such insurance for the term of the loan.

LENDER'S EXPENDITURES. If any action or proceeding is commenced that would materially affect Lender's interest in the Property or if Grantor fails to comply with any provision of this Deed of Trust or any Related Documents, including but not limited to Grantor's failure to discharge or pay when due any amounts Grantor is required to discharge or pay under this Deed of Trust or any Related Documents, Lender on Grantor's behalf may (but shall not be obligated to) take any action that Lender deems appropriate on the Property and paying all costs for insuring, maintaining and preserving the Property. All such expenditures incurred or paid by Lender for such purposes will then bear interest at the rate charged under the Note from the date incurred or paid by Lender to the date of repayment by Grantor. All such expenses will become a part of the Indebtedness and, at Lender's option, will (A) be payable on demand; (B) be added to the balance of the Note and be apportioned among and be payable with any installment payments to become due during either (1) the term of any applicable insurance policy; or (2) the remaining term of the Note; or (C) be treated as a balloon payment which will be due and payable at the Note's maturity.

WARRANTY; DEFENSE OF TITLE. The following provisions relating to ownership of the Property are a part of this Deed of Trust:

Title. Grantor warrants that: (a) Grantor holds good and marketable title of record to the Property in fee simple, free and clear of all liens and encumbrances other than those set forth in the Real Property description or in any title insurance policy, title report, or final title opinion issued in favor of, and accepted by, Lender in connection with this Deed of Trust, and (b) Grantor has the full right, power, and authority to execute and deliver this Deed of Trust to Lender.

Defense of Title. Subject to the exception in the paragraph above, Grantor warrants and will forever defend the title to the Property against the lawful claims of all persons.

DEFAULT. Each of the following, at Lender's option, shall constitute an Event of Default under this Deed of Trust:

Payment Default. Grantor fails to make any payment when due under the Indebtedness.

Default on Other Payments. Failure of Grantor within the time required by this Deed of Trust to make any payment for taxes or insurance, or any other payment necessary to prevent filing of or to effect discharge of any lien.

Other Default. Grantor fails to comply with any other term, obligation, covenant or condition contained in this Deed of Trust, the Note or in any of the Related Documents.

Compliance Default. Failure to comply with any other term, obligation, covenant or condition contained in this Deed of Trust, the Note or in any of the Related Documents.

Default in Favor of Third Parties. Should Grantor default under any loan, extension of credit, security agreement, purchase or sales agreement, or any other agreement, in favor of any other creditor or person that may materially affect any of Grantor's property or Grantor's ability to repay the Indebtedness or perform Grantor's obligations under this Deed of Trust or any related document.

Insolvency. The dissolution or termination of Grantor's existence as a going business, the insolvency of Grantor, the appointment of a receiver for any part of Grantor's property, any assignment for the benefit of creditors, any type of creditor workout, or the commencement of any proceeding under any bankruptcy or insolvency laws by or against Grantor.

Events Affecting Guarantor. Any of the preceding events occurs with respect to any guarantor, endorser, surety, or accommodation party of any of the Indebtedness or any guarantor, endorser, surety, or accommodation party dies or becomes incompetent, or revokes or disputes the validity of, or liability under, any Guaranty of the Indebtedness.

Adverse Change. A material adverse change occurs in Grantor's financial condition, or Lender believes the prospect of payment or performance of the Indebtedness is impaired.

Insecurity. Lender in good faith believes itself insecure.

RIGHTS AND REMEDIES ON DEFAULT. Upon the occurrence of any Event of Default under any Indebtedness, or should Grantor fail to comply with any of Grantor's obligations under this Deed of Trust, Trustee or Lender may exercise any one or more of the following rights and remedies:

Election of Remedies. Election by Lender to pursue any remedy shall not exclude pursuit of any other remedy, and an election to make expenditures or to take action to perform an obligation of Grantor under this Deed of Trust, after Grantor's failure to perform, shall not affect Lender's right to declare a default and exercise its remedies.

Accelerate Indebtedness. Lender shall have the right at its option without notice to Grantor to declare the entire Indebtedness immediately due and payable, including any prepayment penalty which Grantor would be required to pay.

Express Power of Sale Provision. Upon the application or request of Lender, it shall be lawful for and the duty of the Trustee, and the Trustee is hereby authorized and empowered, to expose to sale and to sell the Property at public auction for cash, after having first complied with all applicable requirements of North Carolina law with respect to the exercise of powers of sale contained in deeds of trust or such other sales appropriate under the circumstances; and upon any such sale, the Trustee shall convey title to the purchaser in fee simple. In the event of any sale under this Deed of Trust by virtue of the exercise of the powers granted in this Deed of Trust, or pursuant to any order and any judicial proceeding or otherwise, the Property may be sold as an entirety or in separate parcels and in such manner or order as Lender in its sole discretion may elect. Trustee shall be authorized to hold a sale pursuant to North Carolina General Statute Chapter 45. If Trustee so elects, Trustee may sell the Property covered by this Deed of Trust at one or more separate sales in any manner permitted by applicable North Carolina law, and any exercise of the powers granted in this Deed of Trust shall not extinguish or exhaust such powers, until the entire Property is sold or the Indebtedness is paid in full. If such Indebtedness is now or hereafter further secured by any chattel mortgages, pledges, contracts of guaranty, assignments of lease or other security instruments, Lender may at its option exercise the remedies granted under any of the security agreements either concurrently or independently and in such order as Lender may determine.

Foreclosure. With respect to all or any part of the Real Property, the Trustee shall have the right to foreclose by notice and sale, and Lender shall have the right to foreclose by judicial foreclosure, in either case in accordance with and to the full extent provided by applicable law.

Other Remedies. Trustee or Lender shall have any other right or remedy provided in this Deed of Trust or the Note or by law.

Sale of the Property. To the extent permitted by applicable law, Grantor hereby waives any and all rights to have the Property marshalled. In exercising its rights and remedies, the Trustee or Lender shall be free to sell all or any part of the Property together or separately, in one sale or by separate sales. Lender shall be entitled to bid at any public sale on all or any portion of the Property.

Attorneys' Fees; Expenses. If Lender institutes any suit or action to enforce any of the terms of this Deed of Trust, Lender shall be entitled to recover such sum as the court may adjudge reasonable as attorneys' fees at trial and upon any appeal. Whether or not any court action is involved, and to the extent not prohibited by law, all reasonable expenses Lender incurs that in Lender's opinion are necessary at any time for the protection of its interest or the enforcement of its rights shall become a part of the Indebtedness payable on demand and shall bear interest at the

Note rate from the date of the expenditure until repaid. Expenses covered by this paragraph include, without limitation, however subject to any limits under applicable law, Lender's attorneys' fees and Lender's legal expenses, whether or not there is a lawsuit, including attorneys' fees and expenses for bankruptcy proceedings (including efforts to modify or vacate any automatic stay or injunction), appeals, and any anticipated post-judgment collection services, the cost of searching records, obtaining title reports (including foreclosure reports), surveyors' reports, and appraisal fees, title insurance, and fees for the Trustee, to the extent permitted by applicable law. Grantor also will pay any court costs, in addition to all other sums provided by law.

MISCELLANEOUS PROVISIONS. The following miscellaneous provisions are a part of this Deed of Trust:

Governing Law. This Deed of Trust will be governed by, construed and enforced in accordance with federal law and the laws of the State of North Carolina. This Deed of Trust has been accepted by Lender in the State of North Carolina.

Time is of the Essence. Time is of the essence in the performance of this Deed of Trust.

DEFINITIONS. The following capitalized words and terms shall have the following meanings when used in this Deed of Trust. Unless specifically stated to the contrary, all references to dollar amounts shall mean amounts in lawful money of the United States of America. Words and terms used in the singular shall include the plural, and the plural shall include the singular, as the context may require. Words and terms not otherwise defined in this Deed of Trust shall have the meanings attributed to such terms in the Uniform Commercial Code:

Beneficiary. The word "Beneficiary" means Coastal Federal Bank, and its successors and assigns.

Borrower. The word "Borrower" means THE COMMUNITY HEALTH FOUNDATION INC, and all other persons and entities signing the Note in whatever capacity.

Deed of Trust. The words "Deed of Trust" mean this Deed of Trust among Grantor, Lender, and Trustee, and includes without limitation all assignment and security interest provisions relating to the Personal Property and Rents.

Environmental Laws. The words "Environmental Laws" mean any and all state, federal and local statutes, regulations and ordinances relating to the protection of human health or the environment, including without limitation the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. Section 9601, et seq. ("CERCLA"), the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499 ("SARA"), the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq., the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901, et seq., or other applicable state or federal laws, rules, or regulations adopted pursuant thereto.

Event of Default. The words "Event of Default" mean any of the events of default set forth in this Deed of Trust in the default section of this Deed of Trust.

Grantor. The word "Grantor" means THE COMMUNITY HEALTH FOUNDATION INC.

Guaranty. The word "Guaranty" means the guaranty from guarantor, endorser, surety, or accommodation party to Lender, including without limitation a guaranty of all or part of the Note.

Improvements. The word "Improvements" means all existing and future improvements, buildings, structures, mobile homes affixed on the Real Property, facilities, additions, replacements and other construction on the Real Property.

Indebtedness. The word "Indebtedness" means all principal, interest, and other amounts, costs and expenses payable under the Note or Related Documents, together with all renewals of, extensions of, modifications of, consolidations of and substitutions for the Note or Related Documents and any amounts expended or advanced by Lender to discharge Grantor's obligations or expenses incurred by Trustee or Lender to enforce Grantor's obligations under this Deed of Trust, together with interest on such amounts as provided in this Deed of Trust.

Lender. The word "Lender" means Coastal Federal Bank, its successors and assigns.

Note. The word "Note" means the promissory note dated April 5, 2002, **in the original principal amount of $150,000.00** from Grantor to Lender, together with all renewals of, extensions of, modifications of, refinancings of, consolidations of, and substitutions for the promissory note or agreement.

Personal Property. The words "Personal Property" mean all equipment, fixtures, and other articles of personal property now or hereafter owned by Grantor, and now or hereafter attached or affixed to the Real Property; together with all accessions, parts, and additions to, all replacements of, and all substitutions for, any of such property; and together with all proceeds (including without limitation all insurance proceeds and refunds of premiums) from any sale or other disposition of the Property.

Property. The word "Property" means collectively the Real Property and the Personal Property.

Real Property. The words "Real Property" mean the real property, interests and rights, as further described in this Deed of Trust.

Related Documents. The words "Related Documents" mean all promissory notes, credit agreements, loan agreements, environmental agreements, guaranties, security agreements, mortgages, deeds of trust, security deeds, collateral mortgages, and all other instruments, agreements and documents, whether now or hereafter existing, executed in connection with the Indebtedness.

Rents. The word "Rents" means all present and future rents, revenues, income, issues, royalties, profits, and other benefits derived from the Property.

Trustee. The word "Trustee" means Michael C. Gerald, whose address is 2619 Oak Street, Myrtle Beach, SC 29577 and any substitute or successor trustees.

GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS DEED OF TRUST; AND GRANTOR AGREES TO ITS TERMS.

IN WITNESS WHEREOF GRANTOR HAS CAUSED THIS DEED OF TRUST TO BE SIGNED IN GRANTOR'S CORPORATE NAME BY GRANTOR'S DULY AUTHORIZED OFFICERS AND HAS CAUSED GRANTOR'S SEAL TO BE AFFIXED TO THIS DEED OF TRUST BY THE AUTHORITY OF GRANTOR'S BOARD OF DIRECTORS ON THE DATE SHOWN AT THE BEGINNNING OF THIS DEED OF TRUST.

THIS DEED OF TRUST IS GIVEN UNDER SEAL AND IT IS INTENDED THAT THIS DEED OF TRUST IS AND SHALL CONSTITUTE AND HAVE THE EFFECT OF A SEALED INSTRUMENT ACCORDING TO LAW.

GRANTOR:

THE COMMUNITY HEALTH FOUNDATION INC

By: _____ (Seal)
THOMAS E WRIGHT, President of THE COMMUNITY HEALTH FOUNDATION INC

By: _____ (Seal)
DANIEL GOTTOVI, Treasurer of THE COMMUNITY HEALTH FOUNDATION INC

ATTEST:

_____
Secretary or Assistant Secretary Daniel Gottovi

(Corporate Seal)

The Community Health Foundation Inc
CORPORATE
SEAL

CORPORATE ACKNOWLEDGMENT

STATE OF NORTH CAROLINA)
) SS
COUNTY OF NEW HANOVER)

I, Alan M. Solana Gottovi, a Notary Public for said County and State, certify that Daniel ___ personally came before me this day and acknowledged that he or she is ___ Secretary of THE COMMUNITY HEALTH FOUNDATION INC, a corporation and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President; of THE COMMUNITY HEALTH FOUNDATION INC, respectively sealed with its corporate seal, and attested by himself or herself as its ___ Secretary.

Witness my hand and Notarial Seal this the 5 day of April, 20 02.

ALAN M. SOLANA NOTARY PUBLIC NEW HANOVER COUNTY, NC

Notary Public

My Commission Expires:
30 May 2004

(Affix Notarial Seal Here)

LASER PRO Lending, Ver. 5.45.00.004 Copr. Harland Financial Solutions, Inc. 1997, 2002 All rights reserved. - NC C:\CFIWIN\LPL\G201.FC TR-1

EXHIBIT "A"

BEGINNING in the Eastern line of Fourth Street at a point 66 feet South of the Southeastern intersection of Fourth and Harnett Streets and running thence East and parallel with Harnett Street 85 feet, thence North and parallel with Fourth Street 66 feet to the Southern line of Harnett Street, thence West and along the Southern line of Harnett Street 85 feet to the Eastern line of Fourth Street, thence South along the Eastern line of Fourth Street 66 feet to the point of the Beginning The same being part of Lot 1, in Block 293, according to the official plan of the City of Wilmington, North Carolina The same being all of that property described in Deed recorded in Book 1694, Page 0001, New Hanover County Registry

(3)

B-4

FOR REGISTRATION REGISTER OF DEEDS
REBECCA T. CHRISTIAN
NEW HANOVER COUNTY, NC
2002 APR 06 08:17:45 PM
BK:3259 PG:838-841 FEE:$20.00
NC REVENUE STAMP:$650.00
INSTRUMENT # 2002017361

Excise Tax $650.00

Recording Time, Book and Page

Tax Lot No. ..... Parcel Identifier No. 4809-038-001-000

Verified by ..... County on the ..... day of ....., 19.....

by .....

Mail after recording to .....

This instrument was prepared by ALAN M. SOLANA RETURNED TO

Brief description for the Index Pt. Lot 1, Blk 293, City

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 5 day of April 2002, XXX, by and between

GRANTOR	GRANTEE
HELYN ROGERS LOFTON & husband, JAMES S. LOFTON	THE COMMUNITY HEALTH FOUNDATION, INC. 322 S. 17th Street Wilmington, NC 28401

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Wilmington, ... Township, New Hanover County, North Carolina and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1694

Page 1

A map showing the above described property is recorded in Plat Book ..... page .....

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

2002 ad valorem taxes

Easements and Restrictions of record

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(Corporate Name)

By: .....

.....President

ATTEST:

.....Secretary (Corporate Seal)

USE BLACK INK ONLY

Helyn Rogers Lofton (SEAL)
HELYN ROGERS LOFTON

.....(SEAL)

James S. Lofton (SEAL)
JAMES S. LOFTON

.....(SEAL)

SEAL-STAMP

NORTH CAROLINA, NEW HANOVER County.

I, a Notary Public of the County and State aforesaid, certify that Helyn Rogers Lofton & James S. Lofton Grantor,

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 5 day of April 2002

My commission expires: 5/10/04 Notary Public

ALAN M. SOLANA NOTARY PUBLIC NEW HANOVER COUNTY NO SEAL

Use Black Ink

NORTH CAROLINA, ... County.

I, a Notary Public of the County and State aforesaid, certify that ..... Grantor,

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this ..... day of ....., 19.....

My commission expires: ..... Notary Public

The foregoing Certificate(s) of .....

.....

.....

Is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

.....REGISTER OF DEEDS FOR.....COUNTY

By .....Deputy/Assistant - Register of Deeds

N.C. Bar Assoc. Form No. 3 © 1976, Revised 1977.

EXHIBIT "A"

BEGINNING in the Eastern line of Fourth Street at a point 66 feet South of the Southeastern intersection of Fourth and Harnett Streets and running thence East and parallel with Harnett Street 85 feet, thence North and parallel with Fourth Street 66 feet to the Southern line of Harnett Street, thence West and along the Southern line of Harnett Street 85 feet to the Eastern line of Fourth Street, thence South along the Eastern line of Fourth Street 66 feet to the point of the Beginning The same being part of Lot 1, in Block 293, according to the official plan of the City of Wilmington, North Carolina The same being all of that property described in Deed recorded in Book 1694, Page 0001, New Hanover County Registry

REBECCA T. CHRISTIAN
REGISTER OF DEEDS, NEW HANOVER
JUDICIAL BUILDING
316 PRINCESS STREET
WILMINGTON, NC 28401

Filed For Registration:	04/05/2002 04:17:45 PM
Book:	RE 3259 Page: 838-841
Document No.:	2002017361
	DEED 4 PGS $20.00
NC REAL ESTATE EXCISE TAX:	$650.00
Recorder:	JACQUELINE NELSON

State of North Carolina, County of New Hanover

The foregoing certificate of ALAN M SOLANA Notary is certified to be correct. This 5TH of April 2002

REBECCA T. CHRISTIAN, REGISTER OF DEEDS

By: _____
Deputy/Assistant Register of Deeds

2002017361

2002017361

(3)

B-5

FOR REGISTRATION REGISTER OF DEEDS
REBECCA T. CHRISTIAN
NEW HANOVER COUNTY, NC
2002 APR 05 04:17:05 PM
BK:3259 PG:853-858 FEE:$20.00
INSTRUMENT # 2002017364

SATISFACTION: The debt secured by the within Deed of Trust together with the note(s) secured thereby has been satisfied in full.

This the _____ day of _____

Signed: _____

Recording: Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. R04809-038-001-000

Verified by _____ County on the _____ day of _____

by _____

Mail after recording to HELEN ROGERS LOFTON

This instrument prepared by ALAN M. SOLANA RETURNED TO

Brief Description for the Index

NORTH CAROLINA DEED OF TRUST

THIS DEED of TRUST made this 5th day of April, 2002, by and between:

GRANTOR	TRUSTEE	BENEFICIARY
THE COMMUNITY HEALTH FOUNDATION, INC. 322 S. 17TH STREET WILMINGTON, NC 28401	ALAN M. SOLANA 210 PRINCESS STREET WILMINGTON, NC 28401	HELEN ROGERS LOFTON 117 AVANT DRIVE WILMINGTON, NC 28405

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor, Trustee, and Beneficiary as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, That whereas the Grantor is indebted to the Beneficiary in the principal sum of One Hundred Fifty Thousand and 00/100-- Dollars ($ *****150,000.00), as evidenced by a Promissory Note of even date herewith, the terms of which are incorporated herein by reference. The final due date for payment of said Promissory Note, if not sooner paid, is October 5, 2002

NOW, THEREFORE, as security for said indebtedness, advancements and other sums expended by Beneficiary pursuant to this Deed of Trust and costs of collection (including attorneys fees as provided in the Promissory Note) and other valuable consideration, the receipt of which is hereby acknowledged, the Grantor has bargained, sold, given, granted and conveyed and does by these presents bargain, sell, give, grant and convey to said Trustee, his heirs, or successors, and assigns, the parcel(s) of land situated in the City of WILMINGTON, _____ Township, NEW HANOVER County, North Carolina, (the "Premises") and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HERBIN BY THIS REFERENCE.

N. C. Bar Assoc. Form L-5 © 1976, Revised © September 1985 NCBA 005

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TO HAVE AND TO HOLD said Premises with all privileges and appurtenances thereunto belonging to said Trustee, his heirs, successors, and assigns forever, upon the trusts, terms and conditions, and for the uses hereinafter set forth.

If the Grantor shall pay the Note secured hereby in accordance with its terms, together with interest thereon, and any extensions or extensions thereof in whole or in part, all other sums secured hereby and shall comply with all of the covenants, terms and conditions of this Deed of Trust, then this conveyance shall be null and void and may be cancelled of record at the request and the expense of the Grantor if, however, there shall be any default (a) in the payment of any sums due under the Note, this Deed of Trust or any other instrument securing the Note and such default is not cured within fifteen (15) days after written notice, then and in any of such events, without further notice, it shall be lawful for and the duty of the Trustee, upon the request of the Beneficiary, to sell the land hereby conveyed at public auction for cash, after having first given such notice of hearing as to commencement of foreclosure proceedings and obtained such findings or leave of court as may then be required by law and giving such notice and advertising the time and place of such sale in such manner as may then be provided by law, and upon such and any further and upon compliance with the law then relating to foreclosure proceedings under power of sale to convey title to the purchaser in as full and ample manner as the Trustee is empowered. The Trustee shall be authorized to retain an attorney to represent him in such proceedings.

The proceeds of the sale shall after the Trustee retains his commission, together with reasonable attorneys fees incurred by the Trustee in such proceeding, be applied to the costs of sale, including, but not limited to, costs of collection, taxes, assessments, costs of recording, service fees and incidental expenditures, the amount due on the Note hereby secured and advancements and other sums expended by the Beneficiary according to the provisions herein and otherwise as required by the then existing law relating to foreclosures. The Trustee's commission shall be five percent (5%) of the gross proceeds of the sale or the minimum sum of $ _____, whichever is greater, for a completed foreclosure. In the event foreclosure is commenced, but not completed, the Grantor shall pay all expenses incurred by Trustee, including reasonable attorneys fees, and a partial commission computed on five per cent (5%) of the outstanding indebtedness or the above stated minimum sum, whichever is greater, in accordance with the following schedule, to-wit: one-fourth (¼) thereof before the Trustee issues a notice of hearing on the right to foreclosure; one-half (½) thereof after issuance of said notice; three-fourths (¾) thereof after such hearings and the greater of the full commission or minimum sum after the initial sale.

And the said Grantor does hereby covenant and agree with the Trustee as follows:

1. INSURANCE. Grantor shall keep all improvements on said land, now or hereafter erected, constantly insured for the benefit of the Beneficiary against loss by fire, windstorm and such other casualties and contingencies, in such manner and in such companies and for such amounts, not less than that amount necessary to pay the sum secured by this Deed of Trust, and as may be satisfactory to the Beneficiary. Grantor shall purchase such insurance, pay all premiums therefor, and shall deliver to Beneficiary such policies along with evidence of payment of premiums thereon, then Beneficiary, at his option, may purchase such insurance. Such amounts paid by Beneficiary shall be added to the principal of the Note secured by this Deed of Trust, and shall be due and payable upon demand of Beneficiary. All proceeds from any insurance so maintained shall at the option of Beneficiary be applied to the debt secured hereby and if payable in installments, applied in the inverse order of maturity of such installments or to the repair or construction of any improvements located upon the Property.

2. TAXES, ASSESSMENTS, CHARGES. Grantor shall pay all taxes, assessments and charges as may be lawfully levied against said Premises within thirty (30) days after the same shall become due. In the event that Grantor fails to so pay all taxes, assessments and charges as herein required, then Beneficiary, at his option, may pay the same and the amounts so paid shall be added to the principal of the Note secured by this Deed of Trust, and shall be due and payable upon demand of Beneficiary.

3. ASSIGNMENTS OF RENTS AND PROFITS. Grantor assigns to Beneficiary, in the event of default, all rents and profits from the land and any improvements thereon, and authorizes Beneficiary to enter upon and take possession of such land and improvements, to rent same, at any reasonable rate of rent determined by Beneficiary, and after deducting from any such rents the cost of collecting and collection, to apply the remainder to the debt secured hereby.

4. PARTIAL RELEASE. Grantor shall not be entitled to the partial release of any of the above described property unless a specific provision providing therefor is included in this Deed of Trust. In the event a partial release provision is included in this Deed of Trust, Grantor must strictly comply with the terms thereof. Unless otherwise expressly provided, Grantor shall not be entitled to any release of property unless Grantor is not in default and is in full compliance with all of the terms and provisions of the Note, this Deed of Trust, and any other instrument that may be securing said Note.

5. WASTE. The Grantor covenants that he will keep the Premises herein conveyed in as good order, repair and condition as they are now, reasonable wear and tear excepted, and will comply with all governmental requirements respecting the Premises or their use, and that he will not commit or permit any waste.

6. CONDEMNATION. In the event that any or all of the Premises shall be condemned and taken under the power of eminent domain, Grantor shall give immediate written notice to Beneficiary and Beneficiary shall have the right to receive and collect all damages awarded by reason of such taking, and the right to such damages hereby is assigned to Beneficiary who shall have the discretion to apply the amount so received, or any part thereof, to the indebtedness due hereunder and if payable in installments, applied in the inverse order of maturity of such installments, or to any alteration, repair or restoration of the Premises by Grantor.

7. WARRANTIES. Grantor covenants with Trustee and Beneficiary that he is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that he will warrant and defend the title against the lawful claims of all persons whomsoever, except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

Easements and Restrictions of record.

2002 ad valorem taxes.

8. SUBSTITUTION OF TRUSTEE. Grantor and Trustee covenant and agree to and with Beneficiary that in case the said Trustee, or any successor trustee, shall die, become incapable of acting, renounce his trust, or for any reason the holder of the Note desires to replace said Trustee, then the holder may appoint, in writing, a trustee to take the place of the Trustee; and upon the probate and registration of the same, the trustee thus appointed shall succeed to all rights, powers and duties of the Trustee.

[X] THE FOLLOWING PARAGRAPH, 9. SALE OF PREMISES, SHALL NOT APPLY UNLESS THE BLOCK TO THE LEFT MARGIN OF THIS SENTENCE IS MARKED AND/OR INITIALED.

9. SALE OF PREMISES. Grantor agrees that if the Premises or any part thereof or interest therein is sold, assigned, transferred, conveyed or otherwise alienated by Grantor, whether voluntarily or involuntarily or by operation of law (other than: (a) the creation of a lien or other encumbrance subordinate to this Deed of Trust which does not relate to a transfer of rights of occupancy in the Premises; (b) the creation of a purchase money security interest for household appliances; (c) a transfer by devise, descent, or operation of law on the death of a joint tenant or tenant by the entirety; (d) the grant of a leasehold interest of three (3) years or less not containing an option to purchase; (e) a transfer to a relative resulting from the death of a Grantor; (f) a transfer where the spouse or children of the Grantor become the owner of the Premises; (g) a transfer resulting from a decree of a dissolution of marriage, legal separation agreement, or from an incidental property settlement agreement, by which the spouse of the Grantor becomes the owner of the Premises; (h) a transfer into an inter vivos trust in which the Grantor is and remains a beneficiary and which does not relate to a transfer of rights of occupancy in the Premises; (i) any transfer or exchange of the Premises by the beneficial ownership of the Premises, including the sale, conveyance or dissolution of a majority interest in the Grantor) a corporation or partnership, whether or not of record and whether or not for consideration, shall be deemed to be the transfer of an interest in the Premises. Note secured hereby and all other obligations hereunder to be forthwith due and payable. Any change in the legal or equitable title of the Premises or in the beneficial ownership of the Premises, including the sale, which the Grantor is not a party to such instrument given as additional security for the Note secured hereby, the Beneficiary may, but without obligation, make advances to perform such covenants or obligations, and all such sums so advanced shall be added to the principal sum, shall bear interest at the rate provided in the Note secured hereby for sums due after default and shall be due from Grantor on demand of the Beneficiary. No advancement or anything contained in this paragraph shall constitute a waiver by Beneficiary or prevent such failure to perform from constituting an event of default.

10. ADVANCEMENTS. If Grantor shall fail to perform any of the covenants or obligations contained herein or in any other instrument given as additional security for the Note secured hereby, the Beneficiary may, but without obligation, make advances to perform such covenants or obligations, and all such sums so advanced shall be added to the principal sum, shall bear interest at the rate provided in the Note secured hereby for sums due after default and shall be due from Grantor on demand of the Beneficiary. No advancement or anything contained in this paragraph shall constitute a waiver by Beneficiary or prevent such failure to perform from constituting an event of default.

11. INDEMNITY. If any suit or proceeding be brought against the Trustee or Beneficiary or if any suit or proceeding be brought which may affect the value or title of the Premises, Grantor shall defend, indemnify and hold harmless and on demand reimburse Trustee or Beneficiary from any loss, cost, damage or expense and any sums expended by Trustee or Beneficiary shall bear interest as provided in the Note secured hereby for sums due after default and shall be due and payable on demand.

12. WAIVERS. Grantor waives all rights to require marshalling of assets by the Trustee or Beneficiary. No delay or omission of the Trustee or Beneficiary in the exercise of any right, power or remedy arising under the Note or this Deed of Trust shall be deemed a waiver of any default or acquiescence therein or shall impair or make the exercise of such right, power or remedy by Trustee or Beneficiary at any other time.

13. CIVIL ACTION. In the event that the Trustee is named as a party to any civil action as Trustee in this Deed of Trust, the Trustee shall be entitled to employ an attorney at law, including himself if he is a licensed attorney, to represent him in said action and the reasonable attorney's fee of the Trustee in such action shall be paid by the Beneficiary and added to the principal of the note secured by this Deed of Trust and bear interest at the rate provided in the Note for sums due after default.

14. PRIOR LIENS. Default under the terms of any instrument secured by a lien to which this Deed of Trust is subordinate shall constitute default hereunder.

15. OTHER TERMS.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(Corporate Name)

THE COMMUNITY HEALTH FOUNDATION, INC. (SEAL)

By: _____ President (SEAL)

ATTEST: _____ Secretary (Corporate Seal) (SEAL)

(SEAL)

SEAL-STAMP

Use Black Ink

NORTH CAROLINA, _____ County.

I, a Notary Public of the County and state aforesaid, certify that _____ Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this _____ day of _____.

My Commission expires: _____ Notary Public

SEAL-STAMP

ALAN M. SOLANA NOTARY PUBLIC NEW HANOVER COUNTY, NC

Use Black Ink

NORTH CAROLINA, NEW HANOVER County.

I, a Notary Public of the County and state aforesaid, certify that Daniel Gottovi

personally appeared before me this day and acknowledged that he is _____ Secretary of THE COMMUNITY HEALTH FOUNDATION, INC., a North Carolina corporation, and that by authority duly given and as an act of the corporation, the foregoing instrument was signed in its name by its _____ President, sealed with its corporate seal and attested by himself as its _____ Secretary.

Witness my hand and official stamp or seal, this 5th day of April, 2002

My Commission expires: 05-30-2004 _____ Notary Public

ALAN M. SOLANA

The foregoing Certificate(s) of _____

is certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

_____ REGISTER OF DEEDS FOR _____ COUNTY

By _____ Deputy/Assistant-Register of Deeds.

SoftPro

EXHIBIT "A"

BEGINNING in the Eastern line of Fourth Street at a point 66 feet South of the Southeastern intersection of Fourth and Harnett Streets and running thence East and parallel with Harnett Street 85 feet, thence North and parallel with Fourth Street 66 feet to the Southern line of Harnett Street, thence West and along the Southern line of Harnett Street 85 feet to the Eastern line of Fourth Street, thence South along the Eastern line of Fourth Street 66 feet to the point of the Beginning The same being part of Lot 1, in Block 293, according to the official plan of the City of Wilmington, North Carolina The same being all of that property described in Deed recorded in Book 1694, Page 0001, New Hanover County Registry

REBECCA T. CHRISTIAN
REGISTER OF DEEDS, NEW HANOVER
JUDICIAL BUILDING
316 PRINCESS STREET
WILMINGTON, NC 28401

Filed For Registration:	04/05/2002 04:17:45 PM
Book:	RE 3259 Page: 853-856
Document No.:	2002017364
	D/T 4 PGS $20.00
Recorder:	JACQUELINE NELSON

State of North Carolina, County of New Hanover

The foregoing certificate of ALAN M SOLANA Notary is certified to be correct. This 5TH of April 2002

REBECCA T. CHRISTIAN , REGISTER OF DEEDS

By: _____
Deputy/Assistant Register of Deeds

2002017364
2002017364

B-6

March 15, 2002

Thomas E. Wright, Chairman
Community's Health Foundation
322 South 17th Street
Wilmington, NC 28401

Dear Mr. Wright:

On behalf of the Office of Research, Demonstrations, and Rural Health Development, I am writing to enthusiastically endorse the Community's Health Foundation's effort to convert the building located on the 900 block of 4th Street into Foundation offices, New Hanover Community Health Center offices and into a History Museum.

With this endorsement, the Office is committing $150,000 in funding toward the completion of this conversion project. The funding will be awarded by June 30, 2002.

We wish you all the best as you embark on this important project.

Sincerely,

Torlen L. Wade
Acting Director

TLW/lw

B-7

Amount: $1,525.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6100674638
Capture Date: 05/22/2002
Check Number: 626

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

5/22/02

Lw-Williams 626

Date 5-20-02

66-18/530 NC
1853

Pay to the order of Rosetta B. Terry $ 1525.00

"One thousand five hundred twenty five" 00/00

Bank of America.

For Catering Service Daryl J. Dunbar

⑆053000196⑆ [redacted] 0626 ⑈0000 [redacted]

Rosetta B. [redacted]

5-20-02

BB&T Cashier's Check

6100674638

Amount: $525.51
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6600405537
Capture Date: 06/04/2002
Check Number: 627

627

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

Date 5-29-02

65-19/530 NC
1853

Pay to the order of Bell South $ 525.51

Five Hundred twenty five + 51/100 Dollars

Bank of America.

For 910-755-0900 6500369 Daniel Parker

⑆053000196⑆ [redacted] 06 ⑈ ⑈0000[redacted]

BANK OF AMERICA,NA CAR
053000196 E215 01 P01
06/04/02

6600405537

Amount: $525.51
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6600405537
Capture Date: 06/04/2002
Check Number: 627

627

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

Date 5-29-02

65-19/530 NC
1853

Pay to the order of Bell South $ 525.51

Five Hundred twenty five + 51/100 Dollars

Bank of America.

For 910-755-0900 650 0369 David D. Parker

⑆053000196⑆ [redacted] 06[redacted] ⑈[redacted]

[redacted]

BANK OF AMERICA,NA CAR
053000196 E215 01 P01
06/04/02

6600405537

Confidential Treatment Requested by Bank of America

Amount: $1,051.50
Account: [redacted]
Bank Number: 05300019

Sequence Number: 7401643429
Capture Date: 09/27/2002
Check Number: 636

NCDL [redacted]

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

Thunderbird #193

636

Date 9-25-02

56-19/530 NC
1853

Pay to the order of US Air $ 1,051.50

one thousand fifty one & 50/100 Dollars

Bank of America.

For Air-line ticket

Daryl D. Parker

⑆053000196⑆ 00[redacted] 0636 ⑈0001051⑈50⑈

FOR DEPOSIT ONLY
TO ACCOUNTS OF US AIRWAYS

BANK OF AMERICA,NA CHARLOTTE NC
053044196 E 1498 01 P01
09/27/2002

2376 13.

[redacted]
CHAR, NC 28280
1 800 5239498

⑆0006555⑆

Confidential Treatment Requested by Bank of America

Amount: $3,919.20
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6700765783
Capture Date: 09/30/2002
Check Number: 637

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

637

Date 9-25-02

GG-19/530 NC
1853

Pay to the order of Port City Sign Works $ 3,919.20

Three thousand nine hundred nineteen 20/100 Dollars

Bank of America.

For Signs For Campaign 2002 Daryl D. Parks

⑆053000196⑆ 00[redacted] 0637 ⑈0000391920⑈

FOR DEPOSIT ONLY
WACHOVIA ACC [redacted]

[redacted] WACH
CHAR, NC 892702
1 800 523-9498

BANK OF AMERICA, NA CAR
053000196 E-482 01/01
09:58:02

6700765783

Amount: $450.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6700359108
Capture Date: 11/04/2002
Check Number: 650

650

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

Date 10-31-02

66-19/530 NC
1853

Pay to the order of WWOE Radio $ 450.00

four hundred fifty + -00/100 Dollars

Bank of America.

For Advertisement Douglas Dale

:053000196: 00[redacted] 0650 "000004 5000"

WWOE Radio

053100350
110102

BANK OF AMERICA NA CAR
053000196 E6254 VP/PD1
11/04/02

6700359108

100 E TRYON [redacted]

053112152:
NATIONAL BANK
RD RALEIGH NC
110102 50046512

Amount: $250.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 7401838718
Capture Date: 11/05/2002
Check Number: 648

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

648

Date 10-31-02

66-19/530 NC
1853

Pay to the order of North Whiteville Vol. Fire Dept. $ 250.00

two hundred fifty x —— 00/100 Dollars

Bank of America.

For donation

Daryle D. Dauler

⑆053000196⑆ 00[redacted] 0648 ⑈000025000⑈

⑆053101214 0047 #2521
2501 MOORE BLVD PKTG10
WILSON NC 27893 1305202

FOR DEPOSIT ONLY
NORTH WHITEVILLE
VOLUNTEER FIRE DEPT.
[redacted]

BANK OF AMERICA,NA CAR E
053000196 E4059 01 P01
11/05/02

Amount: $127.80
Account: [redacted]
Bank Number: 05300019

Sequence Number: 7401113875
Capture Date: 11/06/2002
Check Number: 653

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

653

Date 11-5-02

66-19/530 NC
1853

Pay to the order of Snap Dragon Ice Skirts $ 127.80

one hundred twenty seven & 80/100 Dollars

Bank of America.
ACH R/T 053000196

For Skirts

David L. Duke

⑆053000196⑆ 000[redacted] 0653 ⑈000012780⑈

BANK OF AMERICA,NA CHK E
[redacted] [4156 01 P01
11/06/02

Confidential Treatment Requested by Bank of America

Amount: $100.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6400435973
Capture Date: 11/06/2002
Check Number: 654

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

654

Date 11-5-02

65-19/530 NC
1853

Pay to the order of Gloria Stokes $ 100.00

One hundred & — 00/100 Dollars

Bank of America.
ACH R/T 053000196

For Poll Worker Douglas Parker

⑆053000196⑆ 0[redacted] 0654 ⑈00000 10000⑈

01853 083 052109 11-06-02 1[redacted]
540560136 00000000[redacted] 100.00

6400435973

By Paris, Dist. Atty
Nash
[redacted]
5-Nov-02

Confidential Treatment Requested by Bank of America

WRIGHT002694

Amount: $100.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6100664015
Capture Date: 11/06/2002
Check Number: 658

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

658

Date 11-5-02

55-19/530 NC
1853

Pay to the order of Rev. E.E. Ragin $ 100.00

one Hundred + 00/100 Dollars

Bank of America.
ACH R/T 053000196

For Poll Workers Daryl T. Parker

⑆053000196⑆ 00[redacted] 0658 ⑈0000010000⑈

Nov. 5, 02

2121 6

BANK OF AMERICA, NA. CHK
11/06/02
6100664015

Rev. E.E. Ragin
Pct. No. [redacted]

Amount: $100.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 7401091539
Capture Date: 11/06/2002
Check Number: 659

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

659

Date 11-5-02

66-19/530 NC
1853

Pay to the order of Earl Goodwin $ 100.00

One hundred ——— 00/100 Dollars

Bank of America.

ACH R/T 053000196

For poll worker Daniel T. Parker

⑆053000196⑆ 00[redacted] 0659 ⑈00000100000⑈

[redacted] BOAT #5454
2501 MOUTLN BLVD. PKTWY
WILSON NC 27893 11052002
053004192774

Earl Goodwin
Acct #[redacted]

BANK OF AMERICA,NA CAP. C
053000196 E4156 67 F01
11/06/02
[illegible]

Amount: $100.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6400650835
Capture Date: 11/07/2002
Check Number: 656

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

No Stubs

656

Date 11-5-02

56-19/530 NC
1853

Pay to the order of Debra Stokes $ 100.00

one hundred — 00/100 Dollars

2002

Bank of America.

ACH R/T 053000196

For Poll Worker

Daniel Jackson

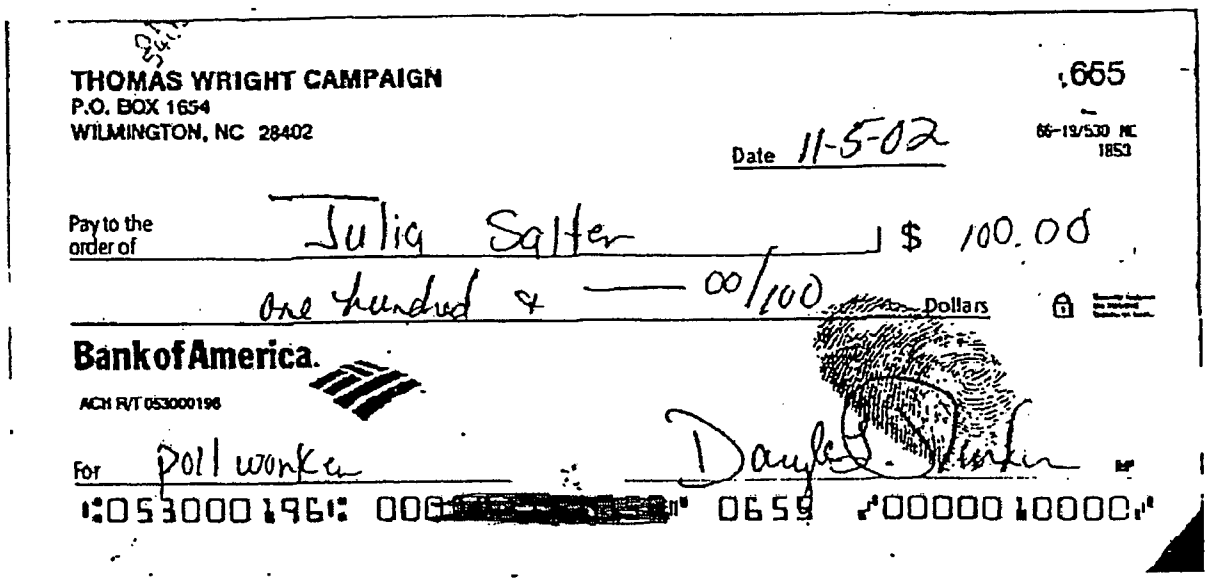
⑆053000196⑆ 00[redacted] 0656 ⑈00000100000⑈

01953 065 058193 11-07-02 BANK OF AMERICA, NA CHR
540560136 00000000[redacted] [illegible] CHECK
$100.00

CSR

Amount: $100.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6400106194
Capture Date: 11/08/2002
Check Number: 655



THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

655

Date 11-5-02

Pay to the order of Julia Salter $ 100.00

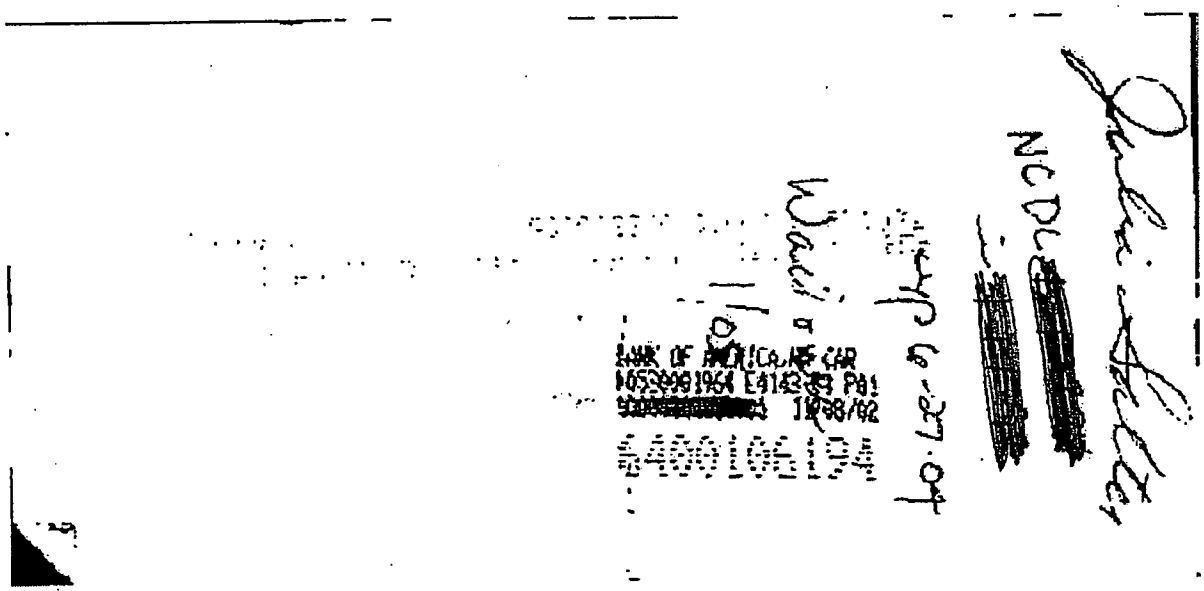
one hundred & —— 00/100 Dollars

Bank of America.
ACH R/T 053000196

For Poll workers

Daniel [illegible]

⑆053000196⑆ 000[redacted] 0655 ⑈00000 10000⑈



Wachovia Bank, N.A.
11-6-02 64-7/531

BANK OF AMERICA, NC CAR
053000196 E414 P81
[redacted] 11/08/02
6400106194

NC DL [redacted]

Daniel [illegible]

Amount: $239.63
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6700461031
Capture Date: 11/08/2002
Check Number: 660

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

660

60-19/530 NC
1853

Date 11-6-02

Pay to the order of Port City Sign Works $ 239.63

two hundred thirty nine & 63/100 Dollars

Bank of America.
ACH R/T 053000196

For Sign Set Stands

Daryl D. Parker

⑆053000196⑆ 000[redacted] 0660 ⑈00000239 63⑈

FOR DEPOSIT ONLY
WACHOVIA ACC #[redacted]

55856845 WACH
CHAR, NC 110782
1 000 520490
[redacted]

BANK OF AMERICA, NA CAR
[redacted] E4169 01 P01
11/05/02

6700461031

Amount: $500.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6100543324
Capture Date: 11/12/2002
Check Number: 657

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

657

Date 11-5-02

66-19/530 NC
1853

Pay to the order of CASH $ 500.00

five hundred & —— 00/100 Dollars

Bank of America.
ACH R/T 053000196

For

David G. Taylor

⑆053000196⑆ 00[redacted] 0657 ⑈0000050000⑈

BANK OF AMERICA, NA CAR
[redacted] E4993 01 P01
11/12/02
61005433 24

Amount: $275.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6700452902
Capture Date: 11/21/2001
Check Number: 625

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

625

Date 11-20-01

55-19/530 NC
1863

Pay to the order of Cingular $ 275.00

two hundred seventy five & 00/100 Dollars

Bank of America.

For 910-232-1007

David L. Duke

⑆053000196⑆ 00[redacted] 0625 ⑈00000 27500⑈

FOR DEPOSIT ONLY

Cingular Wireless / BellSouth Mobility
BANK OF AMERICA
ABA / Account [redacted]
Amount Tendered: $275.00
Date: 11/20/2001
Cashier: Jeff
Trn: [redacted]
Mobile N 910[redacted]
Cust Acct: [redacted]

11/21/01

7-5

Amount: $750.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6100422404
Capture Date: 06/07/2002
Check Number: 628

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

628

Date 6-7-02 56-19/530 NC 1853

Pay to the order of Thomas Wright $ 750.00

seven hundred fifty w/100 Dollars

Bank of America

For Misc / refund Kandi Davis Parker

⑆053000196⑆ 000[redacted] 0628 ⑈00000750000⑈

BANK OF AMERICA NA CAR
01354 023 [redacted] 06-07 [redacted] CHG
5405601[redacted] 0000000[redacted] 06/07/02 $750.00
6100422404

Amount: $1,050.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6200700378
Capture Date: 11/29/2002
Check Number: 664

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

664

Date 11-27-02 56-19/530 NC 1853

Pay to the order of Thomas Wright $ 1,050.00

one thousand fifty 00/100 Dollars

Bank of America.

ACH/RT 053000196

For reimbursement for fine Karen Davis-Parker

⑆053000196⑆ [redacted] 0664 ⑈0000105000⑈

BANK OF AMERICA, NA CAR
053000196 ESTX 01 P01
[redacted] 11/29/02
⑆200700378

Amount: $1,000.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6100137112
Capture Date: 10/30/2002
Check Number: 641

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

DoA ex 10/05 PIO

641

Date 10-28-02

56-19/530 NE 1853

Pay to the order of Thomas Wright $ 1000.00

One Thousand 00/100 Dollars

Bank of America

For misc Karen Davis-Parker

⑆053000196⑆ 000[redacted] 0641 ⑈0000100000⑈

[redacted] 10-30-02 11:47 CASHED CHECK $1,000.00

BANK OF AMERICA, NA CHK
[redacted] 10/30/02

6100137112

B-9

Amount: $739.00
Account: [redacted]
Bank Number: 053000196

Sequence Number: 6600618893
Capture Date: 12/05/2002
Check Number: 662

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

662

Date 11-6-02

56-19/530 NC
1853

Pay to the order of N.H. Printing Co. $739.00

seven hundred thirty nine and 00/100 Dollars

Bank of America.

ACH R/T 053000196

For 15,000 postcards $580 Karen Davis-Parker

⑆053000196⑆ 000[redacted] 0662 ⑈00000739⑈

FOR DEPOSIT ONLY
NEW HANOVER PRINTING & PUB, INC
[redacted]

Amount: $130.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 7401240787
Capture Date: 11/07/2002
Check Number: 661

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

661

Date 11-6-02

66-19/530 NC
1253

Pay to the order of St. Phillip AME Church $ 130.00

one hundred thirty ——— 00/100 Dollars

Bank of America.
ACH R/T 053000196

For 2 meals Karen Davis-Parker

⑆053000196⑆ 00[redacted] 0661 ⑈00000130000⑈

[redacted]

[redacted]

[redacted]

Amount: $1,063.60
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6700522351
Capture Date: 11/04/2002
Check Number: 645

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

645

Date 10-28-02 55-19/530 NC 1853

Pay to the order of Cumulus Broadcasting $ 1063 60

One thousand Sixty Three & 60/100 Dollars

Bank of America

For Advertising Karen Davis Parker

⑆053000196⑆ 000[redacted] 0645 ⑈0000106360⑈

07 02 31
BANK ONE, NA
[redacted]
#0710

Credited To The Account
of the Within Named
Payee In Accordance With
Payees Instructions
Absence of Endorsement
Guaranteed
Bank One, NA
Lockbox Dept

[redacted]

Amount: $500.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6200349236
Capture Date: 10/31/2002
Check Number: 642

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

642

Date 10-28-02 56-19/530 NC 1853

Pay to the order of Jack Bawles Campaign Comm $ 500.00

five hundred 00/100 Dollars

Bank of America.

For Laura Davis-Parker

⑈053000196⑈ 00[redacted] 0642 ⑈00000 50000⑈

BANK OF AMERICA, NA CHK
[redacted] 64343 01 P01
10/31/02

OT 02 31
CENTURA BANK
ROCKY MOUNT N.C.

Thank you very much for your support of the Democratic Party of Pitt County and the NC House

Amount:	$314.71	Sequence Number:	6400419944
Account:	[redacted]	Capture Date:	10/30/2002
Bank Number:	05300019	Check Number:	640

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

640

Date 10-25-02

65-19/530 NC 1853

Pay to the order of Alphagraphics $ 314.71

Three hundred fourteen 71/100 Dollars

Bank of America.

For Advertising Karen Davis Parker

⑆053000196⑆ [redacted] 0640 ⑈000031471⑈

[redacted]

[redacted]

⑆053100300⑆

FIRST CITIZENS BANK
100 E TRYON RD RALEIGH NC
102982

[redacted]

PAY TO THE ORDER OF
FIRST CITIZENS BANK, NC
WILMINGTON, NC 28403

FOR DEPOSIT ONLY
ALPHAGRAPHICS #341
PRINTSHOPS OF THE FUTURE

[redacted]

6400419944

Amount: $2,236.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 7401130371
Capture Date: 10/29/2002
Check Number: 646

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

646

Date 10-25-02

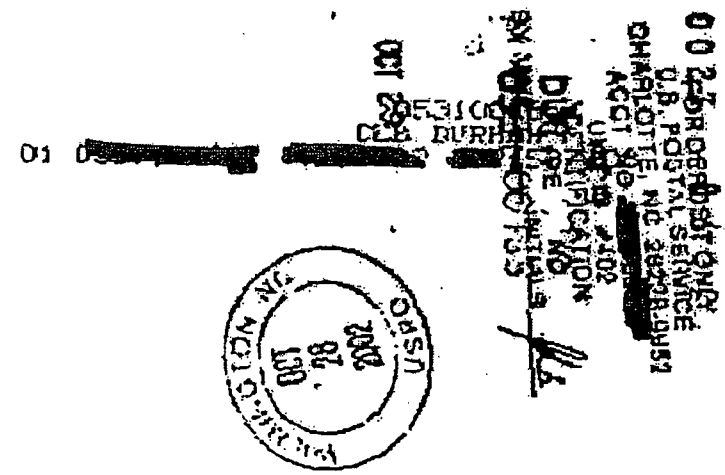
Pay to the order of Postmaster $ 2236.00

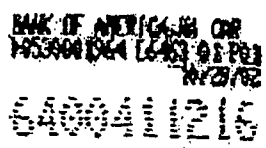
two thousand two hundred thirty six Dollars

Bank of America.

For postage. Karen Davis-Parker

⑆053000196⑆ 006[redacted] 0646 ⑈0000223600⑈





Confidential Treatment Requested by Bank of America

Amount: $500.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 7401532513
Capture Date: 10/24/2002
Check Number: 638

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

638

Date 10-19-02 65-19/530 NC 1853

Pay to the order of Columbus Co. Democratic Party $ 500.00

Five hundred and no/100 Dollars

Bank of America.

For Rally Karen Davis-Parker

⑆053000196⑆ 00[redacted] 0638 ⑈00000 50000⑈

[redacted] 241 MOTTEN BLVD FAYETTEVILLE NC 28311 [redacted]

Columbus Co. Democratic Executive Committee

BANK OF AMERICA, NA CHK [redacted] 10/24/02

⑆053000196⑆

Amount: $500.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6400850689
Capture Date: 07/29/2002
Check Number: 633

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

633

Date 7-25-02 55-19/530 NC 1053

Pay to the order of Sid Causey for Sheriff Campaign $ 500.00

Five hundred and 00/100 Dollars

Bank of America

For Contribution Kaser Davis-Parker

⑆053000196⑆ 00[redacted] 0633 ⑈0000050000⑈

BANK OF AMERICA, NA
[redacted]
07/29/02

FIRST UNION NATL. BK-611
PHILADELPHIA PA

Deposit Only To [redacted]

Amount:	$500.00	Sequence Number:	6600413210
Account:	[redacted]	Capture Date:	09/09/2002
Bank Number:	05300019	Check Number:	634

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

634

Date 9-3-02

56-19/530 NC
1859

Pay to the order of Shelly Willingham $ 500.00

Five hundred and 00/100 Dollars

Bank of America.

For Contribution Karen Davis Parker

⑈053000196⑈ [redacted] 0634 ⑈00000 50000⑈

[redacted]
Capture Bank, Rocky Mt., N

Detach Check

BANK OF AMERICA, NA CAR
[redacted] E5667 01 P01
09/09/02

6600413210

Amount: $250.00
Account: [redacted]
Bank Number: 05300019

Sequence Number: 6700423271
Capture Date: 09/05/2002
Check Number: 635

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

635

Date 9-3-02

55-19/530 NC 1853

Pay to the order of Marvin Lucas $ 250.00

two hundred fifty w/no Dollars

Bank of America 09-05-02 P60 4268 05

For E.F. Contribution Karen Davis Parker

⑆053000196⑆ 00[redacted] 0635 ⑈00000 25000⑈

⑆053000196⑆ [redacted] 0635 ⑈00000 25000⑈

0600 0000 ⑆0530-0020-6
0104 7[redacted] ⑆0530-0020-6
0104 [redacted] 09-05-02

[redacted] NATIONAL BANK

BANK OF AMERICA, NA OR
[redacted]

67042627

Amount:	$4,000.00	Sequence Number:	7401329501
Account:	[redacted]	Capture Date:	07/16/2002
Bank Number:	05300019	Check Number:	631

HSE-MBR DUES

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

631

Date 7-8-02

65-13/530 NC
1853

Pay to the order of NC House Democratic Caucus $ 4000.00

four thousand 00/100 Dollars

Bank of America.

For

Karen Davis-Parker

⑆053000196⑆ [redacted] 0631 ⑈0000400000⑈

BANK OF AMERICA, NA CAR E
[redacted] ES269 01 P01
07/15/02
670027373

PAY TO THE ORDER OF
BRANCH BANKING AND TRUST CO.
RALEIGH, NC 27602

NC HOUSE DEMOCRATIC COMMITTEE
FOR DEPOSIT ONLY
[redacted]

WILSON NC 27893 07/15/02
0100756855

Amount:	$3,000.00	Sequence Number:	7401185991
Account:	[redacted]	Capture Date:	07/15/2002
Bank Number:	05300019	Check Number:	632

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

632

Date 7-8-02

65-19/530 NC
1853

Pay to the order of Lawrence Bewley + Assoc. $ 3000.00

Three Thousand ——— 00/100 Dollars

Bank of America

For Kara Davis-Baker

⑆053000196⑆ [redacted] 0632 ⑈0000300000⑈

PAY TO THE ORDER OF
BRANCH BANKING AND TRUST CO
RALEIGH NORTH CAROLINA 27611
FOR DEPOSIT ONLY
[redacted]
LAWRENCE BEWLEY & ASSOCIATES

BANK OF AMERICA/NA CHARLE
[redacted] E3731 01 P01
07/15/02

[redacted] 0841 #6477
2591 HOUTEN BLVD PKTH21
WILSON NC 27896 07152002

Amount:	$454.30	Sequence Number:	6300754529
Account:	[redacted]	Capture Date:	06/10/2002
Bank Number:	05300019	Check Number:	629

THOMAS WRIGHT CAMPAIGN
P.O. BOX 1654
WILMINGTON, NC 28402

629

Date 6-7-02

65-15/530 NC
1853

Pay to the order of Cingular Wireless $ 454.30

Four hundred fifty four 30/ Dollars

Bank of America

910-232-1007

For [redacted] Karen Davis-Parker

⑆053000196⑆ [redacted] 0629 ⑈000004543⑈

BANK OF AMERICA, NA CAR
[redacted] E241 01 P01
[redacted] 06/10/02
[redacted]

B-10

THE COMMUNITY'S HEALTH FOUNDATION, INC.

Thomas E. Wright, President
322 S 17th Street
Wilmington, NC 28401
Ofc. #(910) 343-9842
Fed. Tax ID# 56-2252434

February 6, 2004

Mr. Lewis McKinney
Anheuser-Busch Companies, Inc.
1 Busch Place, 202-R
St. Louis, Missouri 63118

Markle
Okay for
$500 ea.

Dear Mr. McKinney,

The Community's Health Foundation, Inc is requesting your support in the acquisition and development of a building in Wilmington, North Carolina that will serve as a historical relic and museum about the 1898 Race Riot that occurred in Wilmington, North Carolina. The museum will exhibit historical events that took place and recapture these moments for future generations to explore, examine, and uncover the truth about such a horrific time in American History. This is a very important endeavor for the community of Wilmington, the state of North Carolina and our nation.

We are requesting your support to aid this foundation's efforts. Please make the check payable to **The Community's Health Foundation, Inc.**, in care of **Thomas E. Wright.** Contributions are tax deductible under the 501 (c) (3) of the Internal Revenue Code. Our Tax Id# is 56-2252434.

If you need to contact me or need additional information, please do not hesitate to give me a call. Again, thanks for your support.

Sincerely,

Thomas E. Wright

Walker - The Speaker wants the Ethics Committee to have this.

Robin

Rep. Joe Hackney (Speaker)

From: Rep. Joe Hackney (Speaker)
Sent: Wednesday, May 23, 2007 12:09 PM
To: 'Joe Sinsheimer'
Subject: RE: Wright and the CRNA

Thanks. I will make sure this issue is included.
JH

From: Joe Sinsheimer [mailto:sinsheimer@bellsouth.net]
Sent: Wednesday, May 23, 2007 11:21 AM
To: Rep. Joe Hackney (Speaker)
Subject: Wright and the CRNA

Speaker Hackney.

As you will see from Mark Schreiner's article below, Rep. Wright failed to report more than $13,000 of the CRNA money that he received shortly before killing legislation that the CRNA lobby opposed. I think this is supportive of my argument that Rep. Wright (and perhaps others) killed the bill in a pay-to-play scheme. I am not going to embarrass your office by resubmitting my request for an investigation of this issue but it deserves examination by the legislature or the state ethics commission.

Joe Sinsheimer

More allegations against Wright brought to light

By Mark Schreiner
Raleigh Bureau Chief
mark.schreiner@starnewsonline.com

Raleigh | According to the N.C. State Board of Elections, Rep. Thomas Wright failed to report more than $13,000 in contributions from nurse anesthetists in 2005.

That new detail was included in a five-page "findings summary" that the board sent Monday to prosecutors in Raleigh and Wilmington seeking an investigation of the Port City Democrat.

In an interview Tuesday, Wright said he might have made mistakes on his reports but did not purposely fail to report those contributions.

It is a crime to purposely fail to disclose contributions, and it is perjury to knowingly file a false campaign finance report. Last week, the elections board alleged that Wright failed to disclose $220,000 in contributions and $234,000 in expenses. The board charged that he knowingly filed false reports, and its members voted unanimously to refer Wright's case to the Wake County prosecutor.

An earlier *Star-News* analysis of disclosure reports revealed that Wright has not reported receiving 273 donations totaling $119,607 that political committees have said they sent to him.

While the nurse group's effort to give contributions to Wright was mentioned at the elections board's

May 15 meeting, and nurses were available in the room to testify, the contributions got little more than a mention during the five-hour hearing.

After the May 15 hearing, investigator Kim Strach said, the board had Wright's banking records as well as information provided by the nurse contributors.

"They have been very helpful," she said.

The contributions were given legally, she said.

Strach refused a request to provide the list of nurse contributions, saying that information was part of the closed file of information the board would hand over to prosecutors.

Through its attorney, the nurses' trade association also refused a request for the list. The lawyer, Michael Crowell, said that was the best course of action because the information was part of a file of information that may become part of a criminal investigation.

In the board's summary, investigators said Wright received $18,075 from nurse anesthetists at a fundraiser held at the Seaside Club in Wrightsville Beach on Nov. 12, 2005, and that Wright failed to disclose $13,375 collected at that event.

What Wright did disclose receiving from nurses is spread across three quarterly reports.

He reported receiving a $2,000 donation from the N.C. Association of Nurse Anesthetists political committee on Nov. 16, 2005.

In his first 2006 campaign disclosure, Wright reported receiving $5,950 from individuals with occupations listed as CRNA, the industry acronym for a nurse anesthetist. The report doesn't indicate which contributions were given at the fundraiser and which might have been given before or after.

Making it harder to pinpoint when they were given is the fact that all of the contributions are listed as being received in February 2006. Other than those contributions, Wright reported one other contribution from a CNRA in 2006 - a $125 donation disclosed in his second quarter 2006 report.

"I recall submitting everything coming from" the nurses, he said. But if the list is not complete, he said, then "that is a mistake."

Joe Sinsheimer, who filed the original complaint against Wright to the elections board, charged that contributions were reported late to avoid controversy.

In summer 2005, Wright's health committee approved House Bill 503, a bill opposed by nurse anesthetists. Wright failed to bring the bill to the floor of the House, a move which effectively killed the bill.

Wright has said he did so because he felt the bill would hurt rural hospitals.

Mark Schreiner: (919) 835-1434

mark.schreiner@starnewsonline.com

NORTH CAROLINA GENERAL ASSEMBLY
Legislative Services Office

George R. Hall, Legislative Services Officer

Research Division
300 N. Salisbury Street, Suite 545
Raleigh, NC 27603-5925
Tel. 919-733-2578 Fax 919-715-5460

Terrence D. Sullivan
Director

June 6, 2007

MEMORANDUM

TO: **Senator Dan Clodfelter**
Representative Rick Glazier
Cochairs, Legislative Ethics Committee

FROM: O. Walker Reagan, Brad Krehely, Heather Fennell - Committee Co-Counsels, and Erika Churchill, Staff Attorney

RE: **Preliminary Staff Analysis of the Allegations of Ethics Violations by Rep. Thomas Wright, May 21, 2007**

This memorandum is a preliminary analysis of the allegations of ethics violations arising from action taken by the State Board of Elections (SBOE) at its May 15, 2007 meeting, and its order of May 21, 2007, against Representative Thomas Wright. This matter was referred to the Legislative Ethics Committee (LEC) on May 21, 2007 by Speaker Joe Hackney. The Speaker asked the LEC to review the order of the SBOE and the information it gathered during its investigation, and investigate the alleged violations of the Legislative Ethics Act, the criminal law, or both.

This analysis will examine whether this matter is properly before the LEC, and if so, whether the complaint alleges conduct that, if true, would be within the jurisdiction of the LEC.

STATEMENT OF ALLEGATIONS.

This information was taken from the following available sources: the order and attachments from the State Board of Elections (SBOE), newspaper reports, and other public records. The majority of this information cannot be confirmed using alternative sources. All information below is taken from the order or attachments of the SBOE, unless otherwise noted.

A. Alleged Election Law Violations.

1. Willfully delaying reporting of campaign contributions.
   - In total, over $68,000 in campaign contributions were reported in a reporting period other than when the contribution was deposited.

- Employees of Sims Hugo Neu, a company seeking to place a landfill in the Town of Navassa, made contributions to Rep. Wright before the primary election held in May of 2006. According to the General Assembly's redistricting data base, the Town of Navassa is not currently in Rep. Wright's district, but had been up until the 2004 election. Rep. Wright reported the contributions seven days before the general election, held in November 2006. In October 2006, Rep. Wright allegedly told talk show host Curtis Wright that he had not received campaign contributions from employees of Sims Hugo Neu. According to the Wilmington Star News, Rep. Wright received $3,900 from eight Sims Hugo Neu employees and $450 from a lobbyist for the company.

2. Commingling of Accounts.
   - Personal and campaign funds in several bank accounts in Rep. Wright's name were commingled during the period of 2000-2006 resulting in confusion as to what were personal funds and what were campaign funds.
3. Failure to Disclose.
   - Failure to disclose more than $211,000 in campaign contributions since 2000.
   - Failure to disclose more than $122,000 in campaign expenditures since 2000.
4. Prohibited Contributions.
   - Received more than $14,000 of "prohibited contributions" from corporations.

B. Certified Registered Nurse Anesthetists.

1. According to the legislative history, House Bill 503 of the 2005 General Assembly would have allowed the licensure of anesthesiologists' assistants. The bill was referred to the Committee on Health, chaired by Rep. Wright, on March 7, 2005. The bill received a favorable report from the Committee on July 26, 2005. Rep. Wright, as chair of the Committee on Health, did not report the bill out of committee.
2. On November 12, 2005, certified registered nurse anesthetists (CRNAs) held a campaign fundraiser for Rep. Wright at the Seaside Club in Wrightsville Beach. It is not clear from the SBOE order or news reports how the CRNAs were organized in this effort. At least a portion of the donations were remitted by individuals identified as CRNAs. Of the $18,075.00 in campaign contributions received by Rep. Wright at this event, $13,375.00 was not disclosed on his campaign reports.

C. The Community's Health Foundation.

1. According to the records of the Secretary of State, on April 18, 2001, Rep. Wright filed Articles of Incorporation for The Community's Health Foundation, Inc. The corporation was formed as a nonprofit

corporation. Thomas Wright, Daniel Gottovi, James Lofton, and Bessie Funderburg are listed as incorporators on the Articles of Incorporation.

2. On March 15, 2002, Torlen Wade, Acting Director of the Office of Research, Demonstrations, and Rural Health Developments, in the Department of Health and Human Services (DHHS), wrote a letter to Thomas Wright, President of the Community Health Foundation, which stated DHHS was providing the Foundation with $150,000 in grant funding to convert a building in Wilmington into offices for the Foundation and a history museum. According the SBOE order, Torlen Wade allegedly provided the letter even though Mr. Wade knew DHHS was not going to provide funding for the museum because the agency did not have the funds, nor could any agency funds be used for this purpose.
3. According to the New Hanover County Register of Deeds records, on April 5, 2002, Helyn Rogers Lofton and her husband, James S. Lofton, deeded Lot 1, Block 293 in Wilmington to The Community Health Foundation, Inc. The purchase price for the property would appear to be $325,000 from the excise taxes paid on the transfer. On that same date, The Community Health Foundation, Inc. signed a deed of trust to Coastal Federal Bank for $150,000 due on October 5, 2002. The Foundation also signed a deed of trust to Helyn Lofton for $150,000, due on October 5, 2002. According to the News & Observer, Helyn Lofton helped Rep. Wright start the Foundation in 2001 and James Lofton was a member of the Wilmington Race Riot Commission. James Lofton was also one of the incorporators of the Foundation.
    - Payments made on the Costal Federal Bank note:
        i. From Thomas Wright: $4,900 on October 31, 2002.
        ii. From Daniel Gottovi (secretary/treasurer of the Foundation): $3,324.18 between March 13-18, 2003.
4. Rep. Wright solicited a donation for the Foundation from Anheuser-Busch on February 6, 2004. The letter stated donations were tax deductible and gave a tax identification number. The SBOE found no evidence that the Foundation obtained tax exempt or tax deductibility status. According to an attachment to the SBOE's order, the letter soliciting the donation has a notation from a fax machine identifying that the fax was sent from "Representative Thomas Wright."
5. Funds deposited by Rep. Wright into personal or campaign accounts that were allegedly solicited for use by the Foundation:
    - March 5, 2004 - Anheuser-Busch -$5,000.
    - July 26, 2004 - AT&T - $1,500 (check dated 4/1/2004).
    - August 11, 2004 - Astra Zeneka - $2,400. (check dated 12/15/2003).
6. A final Notice of Foreclosure by Coastal Federal Bank for the property was filed on June 22, 2004, with the property having been deeded to another party on May 18, 2004. According to the Wilmington Star, Helyn Lofton did not pursue action on the debt owed by the Foundation to her.
7. The bank account for the Foundation was closed on June 28, 2004.

D. Filing Statement of Economic Interest.

1. According to records on file in the Legislative Library, in 2006 Rep. Wright filed his required Statement on Economic Interest with the New Hanover Board of Elections on the 2004 Statement of Economic Interest form, not the 2006 Statement of Economic Interest form.
2. According to records on file in the Legislative Library, as required on the 2006 Statement of Economic Interest form, Rep. Wright did not disclose any nonprofits with which he was associated or any nonprofit with which he was associated that received State funds.

VALIDITY OF THE COMPLAINT

No complaint has been filed with the LEC but the matter has been referred to the Committee by the Speaker. G.S. 120-103 and G.S. 120-103.1 permit the LEC to conduct an investigation into the conduct of a legislator either upon its own motion or upon receipt of a formal complaint.

RESPONDENT

The allegations are against Representative Thomas Wright.

LEC JURISDICTION

The law defining the jurisdiction and investigative procedures of the Legislative Ethics Committee changed effective January 1, 2007. S.L. 2006-201, which changed the law in this area, provided that the new law would apply to offenses committed on or after January 1, 2007 and that prosecutions for offenses or ethics violations committed before January 1, 2007 were not abated or affected by the new law, and the statutes that were in effect prior to the effective date of the new law would remain applicable to prosecutions of actions arising on or before January 1, 2007.

It appears that most, if not all, of the allegations against Rep. Wright arise from conduct occurring prior to January 1, 2007. If so, it seems clear that the substantive law in effect prior to January 1, 2007 would apply in this situation. It may be less clear if the procedural provisions of the new law or the old law, and the rules adopted by the LEC thereunder, apply to this matter.

G.S. 120-103(a) directs the LEC, on its own motion or in response to a signed and sworn complaint filed by an individual, to inquire into any of the following:

1. Any alleged violation of the provisions of the Legislative Ethics Act (primarily the legislative bribery statute (G.S. 120-86), the use of legislative position to affect personnel actions (G.S. 120-86.1), the disclosure of confidential information statute (G.S. 120-87), the conflict on interest statute (G.S. 120-88), or the Statement of Economic Interest law (Part 2 of Article 14 of Chapter 120)).

2. The rules of ethics adopted by the House and Senate (of which there are none).
3. Alleged violations of the criminal law by a legislator while acting in the legislator's official capacity as a participant in the lawmaking process.

Before determining whether the LEC should investigate the allegations of unethical conduct, the LEC should determine whether, assuming that the allegations are true, the LEC has jurisdiction over the alleged conduct. If the LEC determines it has jurisdiction, the LEC may decide whether to investigate the matter further. After completing its investigation, the LEC may dismiss the complaint, issue a private or public admonishment to the legislator, refer evidence of criminal conduct to the Attorney General for possible prosecution, or refer the matter to the House for appropriate action.

If the LEC determines that it does not have jurisdiction, but believes the alleged conduct to be unethical, the LEC may refer the matter to the House of Representatives for appropriate action.

BASIS FOR LEC JURISDICTION

Election Law Violations:

While much of the information from the SBOE investigation involves alleged violations of the election and campaign laws, it does not appear that violations of the campaign laws would be within the jurisdiction of the LEC since these actions would not constitute a violation of the Code of Legislative Ethics or the alleged violation of the criminal laws by a legislator while acting in the legislator's official capacity as a participant in the lawmaking process.

Other Alleged Violations:

1. Potential Felony Violations Generally.

Some of the alleged violations arising from the SBOE's investigation could constitute felonies, outside the Legislative Ethics Act, including perjury arising from signing false campaign reports, obtaining property under false pretenses (outside of the legislative context), and various violations of federal law. Under the NC Constitution, in order to qualify to be a member of the General Assembly, a person has to be a qualified voter of the State. It would appear that if Rep. Wright were to be convicted of any felony, he would automatically be disqualified to vote, and therefore would no longer be qualified to be elected as a member of the General Assembly.

2. Criminal Violations.

Although not alleged specifically in the information from the SBOE, the information does raise issues regarding whether any criminal statutes were violated over which the LEC has jurisdiction, including:

- Legislative bribery (G.S. 120-86).
- Obtaining property under false pretenses (G.S. 14-100).

- Violations of federal laws while acting in official capacity as a participant in the lawmaking process.

3. Non-criminal Ethics Violations.

Additionally, there may also be issues of whether Rep. Wright used the threat of legislative action affecting State personnel or complied with disclosure requirements in his Statement of Economic Interest. These questions also fall within the jurisdiction of the LEC to investigate under the Legislative Ethics Act.

COUNT 1 – Potential Violations of the Legislative Ethics Act.

A. Legislative Bribery. - Under G.S. 120-86(a), "[n]o person shall offer or give to a legislator or a member of a legislator's immediate family, or to a business with which the legislator is associated, and no legislator shall solicit or receive, anything of monetary value, including a gift, favor or service or a promise of future employment, based on any understanding that the legislator's vote, official actions or judgment would be influenced thereby, or where it could reasonably be inferred that the thing of value would influence the legislator in the discharge of the legislator's duties." Federal law, including the Hobbs Act, prohibits State officials from accepting anything of value in exchange for a specific requested exercise of official power. Since bribery is in Article 14 of Chapter 120 of the General Statutes, the issue could be within the jurisdiction of the Legislative Ethics Committee.

1. Contributions from Employees of Sims Hugo Neu

According to information from the State Board of Elections, Sims Hugo Neu was attempting to place a landfill in the Town of Navassa, as evidenced by HB 734 of the 2005 General Assembly. A number of Sims Hugo Neu employees made contributions to Representative Wright.

For purposes of the legislative bribery analysis, the issue is whether Rep. Wright solicited or received the contributions from employees of Sims Hugo Neu in exchange for taking legislative action to benefit Sims Hugo Neu. Proving bribery would require additional facts, including evidence of an "understanding" or a "reasonable inference" that the contributions influenced Rep. Wright in the discharge of his legislative duties. It would also require further investigation to determine if there was a violation of G.S. 120-86(a) or other federal laws.

2. House Bill 503 - Authorize Licensure/Anesthesiologist Assistants.

House Bill 503 was filed on March 3, 2005. The bill would have required nurse anesthetists to be supervised by a physician. Nurse anesthetists were opposed to the bill. After multiple meetings, on July 26, 2005, the committee substitute received a favorable report in the Committee on Health and was to be referred to the Committee on

Finance. Rep. Wright, chair of the Committee on Health, did not report the bill out of committee. Later on November 12, 2005, the nurse anesthetists held a fundraiser in Rep. Wright's honor.

Legislative bribery would require a showing that Rep. Wright solicited or received contributions from the nurse anesthetists in exchange for taking or not taking legislative action, which could include the use of his prerogative as a committee chair to not reporting House Bill 503 out of committee. The information from the State Board of Elections indicates that Rep. Wright received campaign contributions several months after he failed to report House Bill 503 out of committee. Proving bribery would require additional facts, including evidence of an "understanding" or a "reasonable inference", that the contributions influenced Rep. Wright in the discharge of his legislative duties. It would also require further investigation and additional legal research to determine if there was a violation of G.S. 120-86 or other federal laws.

3. Jurisdiction.

Based on the information the Committee currently has, there probably are not sufficient facts alleging bribery. However, if the Committee or other federal, State, or local agencies uncovered additional facts tending to show that bribery occurred, the Committee would have jurisdiction.

B. Other Violations of the Code of Legislative Ethics. - The Legislative Ethics Act contains other provisions which may be applicable. It is unethical for a legislator to take, promise, or threaten legislative action for the purpose of influencing or in retaliation for any action regarding State employee hirings, promotions, grievances, or disciplinary actions. (G.S. 120-86.1). A legislator may not use or disclose confidential information gained in the course of the legislator's official activities or by reason of the legislator's official position that could result in financial gain. (G.S. 120-87). Currently, the LEC does not have evidence indicating that any of these violations occurred. Additional investigation would be necessary to determine if there was a violation of any of these provisions. If such a violation occurred, the LEC would have jurisdiction.

C. Disclosure of Economic Interest. - Prior to January 1, 2007, G.S. 120-89 through 120-98 governed the Statements of Economic Interest that candidates for the General Assembly were required to file with their county board of elections. Based on changes in the law enacted in 2004, effective for the filing of Statements of Economic Interest in the 2006 election cycle, candidates for the General Assembly were required to disclose nonprofits with which the candidate (or a member of the candidate's immediate household) was associated (i.e. was a director, officer, governing board member, employee, or independent contractor). Rep. Wright did not disclose his association with The Community's Health Foundation, Inc. on his Statement of Economic Interest filed in 2006, if he was still associated with that nonprofit. Additionally in 2006, Representative

Wright failed to file the proper Statement of Economic Interest form, using the form for 2003 (2004 election cycle) instead of the form for 2005 (2006 election cycle), which included the questions concerning nonprofits with which associated.

The sufficiency or accuracy of the State of Economic Interest filed by a member falls within Article 14 of Chapter 120 and therefore is within the jurisdiction of the LEC should it decide to investigate this issue.

COUNT 2 – Alleged Violations of the Criminal Law While Acting in the Legislator's Official Capacity as a Participant in the Lawmaking Process.

A. Obtaining Property under False Pretenses. - G.S. 14-100 makes it a felony for a person to obtain property from another through any false pretenses with the intent to defraud. The SBOE information indicated that Rep. Wright obtained a letter from a State government official indicating that the nonprofit organization that Rep. Wright served as the president for was going to be awarded a grant of $150,000. The facts stated in the letter were apparently not true and allegedly Rep. Wright knew the letter not to be true. Allegedly, the letter was used by Rep. Wright to obtain a $150,000 loan from a commercial bank, and possibly to convince the seller of a piece of property to take back a purchase money note and deed of trust for an additional $150,000 of the purchase price. Use of this false information to obtain this property or these loans could constitute a crime under this law.

B. Obtaining a Loan under False Pretenses as a Violation of Federal Law. - If the commercial bank from which Rep. Wright obtained the loan was federally insured, obtaining a loan from such a bank under false pretenses would be a violation of federal law.

C. Jurisdiction. - At a minimum, it would take additional research and investigation to determine if Rep. Wright obtained the letter from DHHS knowing that it was false, and represented it to be true, or failed to indicate it was false, to the commercial bank and the seller of the property, in order to obtain the loans necessary for the nonprofit to obtain the property. It would also require additional investigation to determine if Rep. Wright used his official legislative capacity as a participant in the lawmaking process to obtain this false letter. If Rep. Wright obtained the letter in his official legislative capacity as a participant in the lawmaking process and used it to obtain loans and acquire property under false pretenses with the intent to defraud the commercial bank and the seller of the property, Rep. Wright could be guilty of the crime of obtaining property under false pretenses under both State and federal law. If Rep. Wright committed these crimes while acting in his official capacity as a legislator as a participant in the lawmaking process, the LEC would have jurisdiction to investigate this conduct and recommend disciplinary action to the House of Representatives.

D. Campaign Fundraising During Session. - If Rep. Wright solicited campaign contributions during a regular legislative session from a lobbyist or lobbyist

principal, or a political action committee associated with a lobbyist principal, in violation of G.S. 163-278.13B, including contributions from a PAC associated with Sims Hugo Neu or the Certified Registered Nurse Anesthetists, Rep. Wright could have committed a Class 2 misdemeanor. The LEC could consider whether such a violation of the criminal law was done by Rep. Wright acting in his official capacity in the lawmaking process, and if so, the LEC would have jurisdiction to consider this matter.

SUMMARY

Based on our preliminary review of the transmittal from the Speaker, it appears that there is no formal complaint before the Committee. But the Committee could elect to proceed with an investigation into the matters referred by the Speaker on its own motion.

If convicted of any felony, Rep. Wright would no longer be qualified to be elected to serve as a legislator.

Investigations into most alleged violations of the election and campaign laws would not appear to be within the jurisdiction of the LEC. Illegally soliciting campaign contributions from a lobbyist or lobbyist principal, or a PAC associate with a lobbyist principal, during a regular legislative session could be within the jurisdiction of the LEC.

As to Count 1, assuming the facts alleged in the SBOE materials are true, in order to give rise to jurisdiction for the LEC, additional facts would have to be found to support an allegation that Rep. Wright violated the legislative bribery statute in connection with his legislative actions taken either on behalf of the location of a landfill in Navassa and campaign contributions from employees of Sims Hugo Neu, or his legislative actions taken with regards to HB 503 and nurse anesthetists and campaign contributions from nurse anesthetists. Additional investigation would be required to determine whether or not Rep. Wright violated the Statement of Economic Interest filing requirements.

As to Count 2, assuming the facts alleged in the SBOE materials are true, in order to give rise to jurisdiction for the LEC, additional facts may need to be found to support an allegation that Rep. Wright violated criminal laws by obtaining and using a statement from DHHS that was false to obtain property fraudulently while acting in his official capacity as a participant in the lawmaking process. A more thorough review of the facts of this situation and the criminal law should be given serious consideration to determine whether any laws have been violated in Rep. Wright's official legislative capacity.

Additional investigation and a determination of additional facts are needed to conclusively determine what actions by Rep. Wright the LEC may have jurisdiction over.

Please let us know how you would like to proceed.

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE # 07 CRS 84372

STATE OF NORTH CAROLINA

V.

Thomas E. Wright

INDICTMENT-
OBTAINING PROPERTY BY FALSE PRETENSES – CLASS C

The jurors for the State upon their oath present that on or between March 13, 2002 and June 22, 2004 in Wake County the defendant named above unlawfully willfully and feloniously did knowingly and designedly with the intent to cheat and defraud obtain and attempt to obtain a loan of $150,000.00 (one hundred and fifty thousand dollars) from Coastal Federal Bank, a financial institution, to the Community Health Foundation, Inc. by means of a false pretense which was calculated to deceive and did deceive in violation of N.C.G.S. § 14-100 and against the peace and dignity of the State.

The false pretense consisted of the following: The defendant requested and induced Torlen L. Wade, Acting Director of the Office of Research, Demonstrations, and Rural Health Development of the North Carolina Department of Health and Human Services (The Office of Rural Health) to write a letter to the defendant in his capacity as the Chairman of the Community Health Foundation, Inc. (The Foundation) stating that the Office of Rural Health, would commit to funding a grant of $150,000.00 to The Foundation to assist The Foundation in converting the building at 926 North 4th Street in Wilmington, North Carolina into offices for The Foundation and a history museum. At the time of the writing of said letter the defendant and Torlen L. Wade knew that The Office of Rural Health would not make such a grant, and that the defendant would use the letter in seeking to obtain funding for The Foundation from other sources, such as financial institutions and other organizations that make grants, which would believe the representations contained in Torlen L. Wade's letter. The Coastal Federal Bank did receive a copy of the aforementioned letter, believed the representations in the letter, and in reliance on the letter made a loan of $150,000.00 to The Foundation.

Colon Willoughby
District Attorney

✓ J.E. Umphlet, State Bureau of Investigation

____ W.F. Dowdy, Wake County District Attorney's Office

The witnesses marked "X" were sworn by the undersigned Foreman of the Grand Jury and, after hearing testimony, this bill was found to be:

✓ **A TRUE BILL** by twelve or more grand jurors, and I the undersigned Foreman of the Grand Jury, attest the concurrence of twelve or more grand jurors in this Bill of Indictment.

____ **NOT A TRUE BILL.**

DEC 10 2007
Date

Grand Jury Foreman

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE # 07 CRS 84373

STATE OF NORTH CAROLINA

V.

Thomas E. Wright

INDICTMENT-
OBTAINING PROPERTY BY FALSE PRETENSES

The jurors for the State upon their oath present that on or between November 14, 2003 and August 11, 2004 in Wake County the defendant named above unlawfully willfully and feloniously did knowingly and designedly with the intent to cheat and defraud obtain and attempt to obtain $2,400.00 (two thousand four hundred dollars) from AstraZeneca Pharmaceuticals LP by means of a false pretense which was calculated to deceive and did deceive in violation of N.C.G.S. § 14-100 and against the peace and dignity of the State.

The false pretense consisted of the following: The defendant, while holding himself out as the President of the Community's Health Foundation, Inc. (The Foundation), solicited and received a charitable contribution from AstraZeneca Pharmaceuticals, LP in the amount of $2,400.00 for the use and benefit of The Foundation. The defendant represented that the contribution would be used for various health related purposes, including but not limited to educational initiatives, a needs assessment, identification of trends and bridging the gap of minority health care for underserved population in New Hanover County. The defendant further represented that The Foundation was a qualified charitable entity that would entitle the donor to receive a tax deduction for giving to The Foundation. In fact, The Foundation was not a qualified charity for which the donor could receive a tax deduction for making a contribution, and the $2,400.00 contribution made by AstraZeneca Pharmaceuticals, LP was not turned over to The Foundation to be used for the purposes stated in the solicitation, but was converted to the use and benefit of the defendant.

Colon Willoughby
District Attorney

✓ J.E. Umphlet, State Bureau of Investigation

____ W.F. Dowdy, Wake County District Attorney's Office

The witnesses marked "X" were sworn by the undersigned Foreman of the Grand Jury and, after hearing testimony, this bill was found to be:

✓ **A TRUE BILL** by twelve or more grand jurors, and I the undersigned Foreman of the Grand Jury, attest the concurrence of twelve or more grand jurors in this Bill of Indictment.

____ **NOT A TRUE BILL.**

DEC 10 2007
Date

Grand Jury Foreman

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE # 07 CRS 84374

STATE OF NORTH CAROLINA

V.

Thomas E. Wright

INDICTMENT-
OBTAINING PROPERTY BY FALSE PRETENSES

The jurors for the State upon their oath present that on or before February 6, 2004 and continuing through August 11, 2004 in Wake County the defendant named above unlawfully willfully and feloniously did knowingly and designedly with the intent to cheat and defraud obtain and attempt to obtain $5,000.00 (five thousand dollars) from Anheuser-Busch Cos., Inc. by means of a false pretense which was calculated to deceive and did deceive in violation of N.C.G.S. § 14-100 and against the peace and dignity of the State.

The false pretense consisted of the following: The defendant, while holding himself out as the President of the Community's Health Foundation, Inc. (The Foundation), solicited a charitable contribution from Anheuser-Busch Cos., Inc. and received a $5,000.00 (five thousand dollars) contribution for the use and benefit of The Foundation. The defendant represented that the contribution would be used for the acquisition and development of a building in Wilmington, North Carolina that would serve as a museum. The defendant further represented that The Foundation was a qualified charitable entity that would entitle the donor to receive a tax deduction for making a contribution. In fact, the Foundation was not a qualified charity for which the donor could receive a tax deduction for making a contribution, and the $5,000 contribution made by Anheuser-Busch Cos., Inc., was not turned over to The Foundation to be used for the purposes stated in the solicitation, but was converted to the use and benefit of the defendant.

Colon Willoughby
District Attorney

✓ J.E. Umphlet, State Bureau of Investigation

____ W.F. Dowdy, Wake County District Attorney's Office

The witnesses marked "X" were sworn by the undersigned Foreman of the Grand Jury and, after hearing testimony, this bill was found to be:

✓ **A TRUE BILL** by twelve or more grand jurors, and I the undersigned Foreman of the Grand Jury, attest the concurrence of twelve or more grand jurors in this Bill of Indictment.

____ **NOT A TRUE BILL.**

DEC 10 2007
Date

Grand Jury Foreman

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE # 07 CRS 84375

STATE OF NORTH CAROLINA

V.

Thomas E. Wright

INDICTMENT-
OBTAINING PROPERTY BY FALSE PRETENSES

The jurors for the State upon their oath present that on or before September 26, 2003 and continuing through April 1, 2004 in Wake County the defendant named above unlawfully willfully and feloniously did knowingly and designedly with the intent to cheat and defraud obtain and attempt to obtain $1,500.00 (one thousand five hundred dollars) from AT&T Corp. by means of a false pretense which was calculated to deceive and did deceive in violation of N.C.G.S. § 14-100 and against the peace and dignity of the State.

The false pretense consisted of the following: The defendant, while holding himself out as the President of the Community's Health Foundation, Inc. (The Foundation), solicited a charitable contribution from AT&T Corp. and received a ~~$1,500.00 (one~~ thousand five hundred dollars) contribution for the use and benefit of The Foundation. The defendant represented that the contribution was to The Foundation, a qualified charitable entity. In fact, The Foundation was not a qualified charitable entity, and the $1,500.00 contribution made by AT&T Corp. was not turned over to The Foundation for its use and benefit, but was converted to the use and benefit of the defendant.

Colon Willoughby
District Attorney

✓ J.E. Umphlet, State Bureau of Investigation

_____ W.F. Dowdy, Wake County District Attorney's Office

The witnesses marked "X" were sworn by the undersigned Foreman of the Grand Jury and, after hearing testimony, this bill was found to be:

✓ A TRUE BILL by twelve or more grand jurors, and I the undersigned Foreman of the Grand Jury, attest the concurrence of twelve or more grand jurors in this Bill of Indictment.

_____ NOT A TRUE BILL.

DEC 10 2007
Date

Grand Jury Foreman

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE # 07 CRS 84376

STATE OF NORTH CAROLINA

V.

INDICTMENT-
OBTAINING PROPERTY BY FALSE PRETENSES

Thomas E. Wright

The jurors for the State upon their oath present that on or between October 28, 2001 and November 21, 2001 in Wake County the defendant named above unlawfully willfully and feloniously did knowingly and designedly with the intent to cheat and defraud obtain and attempt to obtain $9,980.27 (nine thousand nine hundred eighty dollars and twenty-seven cents) from South East Community Credit Union, a financial institution, by means of a false pretense which was calculated to deceive and did deceive in violation of N.C.G.S. § 14-100 and against the peace and dignity of the State.

The false pretense consisted of the following: The defendant applied for a business loan for The Community Health Foundation, Inc., (The Foundation) from South East Community Credit Union (Credit Union), a financial institution. The loan was made by the Credit Union to The Foundation as a business line of credit that would allow The Foundation to make one or more withdrawals of up to a total of $10,000 to be used by The Foundation for business purposes. The defendant made withdrawals from the business line of credit of The Foundation totaling $9,980.27, failed to turn over those funds to The Foundation, and converted these funds to his own use and benefit. The application for the loan, the withdrawal of funds, and their subsequent use was without the approval or knowledge of the Board of Directors of The Foundation.

Colon Willoughby
District Attorney

✓ J.E. Umphlet, State Bureau of Investigation

____ W.F. Dowdy, Wake County District Attorney's Office

The witnesses marked "X" were sworn by the undersigned Foreman of the Grand Jury and, after hearing testimony, this bill was found to be:

✓ **A TRUE BILL** by twelve or more grand jurors, and I the undersigned Foreman of the Grand Jury, attest the concurrence of twelve or more grand jurors in this Bill of Indictment.

____ **NOT A TRUE BILL.**

DEC 10 2007
Date

Grand Jury Foreman

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE # 07 CRS 84377

STATE OF NORTH CAROLINA

INDICTMENT- FELONY
OBSTRUCTION OF JUSTICE

V.

Thomas E. Wright

The jurors for the State upon their oath present that on or between January 1, 2000, and January 31, 2007, in Wake County, the defendant named above unlawfully, willfully and feloniously did, in secret and with malice, and with deceit and intent to defraud, obstruct public justice in his role as a candidate for the North Carolina House of Representatives by the way in which he concealed and failed to account for campaign contributions and expenditures. The defendant collected a substantial number and amount of campaign contributions, approximately $185,000 worth, and failed to report those campaign contributions as required by law to the North Carolina Board of Elections (The Board), and to the Campaign treasurer for the Thomas Wright Campaign Committee, also know as the Committee to Elect Thomas E. Wright, (collectively known as The Committee). The defendant converted those campaign contributions to his own use and benefit, and also failed to report the expenditures of those contributions as required by law to The Board and to the treasurer of The Committee. By failing to report the contributions and expenditures, as required by law, the defendant filed and caused to be filed a campaign disclosure report with The Board that were not complete, true, and correct, in that the reports did not disclose campaign contributions and expenditures of The Committee. By concealing the financial activities of the defendant's political committee(s) and by filing and causing to be filed campaign disclosures reports that the defendant knew were not complete, true, and correct, the defendant obstructed public access to information that the defendant was required to disclose and concealed his illegal campaign activity. This act was in violation of the Common Law and against the peace and dignity of the State.

Colon Willoughby
District Attorney

✓ J.E. Umphlet, State Bureau of Investigation

____ W.F. Dowdy, Wake County District Attorney's Office

The witnesses marked "X" were sworn by the undersigned Foreman of the Grand Jury and, after hearing testimony, this bill was found to be:

✓ **A TRUE BILL** by twelve or more grand jurors, and I the undersigned Foreman of the Grand Jury, attest the concurrence of twelve or more grand jurors in this Bill of Indictment.

____ **NOT A TRUE BILL.**

DEC 10 2007
Date

Grand Jury Foreman

RULES OF THE LEGISLATIVE ETHICS COMMITTEE

Adopted May 15, 1996
Amended August 21, 1996

All proceedings of the Legislative Ethics Committee shall be governed by Article 5A, *Committee Activity;* and Article 14, *Legislative Ethics Act,* of General Statutes Chapter 120; or other applicable law. The Legislative Ethics Committee, by majority vote taken in open session, may close any meeting except as specifically provided otherwise in these rules. All other matters, not otherwise governed above, shall be subject to the following procedures.

A. OUTLINE OF PROCEDURE FOR RENDERING ADVISORY OPINIONS

1. **Request for an advisory opinion.** -- A legislator may request an advisory opinion from the Legislative Ethics Committee. (G.S. 120-88 and G.S. 120-104)

2. **Requests to be written.** -- All requests for advisory opinions shall be in writing, signed by the legislator requesting it and addressed to the Committee's cochairs. The request shall recite, with particularity, the ethical situation which presents itself to the legislator and the legislator's question.

3. **Requests to be delivered to the Committee cochairs.** -- All requests for advisory opinions shall be delivered to the cochairs of the Committee.

4. **Creation of Advisory Opinion Subcommittee.** – An Advisory Opinion Subcommittee is created. Each Committee cochair shall appoint to the Advisory Opinion Subcommittee two Committee members from that Committee's cochair's respective chamber. Each cochair shall appoint at least one member of the minority party of his or her respective chamber to membership on the Advisory Opinion Subcommittee. Each Committee cochair shall designate one of the Subcommittee members as a cochair of the Subcommittee. The term of an appointment of a member to the Subcommittee, except for resignation from the Subcommittee, shall be the same as the legislator's membership on the Committee.

5. **Initial review by Advisory Opinion Subcommittee.** -- The Committee cochairs shall refer all requests for advisory opinions to the Committee's Advisory Opinion Subcommittee, unless the Committee cochairs determine that the request should be considered by the Committee and schedule a meeting of the Committee to consider the request.

6. **Subcommittee's advisory opinion.** -- The Subcommittee may issue an advisory opinion with or without a meeting. The Subcommittee's advisory opinion shall be in writing, signed by all members of the Subcommittee, and addressed to the legislator requesting it. The Subcommittee advisory opinion shall be effective on the calendar day following its issuance by the Subcommittee. The Subcommittee cochairs shall transmit a duplicate original of its advisory opinion to the Committee cochairs. The Committee cochairs shall forward a copy of the advisory opinion to each Committee member.

7. **Reference of ethics inquiry to Committee.** -- If the Subcommittee finds that the issue upon which the advisory opinion requested is of such importance that the issue should be addressed by the Committee, as a whole, or if the Subcommittee is unable to render a unanimous opinion, the Subcommittee cochairs shall so notify in writing the Committee cochairs.

8. **Review of Subcommittee's advisory opinion.** -- When the presiding Committee cochair is notified that the Subcommittee:

   (a) Has issued an advisory opinion;

   (b) Has found that the issue presented in the request for an advisory opinion should be addressed by the Committee as a whole, or

   (c) Is unable to render an unanimous advisory opinion on the matter presented,

the presiding Committee cochair, after consultation with the other Committee cochair, shall schedule the consideration of the matter or matters at the next meeting of the Committee following that notification. The Committee shall consider the request for the advisory opinion and the Subcommittee's unanimous advisory opinion, if issued, and may, by majority vote, adopt the Subcommittee's advisory opinion, or disapprove it or modify it. The Subcommittee advisory opinion, once effective, shall be deemed that of the Committee until the Committee either formally modifies or disapproves the Subcommittee's advisory opinion.

9. **Committee Advisory Opinion.** – The Committee may, by majority vote, adopt an advisory opinion for a request referred initially to the Committee under Rule A 5 of these procedures.

10. **Legislator's reliance on advisory opinion.** -- No legislator's action or inaction based on the legislator's good faith reliance on an advisory opinion rendered by the Subcommittee or Committee requested by that legislator may be the basis of any ethics complaint filed under G.S. 120-103. A legislator's action or inaction in reliance on an effective advisory opinion is protected under this rule only as long as and to the extent that the opinion is not modified or rejected.

11. **Confidentiality.** -- The request for an advisory opinion and all materials submitted to or obtained in connection with the request for an advisory opinion are confidential and shall not be released by the Committee or Subcommittee, their members, or staff. All correspondence relating to and meetings of Committee or Subcommittee on an advisory opinion are confidential and shall not be released by the Committee or Subcommittee or their members or staff. All meetings of the Subcommittee and the Committee deliberating and voting on advisory opinions shall be held in closed session.

12. **Publication of edited opinions.** -- Not less often than biennially, the Committee shall publish selected adopted advisory opinions edited to remove information identifying the requesting legislator in order that ethical issues be presented to members of the General Assembly so that they might act in accordance with legislative ethics as they evolve.

B. OUTLINE OF PROCEDURE FOR INVESTIGATIONS OF COMPLAINTS ALLEGING UNETHICAL ACTIVITY

1. **Complaint.** -- (a) Upon the Committee's own motion, or in response to a signed and sworn complaint of any individual filed with the Committee's cochairs, the Legislative Ethics Committee shall inquire into any alleged violation of:

   (1) Any provision of Article 14, the Legislative Ethics Act, of Chapter 120 of the General Statutes;

   (2) The rules of legislative ethics and conduct, adopted by the House of Representatives and the Senate under G.S. 120-102(7); or

   (3) The criminal law by a legislator while acting in his official capacity as a participant in the lawmaking process (G.S. 120-103(a)).

   (b) The complaint shall state the nature of the violation, the date the alleged violation occurred, and either:

   (1) That the contents of the complaint are within the knowledge of the individual verifying the complaint, or

   (2) The basis upon which the individual verifying the complaint believes the allegations to be true (G.S. 120-103(a1).

2. **Preliminary meeting on complaint.** -- (a) After a signed and sworn complaint has been filed pursuant to G.S. 120-103, the Legislative Ethics Committee cochairs, shall call a meeting of the Committee as soon as practicable and send a copy of the verified complaint to the accused legislator. Notice of that meeting shall be given openly at a session of the Senate and of the House or posted on the press room door of the Legislative Building in Raleigh and delivered to the Legislative Services Office.

   (b) In a meeting open to the public, the presiding Committee cochair, after consultation with the other cochair, or the Committee, by majority vote, may order in closed session the Committee meeting at which the complaint of unethical conduct is to be discussed. (G.S. 143-318.18(4a) and G.S. 120-103(b)).

3. **Investigation Authorization.**--After receipt of a signed and sworn complaint, the cochairs of the Committee shall call a meeting of the Committee to review the complaint and to receive

from the complainant any additional information in support of the request for an investigation. After reviewing the complaint and the basis for the request, the Committee shall decide, by majority vote, whether or not to proceed with a preliminary investigation of the matter.

4. **Investigation.**--(a) Once the Committee has decided to consider a matter, the cochairs shall be responsible for the preliminary investigation of alleged unethical conduct.

(b) The cochairs may:

(1) Ask the Attorney General to direct the State Bureau of Investigation to conduct the preliminary investigation, or

(2) Request that the Legislative Services Officer facilitate the hiring of a private investigator to conduct the preliminary investigation. The Legislative Services Officer shall forward the request to employ a private investigator to the cochairs of the Legislative Services Commission for approval of the request and the allocation of funds for that purpose. If requested, the Legislative Services Officer shall furnish the cochairs with a list of at least three qualified private investigators from whom the cochairs may select an investigator or investigators. The Legislative Services Officer shall employ as private investigator the person or persons whom the Committee cochairs select.

(c) The person or persons, directed to conduct the investigation shall:

(1) Present to the Committee, at the direction of the cochairs, all information relevant to the Committee's investigation.

(2) Research, as directed by the cochairs, allegations relevant to the alleged unethical conduct.

(3) Interview potential witnesses having information relevant to the inquiry.

(4) Obtain sworn statements from persons willing to give them.

(5) Prepare the presentation of information and the investigative findings to the Committee.

(6) Present to the Committee a list of recommended witnesses to be called.

(7) Carry out other duties as directed by the cochairs.

5. **Presentment of Preliminary Investigation Findings.**--The cochairs shall present the findings of the preliminary investigation to the Committee together with recommendations of specific charges of alleged unethical conduct, if warranted.

6. **Retaining Outside Counsel.**--The cochairs shall request that the Legislative Services Officer facilitate in the hiring of outside counsel at such time as the cochairs determine the assistance of outside counsel is necessary, including for the preparation of proposed charges of alleged unethical conduct and for presentment of evidence at hearings. The Legislative Services Officer shall forward the request to employ outside counsel to the cochairs of the Legislative Services Commission for approval of the request and of the allocation of funds for that purpose. The Legislative Services Officer shall be requested to give the cochairs a list of at least three qualified attorneys willing to serve as outside counsel from whom the cochairs may select outside counsel. The Legislative Services Officer shall employ as the Committee's outside counsel the individual whom the cochairs select.

7. **Determination of Charges.**--If the Committee, by majority vote, finds that there is substantial evidence which provides substantial cause for the Committee to conclude that unethical conduct by the member has occurred, it shall proceed further with an inquiry into the conduct of the member. The Committee, by majority vote, shall specify the charges as to conduct to be considered against the accused member.

8. **Notification of Charges and Scheduling of Hearings.**--The cochairs shall notify the accused member of the inquiry and the charges against the member, and schedule one or more hearings on the matter as soon as reasonable.

9. **Rights of Accused Member.**--In accordance with these procedures, the member against whom the charges are brought has the right to be present, present evidence, cross-examine witnesses, and shall be permitted to be represented by private legal counsel at any hearing.

10. **Subpoenas.**--The forms for subpoenas and subpoenas duces tecum approved on November 2, 1973 by the Legislative Services Commission shall be the forms utilized by the Committee. The Committee may issue subpoenas to compel the attendance of witnesses or the production of documents, books or other records, as permitted by Article 5A of Chapter 120 of the

General Statutes and G.S. 120-103(c). The accused member may request that the Committee issue subpoenas and subpoenas *duces tecum*.

11. **Witnesses to Take Oath and All Written Statements to be Sworn.**–The cochairs shall notify the accused member of all witnesses who may appear at a hearing inquiring into alleged unethical activity at least fifteen days prior to the hearing, unless waived by the Committee. A copy of any affidavit of a witness setting forth matters on which the witness may testify shall be made available to the accused member at that time. If no affidavit of the witness exists, the Committee shall make available to the accused member a summary of the matters on which the witness may testify. Any information which would tend to clear or lessen from blame or fault the charges against the accused member shall be made available to the accused member or the member's private legal counsel as soon as is reasonable. The accused member shall notify the cochairs of the witnesses the accused member desires to have appear at a hearing inquiring into alleged unethical activity at least five days prior to the hearing, unless waived by the Committee. A copy of any affidavit of a witness setting forth matters on which the witness may testify shall be made available to the Committee at that time. If no affidavit of the witness exists, the accused member shall make available to the Committee a summary of the matters on which the witness may testify. The Committee shall determine by majority vote which witnesses shall be heard. All witnesses shall be sworn before testifying. All written statements to the Committee shall be by sworn affidavit before the Committee will consider them.

12. **Counsel for Witnesses Permitted.**--Any witness testifying before the Committee may have private legal counsel present. Participation by witness's counsel at a hearing and while the witness is testifying is limited to advising the witness of the witness's legal rights. Counsel's failure to abide by these procedures is grounds for counsel's exclusion from the hearing.

13. **Propounding of Questions.**--(a) Committee members and staff, if requested by the cochair or Committee, may question any witness. The presiding cochair shall recognize Committee members who wish to question a witness for a series of questions. The Committee member may ask the witness all questions without interruption so long as permitted by the presiding cochair. Upon completion of a series of questions by a Committee member, the presiding cochair may recognize another Committee member for questions in the order recognized.

After all Committee members desiring to ask questions have been given an opportunity to ask a series of questions, the presiding cochair may give members additional opportunities to ask a series of questions in the same order.

(b) All questions to be asked of any witness shall be directed to the witness after receiving permission from the presiding cochair, but the presiding cochair may permit a series of questions to be asked without requiring specific consent for each individual question.

(c) The presiding cochair may disallow any question on his or her own motion.

(d) Objections to any questions shall be made by a member of the Committee, the accused member, or the member's private legal counsel, to the presiding cochair before the question is answered. If an objection is raised, the presiding cochair shall determine whether the question is relevant and has probative value as to a substantive issue, and is not a waste of time or redundant, and whether the witness will be allowed to answer. The ruling of the presiding cochair, without objection from a member of the Committee, shall stand.

(e) If the presiding cochair's ruling is objected to by a member of the Committee, the motion shall be, "That the ruling of the cochair be overruled." The motion shall be adopted by majority vote of the Committee.

14. **Hearings and Meetings of Committee Open.**--(a) The Committee's meetings and hearings shall be open to the public, unless:

(1) The Committee, by majority vote, closes to the public the meetings and hearings related to complaint, or;

(2) The individual against whom the complaint is made requests in writing prior to the meetings and hearings that they be closed (G.S. 120-103(b)).

(b) All proceedings of a closed session shall be transcribed and shall constitute a portion of the minutes of the closed session.

(c) The accused member and the member's private legal counsel shall be permitted to attend any closed session held for the purpose of taking testimony from a witness testifying as to matters related to allegations against the accused member, and the member or the member's private legal counsel shall have the right to propound

questions to the witness and cross-examine the witness in accordance with Rule B.9 and B.13 of these procedures.

(d) Private legal counsel of any witness shall be permitted in a closed session during the period of the witness's testimony. The parents or legal guardian of a minor witness shall be permitted in a closed session during the period of the minor witness's testimony.

15. **Transcripts.**--The cochairs shall insure that all hearings be transcribed and be made part of the minutes of the meeting.

16. **Committee Votes.**--All votes, except those on the motions to adjourn and to approve minutes, shall be by roll call and included in the minutes.

17. **Division of Issues.**--After hearing evidence on the substantive issues of the alleged unethical conduct of the accused member, the Committee shall address the following issues:

(a) Whether one or more of the charges against the accused member is true.

(b) If so, what action will be taken by the Committee.

18. **Disposition of Cases.** -- (a) When the Committee has concluded its inquiries into alleged violations, the Committee shall:

(1) Dismiss the complaint,

(2) Issue a public or private admonishment to the legislator,

(3) If the Committee finds substantial evidence of a violation of the criminal statute, refer the matter to the Attorney General for possible prosecution through the appropriate channels, and to the relevant legislative chamber for appropriate action; or

(4) If the Committee finds substantial evidence of unethical activities, refer the matter to the appropriate legislative chamber for appropriate action, which shall include censure and expulsion.

(b) If the Committee issues an admonishment as provided for in this rule, the legislator so affected may, upon written request to the Committee, have the matter referred to the appropriate house for its own review (G.S. 120-103(d1)).

19. **Confidentiality.** – (a) Complaints alleging violations of the Legislative Ethics Act, transcriptions of hearings and all other records relating to the complaint are confidential and shall not be disclosed until the Committee has issued a public admonishment to the legislator, referred the matter to the Attorney General for possible prosecution, or referred the matter to the appropriate legislative chamber for appropriate action.

(b) In the case of a dismissal or a private admonishment under Rule B.18. (a), the Committee shall retain its records or findings in confidence, unless the individual under inquiry requests in writing that the records or findings be made public. If the Committee later finds that a legislator's subsequent unethical activities were similar to and the subject of an earlier private admonishment, then the Committee may make public the earlier admonishment and the records and findings related to it. (G.S. 120-103(d1)).

(c) Unsworn allegations and all records relating to them are confidential and shall not be disclosed, unless the Committee proceeds with an inquiry into the conduct of the member under Rule B.7 above, and except as permitted under this Rule.

20. **Role of Committee Members and Staff.**--(a) The duties of staff assigned to the Committee shall be directed by the cochairs.

(b) Legislative staff may be authorized to do the following:

(1) Research any legal issues arising from the investigation.

(2) Help Committee members prepare for meetings.

(3) Consult with the Attorney General's staff on matters arising from the investigation as necessary.

(4) Carry out other duties as directed by the cochairs.

(c) Other staff:

(1) All investigations, at the cochairs' discretion, shall be performed by the State Bureau of Investigation or a private investigator hired in accordance with the procedures set forth in Rule B 4 of these procedures.

(2) Outside counsel hired in accordance with the procedures set forth in Rule B 6 of these procedures shall be authorized to oversee the investigation

in preparation for hearings and shall prepare and present evidence to the Committee, including the initial laying out of the evidence through the questioning of witnesses.

(3) The person or persons, employed or authorized to investigate, present or tender evidence, and cross examine witnesses for the Committee shall be authorized to do the following:

a. Present to the Committee, at the direction of the cochairs, all information relevant to the Committee's investigation.

b. Research as directed by the cochairs, allegations relevant to the alleged unethical conduct.

c. Interview potential witnesses having information relevant to the inquiry.

d. Obtain sworn statements from persons willing to give them.

e. Prepare the presentation of information and the investigative findings to the Committee.

f. Present to the Committee a list of recommended witnesses to be called.

g. Make available, as authorized by the cochairs, to the accused member or the member's private legal counsel, affidavits to be presented to the Committee and any information which would tend to clear or lessen from blame or fault the charges against the accused member.

h. Carry out other duties as directed by the cochair.

BOYCE LAW FIRM
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R. DANIEL BOYCE
ATTORNEY AT LAW

TEL: (919) 834-2380
FAX: (919) 834-2268

November 15, 1995

MEMORANDUM

To: Representative Julia Howard

From: R. Daniel Boyce

Re: Status of Representative Ken Miller

This investigation was initiated by the North Carolina House Ethics Committee in accordance with the authorization of the Speaker of the House of Representatives, the Honorable Harold Brubaker. The Ethics Committee initiated this investigation after a complaint was filed by Representative Billy Creech. Pursuant to procedures adopted September 27, 1995, Representative Howard, as Chair of the House Ethics Committee authorized R. Daniel Boyce and his investigators to investigate any and all allegations of sexual misconduct by Representative Ken Miller alleged to have been committed since the convening of the 1995 Session of the General Assembly.

Approximately fifty (50) interviews were attempted. Approximately 43 persons agreed to be interviewed and made statements. Approximately, seven (7) persons refused to make any comment. Approximately fourteen (14) signed affidavits have been obtained. During the interview process, the individuals were not provided with the names of any potential victims or witnesses. Instead, each person being interviewed was asked if she or he had any information relevant to the investigation of Representative Ken Miller.

Representative Miller was given the opportunity to make a statement or consent to an interview. He also was given the opportunity to provide any documentation or evidence regarding his position and, per his earlier offer, the opportunity to take a polygraph. Through his attorney, Rep. Miller refused to participate in the investigation because he believes the investigation is illegal. Because Rep. Miller is represented by counsel, no attempt was made to contact him directly.

This report contains a synopsis of the interviews conducted. It does not contain a list of possible contradictions in statements or evidence which may possibly be construed as exculpatory. This report is not meant to be a full and complete statement of the results of the investigation but instead is a report of the preliminary findings to the Ethics Committee. If the Committee decides to

proceed on any charges, it is recommended that the affidavits and reports of interviews be provided in their entirety to Representative Miller or his attorney so that they can determine what information should be presented in rebuttal to any charges brought.

I. Complaint Relating to Page of House of Representatives

Page #1, age 16, furnished a statement regarding unsolicited statements and physical contact made by Rep. Ken Miller. Page #1 was a page during the week of July 9 through July 15, 1995. In essence, Page #1 claims that the following incidents occurred during that week:

1. During the week of July 9, 1995, Page # 1 was leaving the Page's Office to go on the House Floor. As she was leaving the Page's Office, Rep. Miller asked her to hold on or wait as he closed the door to the page office to within three inches of full closure. Once the door was closed, he said to her, "I just want you to know that my attraction for you is strictly physical." She walked away because she did not know whether he was kidding or was serious.

2. During the week of July 9, 1995, Page #1 was sitting in the back of the House on the left side when Rep. Miller came to her, sat down and asked for her telephone number. Page #1 initially refused and Rep. Miller asked her why. Page #1 asked why Rep. Miller wanted her telephone number and he replied, "I'd like to call you sometime."

3. During the week of July 9, 1995, Page #1 was assigned phone duty at Rep. Miller's office. Rep. Miller came into the office. Page #1 was seated at the secretary's desk. He came behind her and was standing looking over her shoulder. Rep. Miller said, "I like that dress. Did you wear it for me?" Page #1 denied wearing the dress for Rep. Miller. Rep. Miller started rubbing her back, and as he did, he was looking over her shoulder toward the front of her dress. Page #1 decided to leave, and as he shook her hand, he took her hand, put it up to his lips and with his tongue and lips gave her a "French type kiss" on her hand. Page #1 stated that her hand was wet from the kiss. She indicated she was offended by this conduct. Page #1 indicated that she in no way was interested in Rep. Miller and did not flirt with him or anyone else.

Page #1 had reported this incident to a number of individuals including staff members of the Page's Office, Sergeant at Arms Office, Speaker's Office and her sponsor during the same week of the incidents. Those three individuals confirmed that Page #1 told them of two or more of the incidents: that she was kissed in Rep. Miller's office on the hand in a French kiss style which she was not pleased with; Rep. Miller had requested her telephone number on the House floor; and Rep. Miller had isolated the young lady in the page's office and by her account had stated he was physically attracted to her. Page #1 had earlier revealed some portions of the above allegations to two other Pages. Those Pages confirmed Page #1 made similar statements to them. Some of the witnesses who may have been present were unable to recall hearing certain statements that were alleged to have been made.

Rep. Miller was confronted about the allegations by representatives of the Speaker's Office and by another Representative. When confronted with these statements, Rep. Miller initially denied any improper conduct. Rep. Miller was directly asked did you kiss the page's hand? Rep. Miller confirmed that he had kissed her hand. Rep. Miller was asked if he asked the page for her telephone number. Rep. Miller also said yes. At least one of those three individuals also stated that Rep. Miller explained this happened because he is friendly and courtly in his manner. Rep. Miller advised that it was a no-win situation and that he would be more than willing to apologize to the page and her family. In subsequent statements to the press, Rep. Miller denied any inappropriate conduct.

II. Complaint relating to House Staff Member

House Staff Member #1, is a secretary for a House Member. House Staff Member #1 stated that during March 1995, she was working in the office of Rep. #1 when Rep. Miller came into her office inquiring as to the whereabouts of Rep. #1. Later on, when Rep. #1 had returned to the office, he asked Rep. Miller what he wanted and proceeded on into his office. Rep. Miller looked at House Staff Member #1 and stated, "I want one night with your secretary." As he was walking into Rep. #1's office, Rep. Miller turned and winked at House Staff Member #1.

House Staff Member #1 advised that after Rep. Miller had talked to Rep. #1 and was leaving the office, Rep. Miller leaned across House Staff Member #1's desk and said, "Make that two nights." House Staff Member #1 stated she was upset by Rep. Miller's comments and asked him, "Aren't you married?" House Staff Member #1 advised Rep. Miller responded by saying, "I'm just kidding."

Approximately one week later, Rep. Miller came by to Rep. #1's office when House Staff Member #1 was alone, stepped into the door way and said, "Have you thought about my offer?" House Staff Member #1 stated she responded to Rep. Miller's comment by saying, "Excuse me!" Rep. Miller then replied, "The one I made you last week." House Staff Member #1 further advised she told Rep. Miller she had a boyfriend to let Rep. Miller know she was not interested in his comments. At that point in time, House Staff Member #1 indicated Rep. Miller made some comment about knowing the difference between lust and love. House Staff Member #1 was quite upset about this incident and reported it to Rep. #1. Rep. #1 advised Rep. Miller never to come into the office again.

Two legislative staff employees indicated that House Staff Member #1 had told them about the incident soon after the incidents occurred. Rep. #1 confirmed that he partly heard what Rep. Miller had said and that he did not hear the entire statement but remembered something about a night.

III. Complaints Relating to Female Lobbyists

During the course of the investigation, information was provided that three lobbyists with the North Carolina General Assembly might also have had information about inappropriate comments

or conduct by Rep. Miller. The investigators were told that certain individuals may be willing to provide information regarding offensive comments or conduct by Rep. Miller to female Lobbyists.

Lobbyist #1 was interviewed. She indicated that she had had dinner with Rep. Miller to discuss pending legislation. This was part of standard operating procedure, and there was nothing unusual about having dinner with a representative. She indicated that the dinner was very professional, and there was no inappropriate conduct during dinner. However, on the way back from the restaurant, she stated that Rep. Miller indicated he and his wife, "had an understanding" or words to that effect. She indicated she felt uncomfortable about that comment. After arriving in the parking lot, Rep. Miller's car had been left, Rep. Miller made a statement to the effect that he wished she would have worn a "shorter skirt". She indicated she felt more uncomfortable after this statement. Lobbyist #1 indicated Rep. Miller then stated that if she would like to discuss the legislation further, he was staying at room _____(blank--she does not remember the room number that was given) at the Holiday Inn. She indicated her impression was that he was extending an invitation to her to come to his hotel room. She told him their's was a business relationship, and she would prefer to keep it that way. The Lobbyist provided no other additional information.

Lobbyist #2, stated that she heard rumors concerning the matter but other than what had appeared in the local newspaper, she was aware of nothing and has no further comments to make concerning the matter.

Lobbyist #3, was interviewed. She advised she had never had any contact with Rep. Miller. She further advised that due to Rep. Miller's reputation as a "lecherous dirty old man," most of the female lobbyists avoided him. Lobbyist #3 further stated that she did not wish to comment further and did not want to be involved in Rep. Miller's investigation.

IV. Complaints Relating to Female Sergeants at Arms

During the course of the investigation, information was received that two Assistant Sergeant at Arms of the North Carolina General Assembly had information related to this investigation. The information provided was that during a conversation on Thursday (July 13) both Assistant Sergeant at Arms #1 and Assistant Sergeant at Arms #2 had said Rep. Miller had made flirtatious type statements on more than one occasion and some of his statements had occurred in the House Chamber.

Assistant Sergeant at Arms #1, was contacted and an interview was requested. Assistant Sergeant at Arms #1 stated that she had no comment on the matter and could furnish no information concerning this investigation. She stated she had no desire to be recontacted regarding the matter.

Assistant Sergeant at Arms #2 stated she personally has had no contact with Representative Miller which could be construed as a come on by him to her. Although she made statements about Representative Miller's reputation, her comments were made based on "general knowledge" or hearsay statements of others.

RDB/sj
[wpdocs\redacted..mem]

North Carolina General Assembly
House of Representatives
State Legislative Building
Raleigh 27601-1096

November 17, 1995

REPRESENTATIVE JULIA C. HOWARD
74TH DISTRICT
HOME ADDRESS: 203 MAGNOLIA AVE.
MOCKSVILLE, N.C. 27028
OFFICE ADDRESS: 1021 LEGISLATIVE BUILDING
(919) 733-5904
FAX: (919) 733-2599

COMMITTEES:
CHAIRMAN:
ETHICS
CO-CHAIRMAN:
WELFARE REFORM AND HUMAN RESOURCES
FINANCE
JUDICIARY I
PUBLIC EMPLOYEES

Representative Ken Miller
301 S. 8th Street
Mebane, N.C. 27302

Representative Ken Miller
c/o William F. Lopp
Attorney at Law
207 West D Street
Erwin, N.C. 28339

Dear Representative Miller:

This letter is to formally notify you that the House Ethics Committee, pursuant to authorization by the Honorable Harold J. Brubaker, Speaker of the North Carolina House of Representatives, is conducting an inquiry and investigation in the matter of any acts of sexual misconduct that may have been committed by you within the course and scope of your role as a member of the House of Representatives since the convening of the 1995 General Assembly. After considering the findings of the preliminary investigation, the Committee has voted to consider specific charges against you. The notice of charges is enclosed with this letter.

In accordance with the procedures adopted by the Committee, I will proceed to schedule a hearing before the Committee during which sworn testimony of witnesses will be heard as it relates to the charges. The hearings, and matters relating to the hearings, will be conducted in accordance with the **Outline of Procedures for Investigations of Unethical Activity** as adopted by the Committee on September 27, 1995, including specifically the provisions of paragraphs 7 through 16. I have directed Dan Boyce, Investigative Counsel to the Committee, to comply with the provisions of the Procedures related to information to be furnished to you.

Also enclosed is a copy of the Procedures that have been adopted by the Committee which will be applicable to the hearing and a copy of the investigation report which Mr. Boyce presented to the Committee on November 15, 1995.

At this time it appears that the hearing will be scheduled to begin in the afternoon of December 7, 1995, to continue on December 11 and 12, 1995, as may be

necessary to hear all the testimony. You will be sent a separate notice of the hearing dates when the dates are finalized.

Mr. Boyce has been and will continue to be responsible for the duties of other staff as set forth in Paragraph 20(c) of the Procedures. Mr. Walker Reagan and Mr. Terry Sullivan are advising the Committee as legislative staff on procedural and administrative matters under the Procedures. You should feel free to contact any of these persons or me for any questions you might have as we prepare for the hearing.

Sincerely,

Julia C. Howard /wr

Julia C. Howard, Chair
House Ethics Committee

Enclosures: Notice of Charges
Procedures for Investigations

JCH/wr

NOTICE OF CHARGES OF UNETHICAL CONDUCT BY REPRESENTATIVE KEN MILLER

The House Ethics Committee, having convened for hearing on the report of preliminary investigation findings as to charges of alleged unethical conduct, hereby finds there is substantial evidence which provides substantial cause for the Committee to conclude that Representative Ken Miller, a member of the North Carolina House of Representatives, has engaged in unethical conduct by a member of the North Carolina House of Representatives, conduct unbecoming or unfitting for a member of the North Carolina House of Representatives, or abuse of office held by a member of the North Carolina House of Representatives. The Committee, by unanimous vote, hereby charges that the following conduct should be considered against Representative Ken Miller:

COUNT 1

In or about March, 1995, while serving as a Representative of the North Carolina House of Representatives, Representative Ken Miller made unsolicited and inappropriate remarks and comments of a sexual nature to a female employee of the General Assembly, and said unsolicited and inappropriate remarks and comments of a sexual nature constitute unethical conduct by a member of the North Carolina House of Representatives, conduct unbecoming or unfitting for a member of the North Carolina House of Representatives, or abuse of office held by a member of the North Carolina House of Representatives.

COUNT 2

In or about April, 1995, while serving as a Representative of the North Carolina House of Representatives, Representative Ken Miller made certain unsolicited and inappropriate remarks and comments of a sexual nature to a female person registered and acting as a lobbyist before the North Carolina General Assembly, and such unsolicited and inappropriate remarks and comments of a sexual nature constitute unethical conduct by a member of the North Carolina House of Representatives, conduct unbecoming or unfitting for a member of the North Carolina House of Representatives, or abuse of office held by a member of the North Carolina House of Representatives.

COUNT 3

During the week of July 9 through 15, 1995, Representative Ken Miller, while serving as a Representative of the North Carolina House of Representatives, made certain unsolicited and inappropriate remarks and comments of a sexual nature to a 16-year old female House page. The unsolicited and inappropriate remarks and comments to the 16-year old female House page constitute unethical conduct by a member of the North Carolina House of Representatives, conduct unbecoming or unfitting for a member of the North Carolina House of Representatives, or abuse of office held by a member of the North Carolina House of Representatives.

COUNT 4

During the week of July 9 through 15, 1995, Representative Ken Miller, while serving as a Representative of the North Carolina House of Representatives, made certain unsolicited and inappropriate physical contact with a female House page. Such conduct constitutes unethical conduct by a member of the North Carolina House of Representatives; conduct unbecoming or unfitting for a member of the North Carolina House of Representatives, or abuse of office held by a member of the North Carolina House of Representatives.

Adopted November 15, 1995.

Representative Julia C. Howard
Chair of the North Carolina House Ethics Committee

North Carolina General Assembly
House of Representatives
State Legislative Building
Raleigh 27601-1096

REPRESENTATIVE KEN MILLER
25TH DISTRICT - ALAMANCE/CASWELL/
ORANGE/ROCKINGHAM COUNTIES
HOME ADDRESS: 301 S. EIGHTH ST.
MEBANE, N.C. 27302
919-563-9122
LEGISLATIVE PHONE: 919-733-5779
FAX: 919-832-1216

COMMITTEES:
FINANCIAL INSTITUTIONS - VICE CHAIRMAN
JUDICIARY I
EDUCATION
COMMUNITY COLLEGES & UNIVERSITIES
SUBCOMMITTEE
APPROPRIATIONS
NATURAL & ECONOMIC RESOURCES
1 [illegible]

Representative Julia Howard
North Carolina General Assembly
State Legislative Building
Raleigh N.C. 27601-1096

Dear Representative Howard:

Your Committee has labored long and hard as a result of actions and statements on my part which I deeply regret. These actions have embarrassed the North Carolina House of Representatives as well as certain individuals including a former page of the North Carolina House of Representatives, a clerk for a fellow Representative and a Lobbyist to the North Carolina General Assembly. I apologize to those individuals for the inappropriate and unsolicited actions and statements I made in their presence. I request that this letter be provided to those individuals as my direct apology to them and as an expression of my deep regret. I realize these statements and actions constitute conduct unbecoming or unfitting for a member of the North Carolina House of Representatives. I apologize to the members of the House.

It was never my intention to create feelings of ill will. I am often very aggressive in my nature and during my service in the legislature, I often approached matters with that same aggressiveness. In doing so, I may have misspoken, but my intentions were never malicious.

I willingly accept whatever action the House Ethics Committee may recommend to the House and whatever action the House decides is appropriate. I waive any presentation of evidence before the North Carolina House Ethics Committee. I seek to normalize the matter as quickly as possible. It is my sincere hope that in the best interest of all parties involved, we can now move forward and put this matter behind us.

Sincerely,

Representative Ken James Miller

NORTH CAROLINA, WAKE COUNTY

Sworn to and subscribed before me this the 7th day of December, 1995.

My commission expires 12/20/99.

Frances S Carraway
NOTARY PUBLIC

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

H D

HOUSE RESOLUTION 96-RUZ-002(ETHICS)
THIS IS A DRAFT 7-DEC-95 17:21:20

Sponsors: House Ethics Committee

Referred to:

A HOUSE RESOLUTION CENSURING REPRESENTATIVE KEN MILLER FOR STATEMENTS AND ACTIONS THAT CONSTITUTE CONDUCT UNBECOMING AND UNFITTING FOR A MEMBER OF THE HOUSE OF REPRESENTATIVES.

Be it resolved by the House of Representatives:

Section 1. Whereas, as authorized by the Speaker, the House Ethics Committee conducted an investigation into the conduct of Representative Ken J. Miller since the convening of the 1995 General Assembly, said investigation having been initiated by a complaint made by Representative Billy Creech to the Committee; and

Whereas, the Committee undertook to have the conduct of Representative Ken J. Miller investigated; and

Whereas, the results of the investigation were presented to the Committee; and

Whereas, as of result of the investigation report, the Committee charged Representative Ken J. Miller with four counts of unethical conduct by a member of the House of Representatives, conduct unbecoming or unfitting for a member of the House of Representatives, or abuse of office held by a member of the House of Representatives, which the Committee determined should be considered against Representative Ken J. Miller; and

Whereas, following the presentment of charges to him, Representative Ken J. Miller acknowledged by letter that his statements and actions were inappropriate and constituted conduct unbecoming or unfitting for a member of the House of

Representatives, and waived the presentment of evidence on the charges; and

Whereas, the Committee found that in or about March, 1995, while serving as a Representative of the North Carolina House of Representatives, Representative Ken Miller made unsolicited and inappropriate remarks and comments of a sexual nature to a female employee of the General Assembly; and

Whereas, the Committee found that in or about April, 1995, while serving as a Representative of the North Carolina House of Representatives, Representative Ken Miller made certain unsolicited and inappropriate remarks and comments of a sexual nature to a female person registered and acting as a lobbyist before the North Carolina General Assembly; and

Whereas, the Committee found that during the week of July 9 through 15, 1995, Representative Ken Miller, while serving as a Representative of the North Carolina House of Representatives, made certain unsolicited and inappropriate remarks and comments of a sexual nature to a 16-year old female House page; and

Whereas, the Committee found that during the week of July 9 through 15, 1995, Representative Ken Miller, while serving as a Representative of the North Carolina House of Representatives, made certain unsolicited and inappropriate physical contact with a female House page; and

Whereas, the Committee found that the conduct of Representative Ken J. Miller constituted conduct unbecoming and unfitting for a member of the House of Representatives; and

Whereas, the Committee found that the appropriate sanction against Representative Ken J. Miller for his conduct is censure by the House,

Therefore, Representative Ken J. Miller is hereby censured for conduct unbecoming and unfitting for a member of the House of Representatives as found by the House Ethics Committee.

Further, Representative Ken J. Miller shall forthwith be called to the Well of the House to receive this censure, at which time this Resolution of Censure shall be read to Representative Ken J. Miller.

Sec. 2. This Resolution is effective upon adoption.

North Carolina Department of Health and Human Services
OFFICE OF THE INTERNAL AUDITOR
2014 Mail Service Center
Raleigh, North Carolina 27699-2014

Michael F. Easley, Governor
Dempsey Benton, Secretary

Thomas E. Berryman, CPA
Director

September 27, 2007

Dempsey Benton, Secretary
North Carolina Department of Health and Human Services
2001 Mail Service Center
Raleigh, N.C. 27699-2001

Dear Secretary Benton:

After concluding a recent personnel investigation of a Department of Health and Human Services (DHHS) employee, various administrative control issues pertinent to that investigation came to our attention requiring management's consideration. These issues are addressed individually in this report.

Introduction

Scope. The scope of this investigation included an independent review of (1) the facts regarding a commitment letter for State funds written by the Director of the Office of Rural Health and Community Care (formerly known as the Office of Research, Demonstrations, and Rural Health Development) as a result of his relationship with Representative Thomas E. Wright; (2) payments made by DHHS to Representative Thomas E. Wright in his capacity as a member of the Minority Health Advisory Council, or any other legislative mandated council or committee and any organizations that Representative Wright was affiliated with from July 1, 2000 through May 31, 2007; and (3) contractual payments made to Representative Wright and any organizations that Representative Wright was affiliated with from July 1, 2000 through May 31, 2007 by the North Carolina Foundation for Advanced Health Programs, Inc. (a DHHS-related foundation).

Results of the Investigation

Commitment Letter. Our investigation confirmed the existence of the March 15, 2002 commitment letter referred to by Ms. Kim Strach (State Board of Elections Investigator) during a North Carolina Board of Elections hearing on May 15, 2007. The commitment letter was written by Torlen L. Wade, Acting Director of the Office of Research, Demonstrations, and Rural Health Development and addressed to Thomas E. Wright, Chairman of the Community's Health

Foundation. The letter stated that the Community's Health Foundation was trying to convert a building located in Wilmington, North Carolina into a History Museum and offices for the Community's Health Foundation and the New Hanover Community Health Center. The letter states that Mr. Wade, Acting Director of the Office of Research, Demonstrations, and Rural Health Development endorsed the project and committed $150,000 in support of the project.

Our investigation disclosed the following:

- We were able to verify that the Office of Research, Demonstrations, and Rural Health Development did not have funds available to support this commitment at the time the letter was written by Mr. Wade in his capacity as Acting Director.
- We located a copy of the signed commitment letter along with a printed copy of an e-mail from Representative Wright's legislative assistant (Vanda Wilson-Wormack) that directed Mr. Wade to include specific language in the commitment letter and instructions on where to send the letter.
- We did not identify any additional areas of possible inappropriate activities concerning Mr. Wade's interactions as an employee of DHHS with Representative Wright or any of his affiliated organizations.

DHHS payments made to Representative Wright. Our investigation confirmed the existence of payments made to Representative Wright reimbursing him for mileage and/or subsistence (meals and lodging) for attending Minority Health Advisory Council meetings, Public Health Task Force meetings and the African-American Health Summit. Of the 19 payments (**Exhibit 1**) made to Representative Wright during the period July 1, 2000 through May 31, 2007, we noted the following:

- Eight instances where Representative Wright received subsistence and/or mileage reimbursement from DHHS as well as from the General Assembly for the same time period.
- Two instances where Representative Wright received subsistence ($104/day) reimbursement from DHHS although the Office of Minority Health and Health Disparities paid for his lodging directly.
- Two instances where Representative Wright appears to have claimed excessive mileage (380 miles) reimbursement for attending Minority Health Advisory Council meetings in Raleigh. Using freely available mileage charts, the mileage from Representative Wright's home to Raleigh meeting sites is approximately 260 miles. The General Assembly pays Representative Wright for one round trip (280 miles) per week for attending General Assembly functions.
- Representative Wright received excess reimbursement when he submitted two different mileage reimbursement requests for attending the same Public Health Task Force meeting.

The State Bureau of Investigation (SBI) and appropriate law enforcement agencies should determine whether the questionable mileage and subsistence reimbursements totaling $1,404.71 that Representative Wright received violated any general statutes and/or Office of State Budget and Management (OSBM) travel policies/regulations. In addition, the Office of the Attorney

General should review the questionable payments ($1,404.71) made to Representative Wright to determine which agency is ultimately responsible for approval and payments made to members of the General Assembly who are legislative appointed members of the Minority Health Advisory Council (MHAC) and other councils/committees.

Use of signature stamp. During our review of travel and subsistence reimbursements paid to Representative Wright for attending various Minority Health Advisory Council meetings, we noted that a signature stamp of Representative Wright had been used to sign several of the reimbursement forms. Representative Wright is the current Chairman of the Minority Health Advisory Council and the administrative support for the council's activities is provided by the Office of Minority Health and Health Disparities. We contacted Mrs. Barbara Pullen-Smith, Executive Director of the Office of Minority Health and Health Disparities, and questioned the existence, location and authorization for use of the signature stamp. She stated that her administrative staff did have the signature stamp in their possession. She further stated that Representative Wright authorized the use of the signature stamp. While the use of a signature stamp for authorized correspondence would be acceptable, the use of a signature stamp on travel reimbursement forms represents an internal control weakness. In addition, **original** signatures of the person requesting the travel reimbursement and of the person approving the reimbursement request are required on all DHHS travel reimbursement forms.

We identified eight reimbursement requests where the signature stamp was used to claim reimbursement. We reviewed the meeting minutes for committee meetings when the stamp was used to verify that Representative Wright attended the function. We were able to verify his attendance at those meetings.

North Carolina Foundation for Advanced Health Programs, Inc. payments to Representative Wright. During our review of the DHHS-related Foundation's records for any inappropriate relationships/activities with DHHS employees and/or Representative Wright, we discovered six instances of billing for services provided to the Foundation by Representative Wright while acting as a private consultant to that organization. Four of those billings were submitted from Representative Wright's legislative ~~assistant's legislative e-mail ac~~count.

We requested that the Foundation furnish a copy of the contractual agreement between itself and Representative Wright, however, ~~the Foundation was unable to locate the contract~~. The Foundation stated that Representative Wright's 2002/2003 contract was for assistance in developing "Access III of Lower Cape Fear", a collaborative network of primary care physicians, hospitals, health departments and departments of social services in the Wilmington area, which now consists of six counties. The Foundation provided supporting documentation detailing payments to Representative Wright of $19,000 in 2002 and $16,000 in 2003. However, we were unable to verify the accuracy of the payments with the terms of the missing contract.

Our review also disclosed that Representative Wright was:

- a director for the New Hanover Community Health Center's Board of Directors for the fiscal year July 1, 2001 through June 30, 2002,
- and the Chairperson of the New Hanover Community Health Center's Board of Directors for the two-year period from July 1, 2002 through June 30, 2004.

Recommendations

- For the period July 1, 2000 through May 31, 2007, Representative Wright appears to have been over reimbursed $1,404.71 **(Exhibit 1)** by the Department for travel and subsistence. The State Bureau of Investigation (SBI) and appropriate law enforcement agencies should determine whether the questionable mileage and subsistence reimbursements totaling $1,404.71 that Representative Wright received violated any general statutes and/or Office of State Budget and Management (OSBM) travel policies/regulations.
- We recommend that DHHS management request a review by the Office of the Attorney General of the questionable payments ($1,404.71) made to Representative Wright. The purpose of the review will be to determine which agency is ultimately responsible for approval and payments made to members of the General Assembly who are legislative appointed members of the Minority Health Advisory Council (MHAC) and other councils/ committees.
- We recommend that the Office of Minority Health and Health Disparities should immediately stop using the "signature stamp" of Representative Wright, and any other person for any reimbursement requests made. Original signatures of the person requesting the travel reimbursement and of the person approving the reimbursement request are required on all DHHS travel reimbursement forms.
- We recommend that the North Carolina Foundation for Advanced Health Programs, Inc. (a DHHS-related foundation) maintain a permanent file of all contracts that it enters into. All consultant contracts with members of the General Assembly and/or DHHS employees should be reviewed for potential conflicts of interest and compliance with ethics legislation, general statutes and North Carolina travel policies.
- Until the determinations are rendered by the Office of the Attorney General, SBI and appropriate law enforcement agencies regarding the subsistence and mileage payments made to Representative Wright, we recommend that DHHS management consider implementing the following additional control procedure:

  DHHS reimbursements paid to members of the General Assembly that serve on supported commissions, councils and committees should be submitted on a periodic basis to the Financial Services section within the Administrative Division of the General Assembly's Legislative Services Office for their review to minimize the potential for inappropriate/duplicate payments.

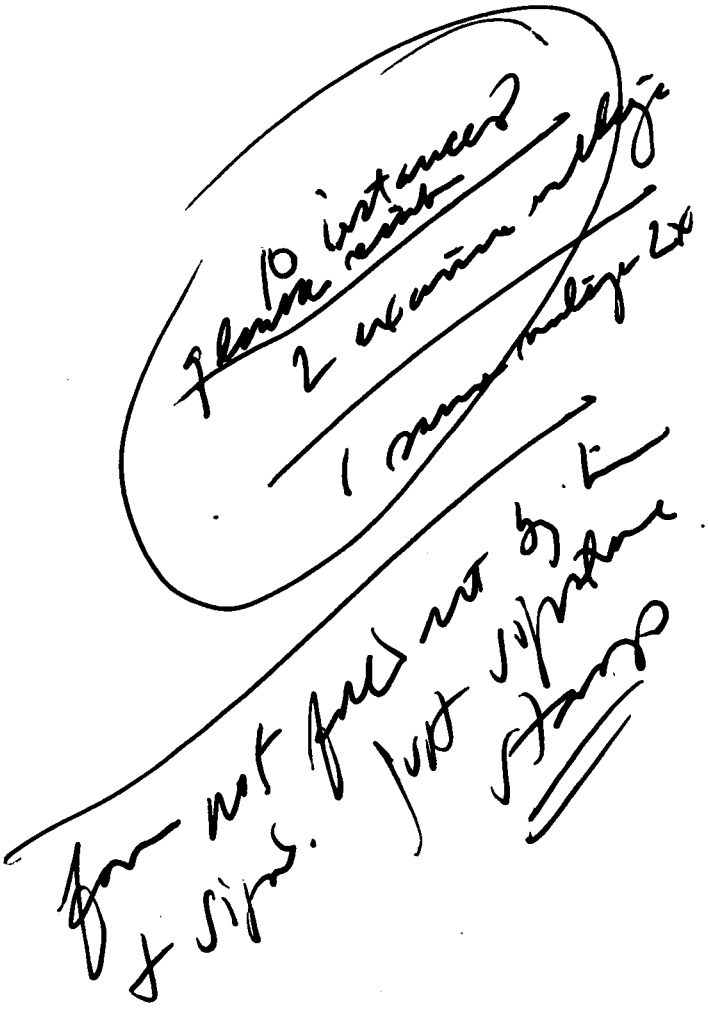
If you have further questions, please advise the DHHS Office of the Internal Auditor.

Respectively Submitted,

Thomas Edward Berryman

Thomas Edward Berryman

cc: Danny C. Stewart
Emery Milliken
Jackie Sheppard
Leah Devlin
Barbara Pullen-Smith
State Auditor Les Merritt
Attorney General Roy Cooper



Comparison of DHHS & DEHNR Subsistence and Mileage Reimbursement with General Assembly Reimbursements for Subsistence/Mileage Paid to Representative Thomas Wright
For the Period From July 1, 2000 through May 31, 2007

Exhibit 1

DHHS Reimbursement										Legislative Reimbursement									
Purpose of Trip	Location of Meeting	Reimbursement Date	Signature Stamp used on Travel Form	Subsistence (Meals and Lodging)	Travel (mileage)	Mileage Rate	Travel Costs	Other (Lunch)	Total	General Assembly In Session	Reimbursement Period / Date	Subsistence (Meals and Lodging)	Travel (mileage)	Mileage Rate	Travel Costs	Total	Questioned Costs	Note(s)	Comments
AAHS	Winston-Salem	09/22/2000	Yes	$ -	242	0.25	$ 60.50		$ 60.50	No	n/a					$ -	$ -		Meals and lodging paid directly by DEHNR
AAHS	Winston-Salem	09/23/2000	Yes		242	0.25	60.50		60.50	No	n/a					-	-		GA uses 280 miles for Rep. Wright's round trip
									121.00							-	-		
MHAC	Raleigh	11/08/2000	Yes	104.00			-	-	104.00	No	n/a					-	-		Breakfast and lunch provided during DHHS meeting
MHAC	Raleigh	11/08/2000	Yes	-	380	0.29	110.20	-	110.20	No	n/a					-	29.00	A	
11/12/00	ck # 1123339								214.20							-	29.00		
MHAC / NCAAC	Raleigh	01/19/2001	No	104.00			-	-	104.00	No	01/25/2001	208.00			-	208.00	-		GA paid 2 days for week 1/18/01 and 1/25/01. Lunch provided during DHHS meeting
MHAC	Raleigh	01/19/2001	No	-	380	0.25	95.00	-	95.00	No	01/25/2001	-	280	0.29	81.20	81.20	95.00	B	
									199.00							289.20	95.00		
MHAC	Raleigh	02/28/2001	Yes	104.00			-	-	104.00	Yes	week 3/1/01	728.00			-	728.00	104.00	C	
MHAC	Raleigh	02/28/2001	Yes	-	260	0.26	67.60	-	67.60	Yes	week 3/1/01	-	280	0.29	81.20	81.20	67.60	D	
MHAC	Raleigh	02/28/2001	Yes	-			-	8.00	8.00	Yes		-			-	-	8.00	E	
3/14/01	ck # 1134881								179.60							809.20	179.60		
MHAC	Raleigh	05/09/2001	Yes	104.00			-	-	104.00	Yes	week 5/10/01	728.00			-	728.00	104.00	F	Breakfast and lunch provided by DHHS
MHAC	Raleigh	05/09/2001	Yes	-	260	0.26	67.60	-	67.60	Yes	week 5/10/01	-	280	0.29	81.20	81.20	67.60	G	
5/17/01	ck # 1140774								171.60							809.20	171.60		
PHTF	Raleigh	09/29/2003	No	208.00				-	208.00	No	n/a	-			-	-	-		Lunch provided by DHHS. Wright did not sign attendance sheet
PHTF	Raleigh	09/29/2003	No	-	280	0.29	81.20	-	81.20	No	n/a	-			-	-	-		
PHTF	Raleigh	09/29/2003	No	-	246	0.29	71.34	-	71.34	No		-			-	-	71.34	H	
7/7/03	ck # 1238884	$ 571.94							360.54							-	71.34		
MHAC	Raleigh	11/12/2003	Yes	104.00				-	104.00	No	n/a	-			-	-	-		Breakfast and lunch provided by DHHS
MHAC	Raleigh	11/12/2003	Yes	-	258	0.25	64.50	-	64.50	No	n/a	-			-	-	-		
									168.50							-	-		
PHTF	Raleigh	11/19/2003	No	104.00				-	104.00	No	n/a	-			-	-	-		
PHTF	Raleigh	11/19/2003	No	-	280	0.29	81.20	-	81.20	No	n/a	-			-	-	-		
1/28/04	ck # 1242648	$ 474.40							185.20							-	-		
PHTF	Raleigh	02/25/2004	No	-	280	0.29	81.20	-	81.20	No	n/a	-			-	-	-		
									81.20							-	-		
MHAC	Raleigh	05/12/2004	Yes	-					-	Yes	5/10-13/04	416.00				416.00	-		Breakfast and lunch provided by DHHS
MHAC	Raleigh	05/12/2004	Yes	-	129	0.29	37.41	-	37.41	Yes	week 5/13/04	-	280	0.29	81.20	81.20	37.41	I	
6/7/04	ck # 1257250								37.41							81.20	37.41		
MHAC	Raleigh	08/11/2004	Yes	104.00				-	104.00	No	n/a	-			-	-	-		Breakfast and lunch provided
MHAC	Raleigh	08/11/2004	Yes	-	258	0.25	64.50	-	64.50	No	n/a	-			-	-	-		
9/8/04	ck # 1267610								168.50							-	-		
MHAC	Raleigh	11/08/2004	No	104.00				-	104.00	No	11/8-10/04	312.00			-	312.00	104.00	J	Breakfast and lunch provided
MHAC	Raleigh	11/08/2004	No	-	258	0.23	59.34	-	59.34	No	week 11/10/04	-	280	0.29	81.20	81.20	59.34	K	
									163.34							393.20	163.34		
MHAC	Raleigh	05/11/2005	No	104.00				-	104.00	Yes	week 5/12/05	728.00			-	728.00	104.00	L	Breakfast and lunch provided by DHHS
MHAC	Raleigh	05/11/2005	No	-	260	0.25	65.00	-	65.00	Yes	week 5/12/05	-	280	0.29	81.20	81.20	65.00	M	
									169.00							809.20	169.00		

Comparison of DHHS & DEHNR Subsistence and Mileage Reimbursement with General Assembly Reimbursements for Subsistence/Mileage Paid to Representative Thomas Wright
For the Period From July 1, 2000 through May 31, 2007

DHHS Reimbursement										Legislative Reimbursement									
Purpose of Trip	Location of Meeting	Reimbursement Date	Signature Stamp used on Travel Form	Subsistence (Meals and Lodging)	Travel (mileage)	Mileage Rate	Travel Costs	Other (Lunch)	Total	General Assembly In Session	Reimbursement Period / Date	Subsistence (Meals and Lodging)	Travel (mileage)	Mileage Rate	Travel Costs	Total	Questioned Costs	Note(s)	Comments
MHAC	Raleigh	08/10/2005	No	104.00				-	104.00	Yes	week 8/11/05	728.00			-	728.00	104.00	N	Breakfast and lunch provided by DHHS
MHAC	Raleigh	08/10/2005	No	-	260	0.25	65.00	-	65.00	Yes	week 8/11/05	-	280	0.29	81.20	81.20	65.00	O	
									169.00							809.20	169.00		
MHAC	New Bern	11/09/2005	No	104.00				-	104.00	No	n/a	-			-	-	77.97	P	Breakfast and lunch provided by DHHS, DHHS paid for room ($69 + $8.97 tax)
MHAC	New Bern	11/09/2005	No	-	182	0.25	45.50	-	45.50	No	n/a	-			-	-	-		
11/29/05	ck # 1318557								149.50							-	77.97		
MHAC	Elizabeth City	02/07/2006	No	104.00				-	104.00	No	n/a	-			-	-	73.45	Q	Breakfast and lunch provided by DHHS, DHHS paid for room ($65 + $8.45 tax)
MHAC	Elizabeth City	2/7-8/06	No	-	420	0.25	105.00	-	105.00	No	n/a	-			-	-	-		
2/17/06	ck # 1327869								209.00							-	73.45		
MHAC	Raleigh	08/08/2006	No	104.00				-	104.00	No	n/a	-			-	-	-		Breakfast and lunch provided by DHHS
MHAC	Raleigh	8/8-9/06	No	-	276	0.25	69.00	-	69.00	No	n/a	-			-	-	-		
8/22/06	ck # 1349731								173.00							-	-		
MHAC	Lauringburg	11/30/2006	No	104.00				-	104.00	No	n/a	-			-	-	-		Breakfast and lunch provided by DHHS
MHAC	Lauringburg	11/30 - 12/1/06	No	-	212	0.25	53.00	-	53.00	No	n/a	-			-	-	-		
									157.00							-	-		
MHAC	Raleigh	02/14/2007	Yes	104.00				-	104.00	Yes	week 2/15/07	728.00			-	728.00	104.00	R	Breakfast and lunch provided by DHHS
MHAC	Raleigh	02/14/2007	Yes	-	256	0.25	64.00	-	64.00	Yes	week 2/15/07	-	280	0.29	81.20	81.20	64.00	S	
									168.00							809.20	168.00		
							Total Reimbursement		$ 3,244.59						GA Reimbursement	$ 4,809.60	$ 1,404.71		Total Questioned Costs

Note(s)

- **A** Excessive travel (mileage) of 100 miles @ $.29/mile was reimbursed. The normal mileage that Representative Wright is reimbursed from the General Assembly is for 280 miles round trip from Wilmington to Raleigh.
- **B** Duplicate and excessive mileage payment. Representative Wright was paid $81.20 by the General Assembly for travel to Raleigh during the week of 1/19/01 - 1/25/01. Representative Wright was already in Raleigh for this meeting.
- **C** Duplicate payment of subsistence. Representative Wright was paid $728 (7 days @ $104/day) for subsistence by the General Assembly for the week of 2/28/01 - 3/1/01.
- **D** Duplicate payment of mileage. Representative Wright was paid $81.20 by the General Assembly for travel to Raleigh during the week of 2/23/01 - 3/1/01. Representative Wright was already in Raleigh for this meeting.
- **E** Duplicate payment for lunch expense. Representative Wright was paid $104 per day is subsistence by the General Assembly and DHHS for this day.
- **F** Duplicate payment of subsistence. Representative Wright was paid $728 (7 days @ $104/day) for subsistence by the General Assembly for the week of 5/4/01 - 5/10/01.
- **G** Duplicate payment of mileage. Representative Wright was paid $81.20 by the General Assembly for travel to Raleigh during the week of 5/4/01 - 5/10/01. Representative Wright was already in Raleigh for this meeting.
- **H** Duplicate payment of mileage for the same meeting on 9/29/03.
- **I** Duplicate payment of mileage. Representative Wright was paid $81.20 by the General Assembly for travel to Raleigh during the week of 5/07/04 - 5/13/04. Representative Wright was already in Raleigh for this meeting.
- **J** Duplicate payment of subsistence. Representative Wright was paid $312 (3 days @ $104/day) for subsistence by the General Assembly for the week of 11/8/04 - 11/10/04.
- **K** Duplicate payment of mileage. Representative Wright was paid $81.20 by the General Assembly for travel to Raleigh during the week of 11/04/04 - 11/10/04. Representative Wright was already in Raleigh for this meeting.
- **L** Duplicate payment of subsistence. Representative Wright was paid $728 (7 days @ $104/day) for subsistence by the General Assembly for the week of 5/6/05 - 5/12/05.
- **M** Duplicate payment of mileage. Representative Wright was paid $81.20 by the General Assembly for travel to Raleigh during the week of 5/6/05 - 5/12/05. Representative Wright was already in Raleigh for this meeting.
- **N** Duplicate payment of subsistence. Representative Wright was paid $728 (7 days @ $104/day) for subsistence by the General Assembly for the week of 8/5/05 - 8/11/05.
- **O** Duplicate payment of mileage. Representative Wright was paid $81.20 by the General Assembly for travel to Raleigh during the week of 8/5/05 - 8/11/05. Representative Wright was already in Raleigh for this meeting.
- **P** Duplicate payment for lodging. DHHS paid hotel room bill ($77.97) for Representative Wright for 11/9/05 meeting.
- **Q** Duplicate payment for lodging. DHHS paid hotel room bill ($73.45) for Representative Wright for 2/8/06 meeting.
- **R** Duplicate payment of subsistence. Representative Wright was paid $728 (7 days @ $104/day) for subsistence by the General Assembly for the week of 2/9/07 - 2/15/07.
- **S** Duplicate payment of mileage. Representative Wright was paid $81.20 by the General Assembly for travel to Raleigh during the week of 2/9/07 - 2/15/07. Representative Wright was already in Raleigh for this meeting.

AAHS = The African-American Health Summit
MHAC = Minority Health Advisory Council
PHTF = Public Health Task Force
NCAAC = North Carolina AIDS Advisory Council

Subject: Per our conversation
Date: Wed, 13 Mar 2002 16:47:04 -0500
From: "Vanda Wilson-Wormack (Rep. Wright)" <wrightla2@ncleg.net>
To: "Torlen Wade (E-mail)" <torlen.wade@ncmail.net>

Torlen,

Per our conversation, the letter of endorsement should be addressed to Chairman Thomas E. Wright, Community's Health Foundation, Inc. 322 South 17th Street Wilmington, NC 28401.

The language should include $150,000 in funding to be received no later than July or August.

The building will be located on the 900 block of 4th Street and will be used as office space for the Community's Health Foundation, Inc. Upon completion of the expansion project of the New Hanover Community Health Center, an effort would be made to convert the building into a History Museum.

Please fax the letter of endorsement to (910) 343-3339 and mail the hard copy to
Community's Health Foundation
322 South 17th Street
Wilmington, NC 28401.

If you have any further questions or comments, please call the office at (919) 733-5754 or (910) 232-1007.

Thanks

Thomas Wright

North Carolina Department of Health and Human Services
Office of Research, Demonstrations, and
Rural Health Development
2009 Mail Service Center • Raleigh, North Carolina 27699-2009
Tel 919-733-2040 • Fax 919-733-8300

Michael F. Easley, Governor
Carmen Hooker Odom, Secretary

James D. Bernstein, Director

March 15, 2002

Thomas E. Wright, Chairman
Community's Health Foundation
322 South 17th Street
Wilmington, NC 28401

Dear Mr. Wright:

On behalf of the Office of Research, Demonstrations, and Rural Health Development, I am writing to enthusiastically endorse the Community's Health Foundation's effort to convert the building located on the 900 block of 4th Street into Foundation offices, New Hanover Community Health Center offices and into a History Museum.

With this endorsement, the Office is committing $150,000 in funding toward the completion of this conversion project. The funding will be awarded by June 30, 2002.

We wish you all the best as you embark on this important project.

Sincerely,

Torlen L. Wade
Acting Director

TLW/lw

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History

N.C. Const. art. II, § 20

GENERAL STATUTES OF NORTH CAROLINA
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*** THIS DOCUMENT IS CURRENT THROUGH THE 2007 REGULAR SESSION AND 1ST EXTRA SESSION ***
*** ANNOTATIONS CURRENT THROUGH SEPTEMBER 21, 2007 ***

CONSTITUTION OF NORTH CAROLINA
ARTICLE II. LEGISLATIVE

Go to the North Carolina Code Archive Directory

N.C. Const. art. II, § 20 (2007)

Sec. 20. Powers of the General Assembly

Each house shall be judge of the qualifications and elections of its own members, shall sit upon its own adjournment from day to day, and shall prepare bills to be enacted into laws. The two houses may jointly adjourn to any future day or other place. Either house may, of its own motion, adjourn for a period not in excess of three days.

NOTES:
HISTORY. --The provisions of the first two sentences of this section are similar to those of Art. II, § 22, Const. 1868.

CASE NOTES

EFFECT OF SECTION. --This section withdraws from the consideration of the courts the question of title involved in a contest for a seat in the General Assembly. State ex rel. Alexander v. Pharr, 179 N.C. 699, 103 S.E. 8 (1920); State ex rel. Bouldin v. Davis, 197 N.C. 731, 150 S.E. 507 (1929), decided under Art. II, § 22, Const. 1868.

BUDGET PROCESS. --The Constitution mandates a three-step process with respect to the State's budget: (1) N.C. Const., Art. III, § 5(3), directs that the "Governor shall prepare and recommend to the General Assembly a comprehensive budget . . . for the ensuing fiscal period"; (2) this Article vests in the General Assembly the power to enact a budget (one recommended by the Governor or one of its own making); and (3) after the General Assembly enacts a budget, N.C. Const., Art. III, § 5(3), then provides that the Governor shall administer the budget "as enacted by the General Assembly." In re Powers, 295 S.E.2d 589 (N.C. 1982).

CITED in Abbott v. Town of Highlands, 52 N.C. App. 69, 277 S.E.2d 820 (1981).

Private Misconduct

PrivateMisconduct	*IncidentDate*	*State*	*Federal*	*Incident*	*Charge*
Yes					
	1/1/2001	Michigan	☐	3 drunk driving convictions, two alleged domestic violence calls, sexually explicit photos on State owned computer, verbal abuse of legislative staff	
	1/1/1998	Georgia	☐	Smuggling a small amount of marijuana into the country.	
	1/1/1995	Minnesota	☐	Threats to State Commissioner, 3 DWI arrests in less than 7 weeks	
	1/1/1995	Minnesota	☐	Domestic violence allegations	
	1/1/1994	South Caroli	☐	Pled guilty to misdemeanor federal tax law violation	

PrivateMisconduct	IncidentDate	State	Federal	Incident	Charge
	1/1/1992	Florida	☐	Representing others before state agency, seeking a benefit inconsistent with public duties.	Legislator apologized for "any unintentional adverse effect his actions may have brought" on the House.
	1/1/1991	Utah	☐	Convicted of misdemeanor shoplifting	
	1/1/1989	Hawaii	☐	Soliciting undercover policewoman	Censure
	1/1/1986	Florida	☐	Convicted of five felony charges of making misstatements on a SBA loan application	Conduct shows "he was inattentive to matters that ultimately led to his federal convictions and have cast a shadow on the honor of the House of Representatives.
	1/1/1986	Minnesota	☐	Pled guilty to felony theft charges - wrote total of 76 bad checks	
	6/6/1980	California	☑	Receipt of improper gifts; "ghost" employees; improper personal use of campaign funds.	

PrivateMisconduct	IncidentDate	State	Federal	Incident	Charge
	1/1/1980	Florida		Sexual discrimination and sexual harassment	
	7/31/1979	Michigan	☑	Conviction of Payroll fraud	
	1/1/1978	Michigan	☐	Convicted of embezzling funds from a legal client before becoming a legislator	
	1/1/1975	Pennsylvani	☐	Consent disbarment resulting from charges including improperly converting client funds to personal use and co-mingling funds between clients estates	Converting trust funds to personal use and co-mingling further trust funds to restore the converted amounts constituted a grave and serious mater and conduct unbecoming any public official.
	1/1/1942	North Dakot	☑		Corruption
	1/1/1893	North Dakot	☑		Embezzlement

PrivateMisconduct	IncidentDate	State	Federal	Incident	Charge
	1/1/1875	North Caroli	☐	Publishd unpopular religious tract	Advocated and promulgated a "most sacrilegious doctrine, subversive of the principles of the constitution of the State of North Carolina and of sound morality."
	2/27/1873	Massachuse	☑	Bribery in "Credit Mobilier" case	
	2/27/1873	New York	☑	Bribery in "Credit Mobilier" case	
	1/1/1862	Indiana	☑		Support of the Confederate rebellion
	1/1/1862	Missouri	☑		Support of the Confederate rebellion
	1/1/1862	Missouri	☑		Support of the Confederate rebellion

PrivateMisconduct	*IncidentDate*	*State*	*Federal*	*Incident*	*Charge*
	12/2/1861	Mo	☑	Disloyalty to the Union - open rebellion against the Government	
	7/31/1861	Mo	☑	Disloyalty to the Union - taking up arms against the United States	
	1/1/1861	Arkansas	☑		Support for Confederate rebellion
	1/1/1861	Arkansas	☑		Support for Confederate rebellion
	1/1/1861	Kentucky	☑		Support for Confederate rebellion
	1/1/1861	Kentucky	☑		Support for Confederate rebellion

PrivateMisconduct	IncidentDate	State	Federal	Incident	Charge
	1/1/1861	North Caroli	☑		Support for Confederate rebellion
	1/1/1861	North Caroli	☑		Support for Confederate rebellion
	1/1/1861	South Caroli	☑		Support for Confederate rebellion
	1/1/1861	Tennessee	☑		Support for Confederate rebellion
	1/1/1861	Texas	☑		Support for Confederate rebellion
	1/1/1861	Texas	☑		Support for Confederate rebellion

PrivateMisconduct	IncidentDate	State	Federal	Incident	Charge
	1/1/1861	Virginia	☑		Support for Confederate rebellion
	1/1/1861	Virginia	☑		Support for Confederate rebellion
	1/2/1835	North Caroli	☐	Engaged in a fight after a card game, during which he drew a pistol and a knife.	Public reports that were "highly injurious" to member's reputation and "derogatory to the dignity of this House, touching on his conduct since he took his seat as a member."
	1/1/1816	North Caroli	☐	Forgery and fraud committed while an assistant paymaster during the War of 1812.	Fraud - The resolution declare him ineligible for office and vacated his seat.
	12/2/1809	North Caroli	☐	Criminal conviction of cohabitating with stepdaughter	Conviction of a "crime so enormous as renders it unfit that he should be permitted to continue as member."
	1/1/1808	Tennessee	☑		Disloyalty/Treason

PrivateMisconduct	IncidentDate	State	Federal	Incident	Charge
	11/13/1789	North Caroli	☐	Wade "is in arrears to the public on account of his collection of the taxes of [Anson County] as late Sheriff."	Public Indebtedness - "Mr. Wade was not at the time of the election, nor is at this time, eligible to a seat in the present General Assembly."
	11/11/1788	North Caroli	☐	Holmes was the Collector of the Public Tax in Sampson County and was "in arrears to the public for the Collection of the public Tax in the said County for the year 1787."	Public Indebtedness, "was not eligible to a seat in this present General Assembly at the time he was Elected."
	12/14/1787	North Caroli	☐	Fraud - "having fraudulently drawn from the Commissioners of Army Accounts sundry due bills and Certificates."	Fraud
	12/15/1786	North Caroli	☐	Fraud in the disbursement of public money (army accounts).	Fraud
	12/11/1786	North Caroli	☐	Fraud in the disbursement of public money (army accounts).	Fraud
	12/1/1786	North Caroli	☐	Murder indictment, threatened a riot if his opponent was elected, denied the existence of God and declared the Scriptures were set forth as a Scare-Crow to children, attempted to corrupt the conductors of the election.	Resolved - "Mr. Philip Alston was not eligible to a seat in the General Assembly at the time of his election, and that his seat therefore be vacated".

PrivateMisconduct	IncidentDate	State	Federal	Incident	Charge
	11/11/1784	North Caroli	☐	Stole eight shillings from a shop keeper	Petty larceny
	2/8/1779	North Caroli	☐	Duplicated vouchers for military goods	"Intentionally defrauded the publick to a Considerable amount".
	12/20/1770	North Caroli	☐	Promoted "Riots and seditions in the County of Orange", published a letter "Libeling Maurice Moore, Jr.", lied when examined by a House committee regarding the alleged Libel, and threatened a riot if the House. disciplined him.	"Resolved that the conduct of [Hermon Husband] both as a Member of this House in particular and of the Community in general, has justly incurred the contempt of this House, and rendered him unworthy of a seat in the Assembly."
	11/23/1757	North Caroli	☐	Failed to purchase arms and ammunition "for the Defence of the Frontier County of Rowan" as directed"	Mishandling public funds
No					
	1/1/2006	Minnesota	☐	Disclosed alleged conversations with members of Supreme Court regarding legislation	

Fraud/Debt-to-State/Larceny

Fraud-Debt-to-State-L	*State*	*Incident*	*Charge*
Yes			
	Arkansas	Convicted of federal tax fraud	
	Florida	Convicted of five felony charges of making misstatements on a SBA loan application	Conduct shows "he was inattentive to matters that ultimately led to his federal convictions and have cast a shadow on the honor of the House of Representatives.
	Massachusetts	Convicted of extortion, conspiracy to commit extortion and conspiracy to violate the Travel Act.	Criminal convictions were not "compatible with 'the senator's] continued service in the Senate"
	Michigan	Convicted of embezzling funds from a legal client before becoming a legislator	
	Minnesota	Pled guilty to felony theft charges - wrote total of 76 bad checks	
	North Carolina	Wade "is in arrears to the public on account of his collection of the taxes of [Anson County] as late Sheriff."	Public Indebtedness - "Mr. Wade was not at the time of the election, nor is at this time, eligible to a seat in the present General Assembly."

Fraud-Debt-to-State-L	*State*	*Incident*	*Charge*
	North Carolina	Stole eight shillings from a shop keeper	Petty larceny
	North Carolina	Failed to purchase arms and ammunition "for the Defence of the Frontier County of Rowan" as directed"	Mishandling public funds
	North Carolina	Fraud in the disbursement of public money (army accounts).	Fraud
	North Carolina	Forgery and fraud committed while an assistant paymaster during the War of 1812.	Fraud - The resolution declare him ineligible for office and vacated his seat.
	North Carolina	Fraud in the disbursement of public money (army accounts).	Fraud
	North Carolina	Fraud - "having fraudulently drawn from the Commissioners of Army Accounts sundry due bills and Certificates."	Fraud
	North Carolina	Holmes was the Collector of the Public Tax in Sampson County and was "in arrears to the public for the Collection of the public Tax in the said County for the year 1787."	Public Indebtedness, "was not eligible to a seat in this present General Assembly at the time he was Elected."

Fraud-Debt-to-State-L	*State*	*Incident*	*Charge*
	North Carolina	Duplicated vouchers for military goods	"Intentionally defrauded the publick to a Considerable amount".
	North Dakota		Embezzlement
	Pennsylvania	Ghost voting; maintaining on his payroll persons not performing official duties commensurate with pay.	
	Pennsylvania	Consent disbarment resulting from charges including improperly converting client funds to personal use and co-mingling funds between clients estates	Converting trust funds to personal use and co-mingling further trust funds to restore the converted amounts constituted a grave and serious mater and conduct unbecoming any public official.
	South Carolina	Pled guilty to misdemeanor federal tax law violation	
	Utah	Convicted of misdemeanor shoplifting	

No

Official Misconduct	*State*	*IncidentDate*	*Federal*	*Incident*	*Charge*
	Oregon	1/1/1995	☑		Sexual misconduct and abuse of power
	Oregon	1/1/1905	☑		Corruption
	Pennsylvan	12/18/1987	☑	Ghost voting; maintaining on his payroll persons not performing official duties commensurate with pay.	
	Pennsylvan	10/2/1980	☑	Bribery conviction for accepting money in return for promise to use influence in immigration matters.	
	Pennsylvan	1/1/1975	☐	Convicted of felony extortion	Conviction of a crime the "gravamen which relates to the member's conduct as a senator".
	Rhode Islan	1/1/1862	☑		Corruption
	South Carol	2/28/1902	☑		Fighting in the Senate chamber

Official Misconduct

Official Misconduct	*State*	*IncidentDate*	*Federal*	*Incident*	*Charge*
	Alaska	1/1/1993	☐	Used legislative position to gain sexual favors from 17-year-old page.	
	Alaska	1/1/1982	☐	Convicted of felonious bribery and receiving a bribe to offer another legislator in return for his vote.	Intentionally violated "the most fundamental of his duties, which are to safeguard the public trust and to preserve the integrity of this body [the Senate]"
	Arizona	1/1/1991	☐	Indicted for taking money in return for supporting legislation	Unethical conduct in violation of Senate rules and personal and state campaign finance disclosure laws.
	California	10/13/1978	☑	Failure to report campaign contributions from Korean lobbyist. False statements before Standards of Official Conduct Committee investigating Korean influence matter.	
	California	10/13/1978	☑	Failure to report campaign contributions from Korean lobbyist.	

Official Misconduct	*State*	*IncidentDate*	*Federal*	*Incident*	*Charge*
	California	10/13/1978	☑	False statements before Standards of Official Conduct Committee investigating Korean influence matter.	
	Conneticut	6/23/1967	☑		Use of office to convert campaign funds to his personal benefit. Conduct unbecoming a senator
	Conneticut	11/4/1929	☑		Employing a staff member who was also employed by an interest group.
	Florida	1/1/2000	☐	Failed to report liability on financial disclosure form	
	Florida	1/1/1997	☐	21 separate instances of financial disclosure violations	
	Florida	1/1/1994	☐	Representing others before state agency	
	Florida	1/1/1991	☐	Failing to supervise staff, improper behavior with staff, allegations of sexual harassment	

Official Misconduct	*State*	*IncidentDate*	*Federal*	*Incident*	*Charge*
	Florida	7/29/1976	☑	Use of office for peronal gain; failure to discose interest in legislation	
	Georgia	1/21/1997	☑	Allowing a Member-affliated-tax-exempt organization to be used for political purposes; providing inaccurate and unreliable informtion to ethics committee.	
	Georgia	10/11/1979	☑		Improper financial conduct - accepting reimbursement for official expenses not incurreda nd improper reporting of campaign receipts and expenditures
	Georgia	1/1/193	☐	Displayed sex toy in House Chamber to young pages	
	Idaho	1/1/1990	☐	Threatened funding of state agency if agency failed to grant occupational license to son.	Serious lack of judgment by legislator left the impression he used his position, contrary to the public interest, to benefit a member of his family.
	Illinois	7/20/1983	☑	Sexual misconduct with House page	
	Indiana	1/1/1997	☐	Affair with intern	Immoral and unethical conduct "in contradiction to the high moral and ethical standards expected of members of the Indiana State Senate under the Rules of the Senate."

Official Misconduct	*State*	*IncidentDate*	*Federal*	*Incident*	*Charge*
	Indiana	5/17/1890	☑	Unparlimentary language	
	Kansas	1/1/1906	☑		Corruption
	Kentucky	7/24/1866	☑	Assault of another member	
	Maine	1/1/2001	☐	"Berated" two fellow Senators	
	Maryland	1/1/1997	☐	Bribery, extortion, filing false tax returns	Failure to disclose contractual relationship with a State agency; Conflict of interest concerning legislation; improper solicitation and acceptance of gifts; improper use of district office funds; improper use of title for commercial purposes.
	Maryland	4/9/1864	☑	Treasonous conduct in opposing the subjugation of the South	
	Massachus	7/26/1990	☑	Using political influence to fix parking tickets, and to influence probation officers for personal friend	

Official Misconduct	*State*	*IncidentDate*	*Federal*	*Incident*	*Charge*
	Massachus	7/20/1983	☑	Sexual misconduct with House page	
	Massachus	1/1/1977	☐	Convicted of extortion, conspiracy to commit extortion and conspiracy to violate the Travel Act.	Criminal convictions were not "compatible with 'the senator's] continued service in the Senate"
	Massachus	1/2/1811	☑		Reading confidential documents in open Senate Session
	Michigan	1/1/2001	☐	3 drunk driving convictions, two alleged domestic violence calls, sexually explicit photos on State owned computer, verbal abuse of legislative staff	
	Minnesota	1/1/2006	☐	Disclosed alleged conversations with members of Supreme Court regarding legislation	
	Minnesota	1/1/2004	☐	Performing private campaign activities from state office	
	Minnesota	1/1/1999	☐	Accepted state contract related to legislation he introduced	

Official Misconduct	*State*	*IncidentDate*	*Federal*	*Incident*	*Charge*
	Minnesota	1/1/1996	☐	Provided wife with state long-distance access code	
	Minnesota	1/1/1995	☐	Threats to State Commissioner, 3 DWI arrests in less than 7 weeks	
	Minnesota	1/1/1994	☐	Provided wife with state long-distance access code	
	Minnesota	7/25/1990	☑		Unethical conduct
	MN	1/1/1858	☑		Corruption
	New Hamp	1/1/2005	☐	Seven years of soliciting gifts from individuals who were likely to have matters pending before the legislature including businesses, lobbyists, and individuals. Pled guilty to failing to report gifts over $50	(1) Solicitation/acceptance of gifts while knowing/believing givers were or were likely to be interested in matters pending before the legislature; (2) using public position to obtain gifts for private benefit; (3) disregarding obligation to report gifts
	New Hamp	1/1/1998	☐	Introducing legislation to impeach probate judge involved in case of mother's estate	

Official Misconduct	*State*	*IncidentDate*	*Federal*	*Incident*	*Charge*
	New Hamp	1/1/1994	☐	Introducing legislation to impeach probate judge involved in case of mother's estate	
	New Hamp	1/1/1873	☑		Corruption
	New Jersey	1/1/1982	☑		Corruption
	New Mexic	1/1/1991	☐	Charged with solicitation of bribery, demanding a bribe by a public official.	Legislator engaged in a course of conduct while seeking to sell his consulting services that violated his public trust as a legislator.
	New York	1/15/1868	☑	Unparliamentary language	
	New York	1/26/1867	☑	Unparliamentary language	
	New York	5/14/1866	☑	Insulting the House by introducting a resolution containing unparliamentary language.	

Official Misconduct	*State*	*IncidentDate*	*Federal*	*Incident*	*Charge*
	North Caroli	5/13/1996	☐	Unsolicited and in appropriate remarks of a sexual nature to a female employee, to a female lobbyist, and to a female page.	Conduct unbecoming and unfitting of a member of the House of Representatives.
	North Caroli	3/26/1880	☐	Censured for arguing with the Speaker, present when motion of censure was adopted; called to the Bar of the House to receive censure but left the House Chamber, then expelled from the House.	"[S]aid member from Orange has been guilty of the grossest improprieties upon the floor of this House in his disorderly, contumacious and defiant conduct, violating the rules of this House in a willfully disrespectful manner.
	North Caroli	12/20/1770	☐	Promoted "Riots and seditions in the County of Orange", published a letter "Libeling Maurice Moore, Jr.", lied when examined by a House committee regarding the alleged Libel, and threatened a riot if the House. disciplined him.	"Resolved that the conduct of [Hermon Husband] both as a Member of this House in particular and of the Community in general, has justly incurred the contempt of this House, and rendered him unworthy of a seat in the Assembly."
	North Caroli	12/5/1758	☐	Admitted to committing perjury when testifying before a House investigative committee.	Conduct that was "Unworthy a seat [in the House of Representatives]".
	Ohio	4/14/1864	☑	Supporting recognition of the Confederacy	
	Ohio	5/10/1844	☑		Releasing copy of President Tyler's message regarding the treaty of annexation between the U.S. and the Republic of Texas
	Ohio	7/11/1832	☑	Insulting the Speaker of the House	

Official Misconduct	*State*	*IncidentDate*	*Federal*	*Incident*	*Charge*
	Oregon	1/1/1995	☑		Sexual misconduct and abuse of power
	Oregon	1/1/1905	☑		Corruption
	Pennsylvan	12/18/1987	☑	Ghost voting; maintaining on his payroll persons not performing official duties commensurate with pay.	
	Pennsylvan	10/2/1980	☑	Bribery conviction for accepting money in return for promise to use influence in immigration matters.	
	Pennsylvan	1/1/1975	☐	Convicted of felony extortion	Conviction of a crime the "gravamen which relates to the member's conduct as a senator".
	Rhode Islan	1/1/1862	☑		Corruption
	South Carol	2/28/1902	☑		Fighting in the Senate chamber

Official Misconduct	*State*	*IncidentDate*	*Federal*	*Incident*	*Charge*
	South Carol	2/28/1902	☑		Fighting in the Senate chamber
	South Carol	3/1/1870	☑	Selling military academy appointments.	
	South Carol	2/24/1870	☑	Selling military acadmey appointments	
	South Carol	2/14/1869	☑	Unparliamentary language	
	South Carol	7/15/1856	☑	Assisting in assault on a member	
	South Dako	1/1/2006	☐	Sexual misconduct with page	Conduct by a Senator unbecoming the Senate
	Tennessee	3/16/1870	☑	Accepting money for "political purposes" in return for Academy appointment.	

Official Misconduct	*State*	*IncidentDate*	*Federal*	*Incident*	*Charge*
	Texas	10/27/1921	☑	Unparliamentary Language	
	Virginia	1/1/1987	☐	Voting in violation of conflict of interest rules	Unethical Conduct
	Wisconsin	12/2/1954	☑		Abuse and non-cooperation with Subcommittee on Privileges and Elections
	Wisconsin	1/1/1919	☑		Disloyalty
			☐		
	Arkansas	1/1/1974	☐	Convicted of federal tax fraud	

AGENDA
HOUSE SELECT COMMITTEE TO INVESTIGATE ALLEGED MISCONDUCT AND OTHER MATTERS INCLUDED INDICTMENTS AGAINST REPRESENTATIVE THOMAS E. WRIGHT

January 9, 2008 – 1:00 p.m.
Room 643, Legislative Office Building

1. Call to Order – Rep. Glazier, Chair
2. Introduction of Staff and Court Reporter – Rep. Glazier
3. Review Agenda and Notebook Materials
4. Authority of Legislative Bodies to Discipline its Members – Kory Goldsmith, Committee Co-counsel
5. Basis for Determining Probable Cause – Brad Krehely, Committee Co-counsel
6. Presentation of Evidence of Alleged Misconduct – William P. Hart, Senior Deputy Attorney General and Alec Peters, Special Deputy Attorney General, Outside Committee Legal Co-counsel
7. Consideration of Finding of Probable Cause of Unethical or Unlawful Conduct
8. Presentation of Recommended Charges - William F. Hart, Senior Deputy Attorney General and Alec Peters, Special Deputy Attorney General, Outside Committee Legal Co-counsel
9. Committee Consideration of Individual Charges – Rep. Glazier
10. Committee Consideration of Timeline on Charges – Rep. Glazier
11. Other business
12. Adjourn

POSSIBLE TIMELINES FOR LEC AND HOUSE SELECT PROCEEDINGS

January 7, 2008

LEC

Notice of Hearing Sent - Friday, January 11, 2008 (31 days in advance)

Committee Counsel Notice of Witnesses and Evidence to Wright - Tuesday, January 22, 2008 (20 days in advance)

Deadline for Prehearing Motions to be Filed with Cochairs - Monday, January 28th (14 days in advance)

Wright Notice of Witnesses and Evidence to Committee Counsel - Friday, February 1, 2008 (10 days in advance)

Hearing - Monday, February 11, 2008

HOUSE SELECT COMMITTEE

Notice of Charges to Wright - January 10-11, 2008

Deadline for Wright Response to Charges - January 25th (14 days)

Notice of Hearing Sent - Friday, February 1, 2008 (32 days in advance)

Deadline for Prehearing Motions to be Filed with Chair – ??

Committee Counsel Notice of Witnesses and Evidence to Wright - Wednesday, February 13, 2008 (20 days in advance)

Wright Notice of Witnesses and Evidence to Committee Counsel - Friday, February 22, 2008 (11 days in advance)

Hearing - Tuesday, March 4, 2008

North Carolina House of Representatives

House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright

REPRESENTATIVE RICK GLAZIER, CHAIR
REPRESENTATIVE PAUL STAM, VICE-CHAIR
REPRESENTATIVE MARVIN LUCAS

REPRESENTATIVE BILL MCGEE
REPRESENTATIVE EDITH WARREN
REPRESENTATIVE LAURA WILEY

To: Members of the House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright

From: Brad Krehely, Co-Counsel to the Select Committee

Date: January 9, 2008

Subj. Definition of Probable Cause

The rules state that the Committee must determine by a majority vote of Committee members present and voting whether there is probable cause to believe that Representative Wright has committed unethical or unlawful conduct. This document explains how probable cause is defined generally and in North Carolina.

I. Black's Law Dictionary

The criminal law definition of probable cause is: "A reasonable ground to suspect that a person has committed or is committing a crime or that a place contains specific items connected with a crime." The probable cause requirement is more than a bare suspicion, but less evidence than would justify a conviction in a criminal case. Black's Law Dictionary, 8th Ed. at 1239.

The civil law definition of probable cause is: "A reasonable belief in the existence of facts on which a claim is based and in the legal validity of the claim itself." Black's Law Dictionary, 8th Ed. at 1239.

II. Attorney Discipline- The North Carolina Administrative Code

In the area of attorney discipline, the Grievance Committee of the North Carolina State Bar determines whether there is probable cause to believe that an attorney is guilty of misconduct justifying disciplinary action. 27 NCAC 1B.0113(a).

The State Bar has defined probable cause in the North Carolina Administrative Code as "a finding . . . that there is reasonable cause to believe that a member of the

NCAC 1B.0103(37).

III. The North Carolina Pattern Jury Instructions- Criminal

"A reasonable ground of suspicion supported by circumstances sufficiently strong in themselves to warrant a cautious person in the belief that the person accused is guilty of the offense charged." N.C.P.I. 100.10—Crim.--Grand Jury Charge at 4.

Two-part test for probable cause:

1. Was unlawful or unethical conduct committed?

AND

2. Did the accused legislator probably commit the unlawful or unethical conduct?

IV. Staff's Recommended Standard for Determining Probable Cause

A reasonable cause to believe that Representative Wright committed unlawful or unethical conduct justifying disciplinary action by the House.

Is it reasonable to believe that (1) unlawful or unethical conduct was probably committed and (2) Representative Wright probably committed the unlawful or unethical conduct?

Probable Cause- Draft Presentation (1-8-08 revised)

Thank you, Mr. Chairman. Members of the Committee. Good afternoon. My name is Brad Krehely. I am a staff attorney with the Research Division and co-counsel to this Committee. I am here to talk about what probable cause is.

Before explaining what probable cause is, it is important to understand where we are under the rules. We are under Rule C. 5. of the Rules—**Presentment of preliminary investigation findings.** Today, you will hear the findings of the preliminary investigation and if warranted, adopt specific charges of unethical or unlawful conduct.

The rules state that the Committee must determine by a majority vote of Committee members present and voting whether there is **probable cause** to believe that Representative Wright has committed unethical or unlawful conduct.

So, what is **probable cause**?

1. **We can start by pointing out what probable cause is not.**

Probable cause is not "proof beyond a reasonable doubt." That's the standard you would need to convict someone of a crime. That standard is too high for this stage of the proceedings. It would be even higher than the standard required by the rules to recommend action to the full House. (See Rule C.15(1)-(2)).

Probable cause is also not rumor, innuendo, or mere suspicion. That standard would be too low. Probable cause falls somewhere in the middle.

Black's Law Dictionary notes that the probable cause requirement is more than a bare suspicion, but less evidence than would justify a conviction in a criminal case.

I can tell you a few other things about probable cause.

2. **Probable Cause is not defined in the Committee's rules or in the North Carolina General Statutes.** It is mentioned, but not defined, in the statute governing ethics investigations by the Legislative Ethics Committee. (G.S. 120-103.1(h)). And, it is mentioned, but not defined, in many other places in the North Carolina General Statutes. (See appendix).

Having said that, we can get an idea of what probable cause is by looking to other sources.

4. **We can look very generally to Black's Law Dictionary. It gives a definition of probable cause in both the criminal and the civil contexts, and both definitions focus on "reasonableness."**

The **criminal law** definition of probable cause is this: "**A reasonable ground to suspect** that a person has committed or is committing a crime or that a place contains specific items connected with a crime." Black's Law Dictionary, 8th Ed. at 1239 (emphasis added).

The civil law definition of probable cause is: "**A reasonable belief** in the existence of facts on which a claim is based and in the legal validity of the claim itself."

Once again, there is some emphasis on "**reasonableness.**" The common words in both definitions are (1) "a reasonable

ground to suspect" [that a crime has been committed] and (2) "a reasonable belief in the existence of facts" [on which a claim is based].

5. **General definitions are helpful, but what may be even more significant is how "probable cause" is used in a context similar to these proceedings.**

In the area of **attorney discipline**, the Grievance Committee of the North Carolina State Bar determines whether there is **probable cause** to believe that an attorney is guilty of misconduct justifying disciplinary action. 27 NCAC 1B.0113(a).

The State Bar has defined probable cause in the North Carolina Administrative Code as "a finding . . . that there is **reasonable cause to believe** that a member of the North Carolina State Bar is guilty of misconduct justifying disciplinary action." 27 NCAC 1B.0103(37).

This definition equates "probable cause" with "reasonable cause to believe."

6. **Perhaps the most straightforward definition of probable cause appears in the North Carolina Pattern Jury Instructions.**

The North Carolina Pattern Jury Instructions are samples of instructions that judges read to juries in both civil and criminal cases. A committee of 10 Superior Court judges (The Pattern Jury Instruction Committee) writes and updates these instructions each year. The instructions are designed to give guidance to juries.

The term "probable case" is defined in the pattern jury instructions. The pattern jury instructions give a "legalese" definition, but then mention a simple two part test.

The legalese definition of probable cause is "**a reasonable ground of suspicion** supported by circumstances sufficiently strong in themselves to warrant a cautious person in the belief that the person accused is guilty of the offense charged." N.C.P.I. 100.10—Grand Jury Charge.

a. **The Pattern Jury Instructions also give a simple two-part test for determining probable cause. If you applied the two part test to these proceedings, you would ask:**

1. Was unlawful or unethical conduct committed?

AND

2. Did the accused legislator probably commit the unlawful or unethical conduct?

I think that if you can answer "yes" to those two questions that you would find probable cause. If the answer to one or both of those questions is "no", then you would not.

Conclusion- So, what is the test for finding probable cause?

1. We know that probable cause is not "proof beyond a reasonable doubt" because that standard would be too high. And, we know that probable cause is not "rumor or innuendo" because that standard would be too low.

2. We know that several definitions of probable cause focus on "reasonableness." Some examples are:

"A reasonable ground to suspect" [that a crime has been committed][criminal].

"A reasonable belief in the existence of facts" [on which a claim is based][civil].

"Reasonable cause to believe [that a member of the North Carolina State Bar is guilty of misconduct justifying disciplinary action]."

3. Based on the circumstances where probable cause is used in North Carolina, the staff recommends that you adopt as your probable cause standard the following:

"A reasonable cause to believe that Representative Wright committed unlawful or unethical conduct justifying disciplinary action by the House."

We recommend that you apply this standard by answering two questions: **Is it reasonable to believe that**

1. **unlawful or unethical conduct was committed**
   AND
2. **Representative Wright probably committed the unlawful or unethical conduct?**

I think that if you can answer "yes" to those two questions that you would find probable cause. If the answer to one or both of those questions is "no", then you would not. I appreciate your attention and would be happy to answer any questions you might have.

Appendix
List of Places Where Probable Cause is Used

Criminal Law-

1. Grand Juries- No person put on trial for a felony w/out the person's consent unless a grand jury indicts. To establish probable cause, a grand jury must find that a crime has been committed and defendant probably committed the crime. N.C.P.I. –Crim. 100.10 at 1, 4.

2. 4th Amendment Search and Seizure Law-

a. **Probable cause to search-**

(1) The 4th Amendment allows probable cause to search if a person of ordinary caution would be justified in believing that what is sought will be found in the place to be searched. *State v. Rogers,* 588 S.E.2d 481 (N.C. Ct. App. 2003).

b. **Using an informant's tip**- Probable cause is determined by using a totality of the circumstances analysis. *State v. Martinez,* 150 N.C. App. 364.

3. Standard to Make an Arrest-

Arrest for DWI- A reasonable and prudent person, acting in good faith, could have a reasonable ground to believe that the defendant committed the misdemeanor offense of driving while impaired or there was a fair probability that defendant committed the offense. *State v. Crawford,* 125 N.C. App. 279, 480 S.E.2d 422 (1997).

Criminal Contempt- When charged with criminal contempt, a person can be arrested if there is probable cause to believe that a person ordered to appear will not appear. G.S. 5A-16(a).

Juveniles Tried as Adults- Juveniles can be tried as adults if they commit an offense that would be felony if committed by an adult. The transfer to superior court occurs after notice, hearing, and a finding of probable cause. G.S. 7B-2200.

Civil Law

1. Disciplining of Lawyers-

The Grievance Committee of the State Bar will determine whether there is **probable cause** to believe that an attorney is guilty of misconduct justifying disciplinary action. NC. Admin Code Tit. 27, ch.1, subch. 1B, Rule.0113(a).

"Probable Cause"- a finding by the Grievance Committee that there is reasonable cause to believe that a member of the North Carolina State Bar is guilty of misconduct justifying disciplinary action.

See also G.S. 84-28.1(b)-(b1)

2. Disciplining of Real Estate Brokers- If it finds probable cause that a licensee has violated G.S. 93A-6, the Real Estate Commission may hold a hearing on allegations of misconduct. G.S. 93A-6.

3. **Challenging a person's right to vote**- The county board of elections must schedule a preliminary hearing. They take testimony under oath and receive evidence from the challenger. If the county board of elections finds probable cause that the person is not qualified to vote, the board must schedule a hearing. G.S. 163-85(b). [No cases on point defining probable cause and not in the statute].

4. Malicious Prosecution- (appears to be less on point because this is not probable cause to move to an evidentiary hearing). This is where you bring a civil claim because someone unnecessarily brought a criminal prosecution against you OR where someone brought a civil proceedings which involve arrest of a person, seizure of property, or the loss of a legally protected right. *Carver v. Lykes,* 262 N.C. 345, 137 S.E.2d 139 (1964).

The elements of the offense are:

1. The institution or procurement of the institution of a proceeding against plaintiff.

2. Malice.

3. Want of probable cause.

4. Termination of the prosecution or proceeding in plaintiff's favor.

Best v. Duke University, 337 N.C. 742, 448 S.E.2d 506 (1994).

"Probable cause" in malicious prosecution cases- The existence of certain facts and circumstances, known at the time as would induce a reasonable man to commence the earlier proceeding. *Hill v. Hill,* 142 N.C. App. 524, 545 S.E.2d 442, *rev'd on other*

grounds, 354 N.C. 348, 553 S.E.2d 679 (2001). The test is whether a man of ordinary prudence and intelligence under the circumstances have known that the charge had no reasonable foundation. *Koury v. John Meyer of Norwich,* 44 N.C. App. 392, 261 S.E. 2d 271 (1980).

DOUGLAS S. HARRIS
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Telephone: 336.288.0284
e-mail: dharris12@triad.rr.com

Facsimile: 336.282.9667

DATE: 1-8-08

TO: O. Walker Reagan

FAX: 919-715-8365

FROM: Doug Harris

Phone: 336-288-0284

FAX: 336-282-9667

Number of Pages: 4

RE: Thomas Wright

MESSAGE:

Please see attached.

The information contained in this fax is attorney-privileged and confidential information intended only for the use of the named recipient. If you are not the intended recipient, this is notice that distributing or copying this communication is strictly prohibited. If you received this fax in error, please notify us immediately by telephone and return the original fax by mail to us. Thank you.

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FACSIMILE: 336.282.9667

January 8, 2008

Mr. O. Walker Reagan
North Carolina General Assembly, Staff Attorney

BY FACSIMILE: 919-715-8365

RE: File Number: C-LEC-07-002
Representative Thomas Wright

Dear Mr. Reagan:

I would be grateful if you would make sure that his Motion comes to the attention of Chairman Rick Glazier and the Legislative Ethics Committee. I am informed by the District Attorney that this matter will be coming to trial in the early summer in Wake County Criminal Superior Court so I do not feel that there is an urgency for the Committee to step into this Constitutional quagmire. Thank you.

Respectfully submitted,

Douglas S. Harris

DSH/js

Enclosures

This is for Select

STATE OF NORTH CAROLINA

COUNTY OF WAKE

NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE ETHICS COMMITTEE
FILE NO. C-LEC-07-002

NORTH CAROLINA GENERAL ASSEMBLY,

v.

REPRESENTATIVE THOMAS WRIGHT

MOTION TO CONTINUE AND MOTION TO HOLD IN ABEYANCE

COMES NOW the Respondent, Representative Thomas Wright, and hereby moves the Legislative Ethics Committee to continue this matter and to hold the matter in abeyance pending the resolution of the criminal charges. In support of said Motion, Respondent shows the following:

1. The ethics charge being considered by The Committee against Representative Thomas Wright is substantially the same as one of the charges pending against him in Wake County Superior Court. That charge has a Constitutionally-guaranteed right of jury trial and will be determined by a jury later this year.

2. If the Legislative proceeding goes forward, the proceeding can and will do great harm to the criminal process and will raise substantial Constitutional issues.

3. If the Committee goes forward, the proceeding also risks a Constitutionally unacceptable dilemma in which the Legislature might vote to remove Thomas Wright for violations and then a jury may find him not guilty of precisely the same charges. This would raise due process issues under both the North Carolina and the United States Constitutions and could do grave damage to the democratic process.

WHEREFORE, the Respondent moves the Legislative Ethics Committee to continue this matter and to hold in abeyance any hearing or attempted resolution of any of its charges against the Respondent until after the criminal charges pending in Wake County Superior Court are heard by a jury.

This the 8th day of January, 2008.

Douglas S. Harris
Attorney for Respondent

1698 Natchez Trace
Greensboro, North Carolina 27455
Telephone: 336-288-0284

LEC

STATE OF NORTH CAROLINA
COUNTY OF WAKE

NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE ETHICS COMMITTEE
FILE NO. C-LEC-07-002

NORTH CAROLINA GENERAL ASSEMBLY	)	
	)	
V.	)	RESPONSE TO ETHICS
	)	COMPLAINT
REPRESENTATIVE THOMAS WRIGHT,	)	
Respondent.	)	

The Respondent in the above captioned matter, Representative Thomas Wright, hereby responds to the ethics allegations contained in a complaint issued by the North Carolina Joint Legislative Ethics Committee on December 11, 2007 and served upon him, by certified mail, on December 26, 2007 by showing the following:

1. Respondent specifically denies that any contacts and interactions with Torlen Wade on either March 13, 2002 or March 15, 2002 occurred while Respondent was acting or serving in his capacity as a member of the North Carolina General Assembly and/or that his contacts and interactions with Torlen Wade were improper, illegal or unethical.

2. The conduct alleged in the Ethics complaint does not constitute ethical and/or criminal conduct over which the Legislative Ethics Committee has jurisdiction to consider.

3. Merely soliciting and/or obtaining a letter from a State employee which contains untrue information does not constitute a criminal and/or ethical violation.

4. Respondent did not use nor intend to use a letter which was obtained from a State Employee to obtain a loan, grant or other funding for the Community Health Foundation.

5. The allegations contained in the complaint does not constitute conduct committed by a Legislator who was acting within his official capacity as a participant in the lawmaking process.

6. The Legislative Ethics Committee is barred from considering the allegations contained in the complaint due to the expiration of the Statute of Limitations and/or laches in that the Committee has failed to allege and consider this matter in a timely manner.

7. The allegations contained in the complaint involves conduct which did not constitute a criminal and/or ethical violation at the time that it was allegedly committed and the Legislative Ethics Committee consideration of this complaint at this time violates the State and Federal Constitutions..

8. The conduct alleged in the complaint involves conduct which was allegedly committed

8. The conduct alleged in the complaint involves conduct which was allegedly committed during a past and closed session of the North Carolina General Assembly and said conduct did not violate any ethics rules and constitute criminal conduct at that time. Neither the Legislative Ethics Committee nor the House Select Committee can constitutionally be empowered to investigate conduct committed during past legislative sessions of the North Carolina General Assembly.

9. The creation of the Joint Legislative Ethics Committee and actions which it has taken in this matter by initiating misconduct allegations against the Respondent, prosecuting those allegations and determining their validity violate State and federal Constitutional Rights of Due Process and Equal Protection.

10. The creation of the Joint Legislative Ethics Committee and actions which it has taken in this matter by initiating misconduct allegations against the Respondent, prosecuting those allegations and determining their validity violates Article II, Section 20 of the North Carolina Constitution in that members of the North Carolina Senate are unlawfully involved in the investigation and prosecution of this complaint.

11. The actions of the Joint Legislative Ethics Committee violate Article VI, Section 8 by seeking to disqualify Respondent from a legislative office in the North Carolina House of representatives to which he was duly elected where he has not been convicted or adjudged guilty, by any competent authority, of treason, a felony, corruption or malpractice in office nor has he been removed from office by impeachment.

WHEREFORE, the Respondent, after responding to the complaint issued by the Joint Legislative Ethics Committee, respectfully moves to dismiss this matter, or, in the alternative, suspend any further proceedings or actions regarding this matter until criminal charges which have been lodged against the Respondent in the Wake County Superior Court have been resolved.

This the 7th day of January, 2007.

Irving Joyner
Attorney for Representative Thomas Wright
P.O. Box 374
Cary, North Carolina 27512-0374
Telephone:(919)319-8353

CERTIFICATE OF SERVICE

The Attorney whose signature appears below certifies that a copy of the attached Response to Ethics complaint was duly served upon the North Carolina General Assembly's Legislative Ethics Committee by hand-delivering copies of same to the North Carolina Legislative Office Building, 300 North Salisbury Street, Suite 200, Raleigh, North Carolina 27603 addressed separately to Attorney O. Walker Reagan, Senator Dan Clodfelter and Representative Rick Glazier and by depositing a copy of same in the United States mail, first class postage prepaid and addressed to Attorney William Hart, North Carolina Department of Justice, P.O. Box 629, Raleigh, North Carolina 27602.

This the 7th day of January, 2008

Irving Joyner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE ETHICS COMMITTEE
FILE NO. C-LEC-07-002

NORTH CAROLINA GENERAL ASSEMBLY	)	
	)	
V.	)	DISCOVERY REQUESTS
	)	
REPRESENTATIVE THOMAS WRIGHT,	)	
Respondent.	)	

Pursuant to Section 7 of the Investigatory Rules of the Legislative Ethics Committee, Respondent, Representative Thomas Wright, request that the Legislative Ethics Committee provide the following information regarding the charge which it has filed:

1. A copy of every document, statement and other recorded evidence of any type which the Legislative Ethics Committee intends to introduce during its adjudication of this matter.

2. A copy of every document, statement and other recorded evidence of any type which a reasonable person would believe might exculpate the Respondent.

3. A listing of every individual who has been and/or will be interviewed or otherwise provided any information regarding the claim which the Legislative Ethics Committee has filed along with the individual's address and telephone number(s).

4. A copy of every written or summary of any oral or tape-recorded statement which any person has made to the Legislative Ethics Committee regarding the claim which has been filed against the Respondent.

This the 7th day of January, 2008

Irving Joyner
Attorney for Representative Thomas Wright
P.O. Box 374
Cary, North Carolina 27512
Telephone:(919)319-8353

CERTIFICATE OF SERVICE

The Attorney whose signature appears below certifies that a copy of the attached Discovery Request was duly served upon the North Carolina General Assembly's Legislative Ethics Committee by hand-delivering copies of same to the North Carolina Legislative Office Building, 300 North Salisbury Street, Suite 200, Raleigh, North Carolina 27603 addressed separately to Attorney O. Walker Reagan, Senator Dan Clodfelter and Representative Rick Glazier and by depositing a copy of same in the United States mail, first class postage prepaid and addressed to Attorney William Hart, North Carolina Department of Justice, P.O. Box 629, Raleigh, North Carolina 27602.

This the 7th day of January, 2008

Irving Joyner

Office of the Speaker

North Carolina House of Representatives
Raleigh 27601-1096

January 8, 2008

JOE HACKNEY
SPEAKER

Denise Weeks
House Principal Clerk
2319 Legislative Building
Raleigh, North Carolina 27601

Dear Ms. Weeks:

Pursuant to the authority granted to me in NCGS § 120-37(d) and House Rule 45(c), I authorize you to serve as the repository for filings arising out of the *House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright.* Upon receipt of any filings, please time date them and submit a copy to the Committee staff, as designated by Representative Glazier, Chair of the Committee. Until the Committee concludes its business, you will serve as the custodian of the originals for the purpose of the Public Records Act (Chapter 132 of the General Statutes). Upon the conclusion of the Committee's business, deliver the originals to the Committee Clerk for inclusion in the official record of the Committee. At that time, your responsibilities as custodian of the records will terminate.

I recognize these are additional responsibilities, and I appreciate your willingness to serve in this capacity.

Very truly yours,

Joe Hackney
Speaker

Cc: ✓Representative Rick Glazier
O. Walker Reagan, Staff Attorney

Thomas Edward Wright
Democrat, New Hanover County

Ninety-Eighth Representative District: Portions of Brunswick, Columbus, New Hanover and Pender counties

Early Years
Born in Wilmington, New Hanover County, on August 7, 1955, to William Dallas, I, and Sarah Gibbs Wright.

Educational Background
John T. Hoggard High School, 1973; College Transfer, Southeastern Community College, 1973-75; Psychology and Biology, UNC-Wilmington, 1978-80; Paramedic, Coastal Carolina Community College, 1988.

Professional Background
Business/Instructor, Wrightway Safety & Health Co., Inc. (President and Owner); EMS Instructor, Cape Fear Community College.

Political Activities
Member, N.C. House, 1993-Present; Wilmington City Council, 1990-93.

Business/Professional, Charitable/Civic or Community Service Organizations
National Association of EMS Instructors; N.C. Association of Paramedics; N.C. Association of Emergency Medical Technicians.

Elective and Appointed Boards and Commissions
Chair, Board of Directors, New Hanover Community Health Center; Chair, N.C. Minority Health Advisory Council; Cancer Control and Coordination Commission.

Personal Information
Married, Joyce Nixon Wright. Four children. Member, Saint Mary Catholic Church.

Committee Assignments
Chair, Appropriations Subcommittee on Capital; Congressional Redistricting; Health. Member, Appropriations, Appropriations Subcommittee on Health and Human Services.

Thomas Edward Wright

Democrat, New Hanover County

Eighteenth Representative District: Portions of Brunswick, Columbus and New Hanover counties

Early Years

Born in Wilmington, New Hanover County, on August 7, 1955, to William Dallas, I, and Sarah Gibbs Wright.

Educational Background

John T. Hoggard High School, 1973; College Transfer, Southeastern Community College, 1973-75; Psychology and Biology, UNC-Wilmington, 1978-80; Paramedic, Coastal Carolina Community College, 1988.

Professional Background

EMS Instructor.

Political Activities

Member, N.C. House of Representatives, 1993-Present; Wilmington City C... 1990-93.

Business/Professional, Charitable/Civic or Community Service Organizati...

National Association of EMS Instructors; N.C. Association of Paramedi... Association of Emergency Medical Technicians.

Elective and Appointed Boards and Commissions

Chair, Board of Directors, New Hanover Community Health Center; Cha... Minority Health Advisory Council; Cancer Control and Coordination Com...

Personal Information

Married, Joyce Nixon Wright. Four children. Member, Saint Mary Catholi...

Committee Assignments

Chair, Appropriations; Member, Health, Insurance, Public Utilities, Tra...

Douglas Yates

Democrat, Sco...

Forty-Sixth Represen... Portions of Hoke, Rob... counties

Early Years

Born in Lumberton, ... March 20, 1937, to R... Elizabeth Gibson Yo...

Educational Backgr...

Laurinburg High S... Edwards Military In... Industrial Arts, Eas... 1959; M.A. Degree ... Administration, Eas... 1960; Completed 4... University to obtain ... in Education, Nova ...

Professional Backgr...

General Contractor, ...

Political Activities

Member, N.C. Hous...

Business/Professio...

Phi Delta Kappa; Lu...

Elective and Appoi...

Executive Board, P... Council on Educati...

Honors and Award...

2000 Community ... 1972 Outstanding ... Educator, Laurinbu...

Personal Informati...

Married, Mildred H... Methodist Church; ...

Committee Assign...

Chair, Appropriati... ... Health, Insurance, Pu... Committee on Ins...

Wilson, W. Eugene

Aging; Agriculture; Appropriations; Appropriations Subcommittee on General Government, **Vice Chair**; Local Government I; Pensions and Retirement, **Chair**.

Womble, Larry

Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Environment and Natural Resources; Finance, **Vice Chair**; Local Government II; State Government, **Chair**; Ways and Means, **Chair**.

Wray, Michael H.

Agriculture; Appropriations; Appropriations Subcommittee on Natural and Economic Resources; Commerce; Education; Education Subcommittee on Community Colleges; Transportation; Wildlife Resources, **Vice Chair**.

Wright, Thomas E.

Appropriations, **Vice Chair**; Appropriations Subcommittee on Capital, **Chair**; Appropriations Subcommittee on Health and Human Services; Health, **Chair**; Insurance; Public Utilities; Transportation, **Vice Chair**.

Yongue, Douglas Y.

Agriculture; Appropriations, **Chair**; Appropriations Subcommittee on Capital; Education; Education Subcommittee on Pre-School, Elementary and Secondary Education; Ethics, **Vice Chair**; Rules, Calendar, and Operations of the House; State Government.

*****Pursuant to Rule 26(h), the following are designated ex officio members of every standing committee and permanent subcommittee: Representatives Cunningham, Eddins, and Hackney.**

*Rep. John D. Hall deceased 3/17/05 (Rep. Edward Jones appointed 4/5/05).
*Rep. Bill Culpepper resigned 1/3/06 (Rep. Timothy L. Spear appointed 1/27/06).
*Rep. Paul Miller resigned 7/7/06. (Rep. Larry D. Hall appointed 7/11/06).
**Rep. Bernard Allen deceased 10/13/06.

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Committee	Status
Appropriations	Member
Appropriations Subcommittee on Capital	Chairman
Health	Chairman
Homeland Security, Military, and Veterans Affairs	Vice-Chairman
Insurance	Member
Public Utilities	Member
Transportation	Member

Congressional Report

Order Code RL31382

CRS Report for Congress

Received through the CRS Web

Expulsion, Censure, Reprimand, and Fine: Legislative Discipline in the House of Representatives

April 16, 2002

Jack Maskell
Legislative Attorney
American Law Division

Expulsion, Censure, Reprimand, and Fine: Legislative Discipline in the House of Representatives

Summary

The House of Representatives is expressly authorized within the United States Constitution (Article I, Section 5, clause 2) to discipline or "punish" its own Members. This authority of the institution of the House to discipline a Member for "disorderly Behaviour" is in addition to any criminal or civil liability that a Member of the House may incur for particular misconduct, and is a device or procedure designed not so much as merely a punishment of the individual Member, but rather ultimately as a measure to protect the institutional integrity of the House of Representatives, its proceedings and its reputation.

Congressional discipline of a Member by the House of Representatives is done by the House itself, without the necessity of Senate concurrence, and may take several forms. The most common forms of discipline in the House are now "expulsion," "censure," or "reprimand," although the House may also discipline its Members in others ways, including fine or monetary restitution, loss of seniority, and suspension or loss of certain privileges. In addition to such sanctions imposed by the full House of Representatives, the standing committee in the House dealing with ethics and official conduct matters, the House Committee on Standards of Official Conduct, is authorized by House Rules to issue a formal Committee reproach in the form of a "Letter of Reproval" for misconduct which does not rise to the level of consideration or sanction by the entire House of Representatives. Additionally, such Committee has also expressed its disapproval of conduct in informal letters and communications to Members.

The House may generally discipline its Members for violations of statutory law, including crimes; for violations of internal congressional rules; or for any conduct which the House of Representatives finds has reflected discredit upon the institution. Thus, each House of Congress has disciplined its own Members for conduct which has not necessarily violated any specific rule or law, but which was found to breach its privileges, demonstrate contempt for the institution, or which was found to discredit the House or Senate. When the most severe sanction of expulsion has been employed in the House, however, the conduct has historically involved either disloyalty to the United States Government, or the violation of ac riminal law involving the abuse of one's official position, such as bribery.

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Expulsion, Censure, Reprimand, and Fine: Legislative Discipline in the House of Representatives

Background

Each House of the United States Congress is expressly authorized within the Constitution to "punish" its own Members for misconduct. In imposing legislative discipline against its Members, the House operates through its rule making powers,[1] and the express provision for legislative discipline is set out along with Congress' rule-making authority in Article I, Section 5, clause 2, of the Constitution:

> Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Concerning legislative discipline, it should be emphasized that the underlying justification for this action has traditionally been to protect the integrity and dignity of the legislative institution and its proceedings, rather than merely to punish an individual,[2] and that such internal legislative process is *additional* to any potential criminal or civil liability that a Member might incur for any particular misconduct.[3] Members of Congress, like any other persons in the United States, are subject generally to outside law enforcement and criminal prosecution if their misconduct constitutes a violation of federal, State, or local criminal law. Unlike members of the legislatures or parliaments of many foreign nations, there is *no* general immunity from all criminal prosecution for Members of the United States Congress during their

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[1] *Deschler's Precedents of the United States House of Representatives,* H. Doc. 94-661, 94th Cong., 2d Sess., Volume 3, Ch. 12, § 12, p. 168 (1979); Justice Joseph Story, *Commentaries on the Constitution of the United States,* Vol. II, § 835 (Boston 1883).

[2] Cushing, *The Law and Practice of Legislative Assemblies*, pp.250-251, 257-259, 268-270 (Boston 1874). Internal disciplinary action is "rooted in the judgment of the House as to what was necessary or appropriate for it to do to assure the integrity of its legislative performance and its institutional acceptability to the people at large as a serious and responsible instrument of government." *Deschler's Precedents, supra* at 174, citing *Powell v. McCormack*, 395 F2d 577, McGowan concurring, at 607 (D.C.Cir. 1968), *rev'd on other grounds*, 395 U.S. 486 (1969); Story, *supra* at § 835. *Note* British Parliamentary practice: "The practice of expulsion is not so much disciplinary as remedial, not so much to punish Members as to rid the House of persons who are unfit for membership." Erskine May, *Law, Privileges, Proceedings and Usage of Parliament,* at 105 (London 1964).

[3] House ethics action does not foreclose a criminal prosecution on the same matter. *United States v. Rose,* 28 F.3d 181, 189-190 (D.C.Cir. 1994); 2 *Ops. Atty. Gen.* 655 (1834).

tenure in office. Rather, Members of Congress have a fairly limited immunity from outside prosecution for "Speech or Debate" in either House of Congress.[4]

Members of the House of Representatives are subject to internal, congressional discipline for any conduct which the institution of the House believes warrants such discipline. The express constitutional authority drafted by the Framers of the Constitution was drawn from the British parliamentary practice, as well as from our own colonial legislative experience, and reflects the principle and understanding that although the qualifications of Members of Congress were intentionally kept to a minimum to allow the voters the broadest discretion in sending whomever they please to represent them in Congress,[5] the institution of the House has the right to discipline those who breach its privileges or decorum, or who damage its integrity or reputation, even to the extent of expelling from Congress a duly-elected Member.[6]

Internal, congressional discipline of a Member may take several forms. The most common forms of discipline in the House of Representatives are now "expulsion," "censure," or "reprimand," although the House may also discipline its Members in others ways, including fine or monetary assessment, loss of seniority, or loss of certain privileges.[7] An "expulsion" is a removal of a Member from the House of Representatives by a two-thirds vote of the House. A "censure" or a "reprimand" is a legislative procedure where the full House, by majority vote on a simple resolution, expresses a formal disapproval of the conduct of a Member. In addition to these punishments or disciplines by the entire House of Representatives, the House Committee on Standards of Official Conduct is authorized to issue, on its own accord, a "Letter of Reproval" to a Member when the Committee disapproves of conduct but

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[4]Under the "Speech or Debate" clause of the Constitution (Article I, Section 6, cl. 1), Members of Congress may not be questioned outside of Congress "for any Speech or Debate in either House," that is, they are immune from criminal or civil proceedings only for their official conduct or activities which are "an integral part of the deliberative and communicative processes by which Members participate in committee and House proceedings." *Gravel v. United States,* 408 U.S. 606, 625 (1972). The constitutional bar to the "Arrest" of Members during their attendance of, or "going to and returning from" a session of Congress for other than a felony or "Breach of the Peace" (Article I, Section 6, cl. 1), is an "obsolete" provision which applies only to arrests in civil suits, common in the 18th century, but does not apply to criminal arrests. *Williamson v. United States,* 207 U.S. 425, 446 (1908); *Long v. Ansell,* 293 U.S. 76 (1934); *Gravel, supra* at 614; *Deschler's Precedents, supra* at Ch. 12, § 3.1; *see* discussion in *The Constitution of the United States, Analysis and Interpretation,* S. Doc. 103-6, 103rd Cong., 1st Sess., at 127 (1996). Contrary to popular myth and misunderstanding, Members of Congress are *not* constitutionally immune from arrest for traffic violations under this clause.

[5]Alexander Hamilton, II *Eliot's Debates* 257; *note* also James Madison, 2 Farrand, *Records of the Federal Convention of 1787,* 249-250, and *Federalist Papers,* No. 57; *Powell v. McCormack,* 395 U.S. 486, 508, 509, 531 (1969).

[6]*See* note 2, *supra;* Story, *supra* at §§ 835-836. *Note* also Senator John Quincy Adams' arguments in 1807 on Senate's authority to expel a Member even after re-election, II *Hinds' Precedents of the House of Representatives,* § 1264, p. 817 (1907).

[7]Rules of the Committee on Standards of Official Conduct, March 14, 2001, 107th Congress, Rule 25(e). *Deschler's Precedents, supra* at Ch. 12, § 12.

makes no recommendation for legislative sanctions to the full House of Representatives.

There is no precise listing or description in the Rules of the House of Representatives of the specific types of misconduct or ethical improprieties which might subject a Member to the various potential disciplines. The Rules adopted by the House Committee on Standards of Official Conduct provide simply that:

> With respect to the sanctions that the Committee may recommend, reprimand is appropriate for serious violations, censure is appropriate for more serious violations, and expulsion of a Member or dismissal of an officer or employee is appropriate for the most serious violations. A recommendation of a fine is appropriate in a case in which it is likely that the violation was committed to secure a personal financial benefit; and a recommendation of a denial or limitation of a right, power, privilege, or immunity of a Member is appropriate when the violation bears upon the exercise or holding of such right, power, privilege, or immunity.[8]

The House may discipline its Members for violations of statutory law, including crimes; for violations of internal congressional rules; or for any conduct which the House of Representatives finds has reflected discredit upon the institution.[9] Each House of Congress has disciplined its own Members for conduct which has not necessarily violated any specific rule or law, but which was found to breach its privileges, demonstrate contempt for the institution, or which was found to discredit the House or Senate;[10] when the most severe sanction of expulsion has been employed or recommended in the House, however, the conduct has historically involved either disloyalty to the United States Government, or the violation of ac riminal law involving the abuse of one's official position, such as bribery.

Expulsion

Expulsion is the form of action by which the House of Representatives, after a Member has taken the oath of office, removes that Representative from membership in the body by a vote of two-thirds of the Members present and voting.[11] An expulsion is considered a disciplinary matter and a matter of self-protection of the integrity of the institution and its proceedings, and as such is substantively and procedurally different from an "exclusion," which denies a Member-elect his or her seat by a simple *majority* vote of the body, prior to the Member-elect being seated (or

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[8]Rules of the Committee on Standards of Official Conduct, *supra* at Rule 25(g).

[9]*In re Chapman*, 166 U.S. 661, 669-670 (1897); H.R. Rpt. No. 570, 63rd Cong., 2d Sess. (1914) (Judiciary Committee), at VI *Cannon's Precedents of the House of Representatives*, § 398, p. 558; Brown, *House Practice, Guide to the Rules, Precedents and Procedures of the House*, 104th Cong., 2d Sess. "Misconduct; Sanctions," at 581-582 (1996). *Note* authority of Committee on Standards of Official Conduct, Rules of the House of Representatives, Rule XI, para. 3(a)(2), and Code of Official Conduct, Rule XXIII(1).

[10]*See* Appendix for listing of House disciplinary actions.

[11]Brown, *supra*, "Voting," at p. 908: "A two-thirds vote ordinarily means two-thirds of those voting, a quorum being present, and not two-thirds of the entire membership."

after being seated "without prejudice" pending investigation and resolution of the matter), because of failure of the Member-elect to meet the constitutional qualifications for office (*i.e.*, age, citizenship and inhabitancy in the State from which elected), or because of a failure to have been "duly elected"; "exclusion" is now understood *not* to be a disciplinary procedure.[12] A Member is "expelled" by a two-thirds vote, however, precisely for issues of misconduct, and expulsion is generally taken against a Member after the Member has been sworn into office.

Members of the United States Congress are not removed by way of an "impeachment" procedure in the legislature, as are executive and judicial officers, but are subject to the more simplified legislative process of expulsion.[13] A removal through an impeachment, it should be noted, requires the action of both Houses of Congress — impeachment in the House and trial and conviction in the Senate. An expulsion, however, is accomplished merely by the House or Senate acting alone concerning one of its own Members, without the consent or action of the other body, and without the constitutional requirement of trial and conviction.[14]

Grounds for Expulsion.

There is no limitation apparent on the face of the Constitution, nor in the deliberations of the Framers, on the authority to expel a Member of Congress, other than the two-thirds vote requirement. One study of the expulsion clause summarized the Framers' intent as follows:

> [From] the history of Article I, Section 5, clause 2, and in particular its course in the Committee of Detail, it is clear that the Framers ... did not intend to impose any limitation on Congressional power to determine what conduct warranted expulsion .... Nor do the debates in the Convention suggest any desire to impose any other substantive restrictions on the expulsion power.[15]

Justice Joseph Story similarly concluded that it would be "difficult to draw a clear line of distinction between the right to inflict the punishment of expulsion, and any other punishment upon a member, founded on the time, place, or nature or the offense," and that "expulsion may be for any misdemeanor, which, though not punishable by any statute, is inconsistent with the trust and duty of" a Member.[16]

The Supreme Court of the United States, citing Justice Story's historic treatise on the Constitution, found an expansive authority and discretion within each House of Congress concerning the grounds for expulsion. In *In re Chapman*, the Supreme

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[12] *See Powell v. McCormack*, 395 U.S. 486, 522 (1969). *Deschler's Precedents, supra* at Ch. 12, §12, p. 169, n. 21.

[13] *See* case of Senator William Blount of Tennessee, expelled on July 8, 1797; and found not subject to impeachment. III *Hinds' Precedents, supra* at §§ 2294-2318.

[14] II *Hinds' Precedents, supra* at § 1275.

[15] Bowman and Bowman, "Article I, Section 5: Congress' Power to Expel - An Exercise in Self Restraint," 29 *Syracuse Law Review* 1071, 1089-1090 (1978).

[16] Story, *supra* at § 836.

Court noted the Senate expulsion case of Senator William Blount[17] as supporting the constitutional authority of either House of Congress to punish a Member for conduct which in the judgment of the body "is inconsistent with the trust and duty of a member" even if such conduct was "not a statutable offense nor was it committed in his official character, nor was it committed during the session of Congress, nor at the seat of government."[18] While each House of Congress has broad authority as to the grounds for an expulsion, this disciplinary action is generally understood to be reserved only for the "most serious violations."[19] As noted above, expulsions in practice in the House and Senate have traditionally involved conduct which implicated disloyalty to the Union, or the commission of a crime involving the abuse of one's office or authority.

Precedents and Practice.

The House of Representatives has actually expelled only four Members (three Members and one Member-elect) in its history, three of whom were expelled during the Civil War period in 1861 for disloyalty to the Union.[20] The fourth Member of the House to be expelled was Representative Michael J. (Ozzie) Myers, of Pennsylvania, on October 2, 1980, after his bribery conviction for receiving a payment in return for promising to use official influence on immigration bills in the so-called ABSCAM "sting operation" run by the FBI.[21]

The numbers of actual expulsions from the House may be small because some Members of the House who have been found to have engaged in serious misconduct have chosen to resign their seats in Congress (or have lost an election) before any formal action could be taken against them by the House. Thus, the House committees investigating allegations of misconduct have from time-to-time expressly recommended the expulsion of a Member, who then resigned from Congress before the expulsion vote could be taken by the full body.[22] Additionally, several other

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[17] II *Hinds' Precedents, supra* at §1263. *See* footnote 12, *supra*.

[18] 166 U.S. 661, 669-670 (1897).

[19] Rules of the House Committee on Standards of Official Conduct, *supra* at Rule 25(g).

[20] *See* House expulsions of Representative-elect John B. Clark of Missouri (1861), Representative John W. Reid of Missouri (1861), and Representative Henry C. Burnett of Kentucky (1861), for disloyalty to the Union. II *Hinds' Precedents, supra* at §§ 1261,1262.

[21] H.R. Rpt. No. 96-1387, 96th Cong., 2d Sess., *In the Matter of Representative Michael J. Myers* (1980), 126 *Congressional Record* 28,978 (October 2, 1980). Representative Myers was expelled after conviction for bribery, conspiracy and violation of the Travel Act.

[22] *Note, e.g.*, H.R. Rpt. No. 97-110, 97th Cong., 1st Sess., *In the Matter of Representative Raymond F. Lederer* (1981), and House Committee on Standards recommendation of expulsion for bribery; and H.R. Rpt. No. 100-506, 100th Cong., 2d Sess., *In the Matter of Representative Mario Biaggi* (1988), recommendation of expulsion after conviction for illegal gratuities, Travel Act violations, and obstruction of justice. *Note* case of Rep. B.F. Whittemore, recommended for expulsion by Military Affairs Committee for sale of Military Academy appointments, who subsequently resigned in 1870, and who was then censured *in absentia* by the House (II *Hinds' Precedents, supra* at § 1273); and House censure of John

(continued...)

Members of the House who might have been subject to expulsion or other legislative discipline because of misconduct either resigned from Congress *before* any committee recommendation was made,[23] or, soon after their misconduct became known, lost their next election (either the primary or the general election) before congressional action was completed.[24] The defeat at the polls of Members who had engaged in misconduct was precisely the principal "ethics" oversight planned by the Framers of the Constitution, who looked to the necessity of re-election to be the most efficient method of regulating Representatives' conduct. James Madison explained in the *Federalist Papers* that despite all the precautions taken by structural separation of powers in the Government, or by the institution of the Congress or the law, the best control of Members' conduct would be their "habitual recollection of their dependence on the people" through the "necessity of frequent elections."[25]

Although the authority and power of each House of Congress to expel appears to be within the broad discretion of the institution, *policy* considerations, as opposed to questions of *power*, have generally restrained the House in exercising the authority to expel a Member when the conduct complained of occurred prior to the time the individual was elected to be a Member of the House,[26] or when the conduct

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[22](...continued)
DeWeese after his resignation (also for the sale of Academy appointments), but before the committee reported the resolution of expulsion. II *Hinds' Precedents, supra* at § 1239. *See* also expulsion resolutions, reported from an *ad hoc* committee, for bribery, and subsequent resignations during House consideration of resolutions, by Representatives William Gilbert, Frances Edwards, and Orasmus Matteson, in 1857 (II *Hinds' Precedents, supra* at § 1275).

[23]H.R. Rpt. No. 96-1537, 96th Cong., 2d Sess. 10-11, *In the Matter of Representative John W. Jenrette, Jr.* (1980); H.R. Rpt. No. 104-886, 104th Cong., 2d Sess. at 19 (1997), *Summary of Activities, One Hundred Fourth Congress* (concerning Representative Mel Reynolds); H.R. Rpt. No. 101-995, 101st Cong., 2d Sess. at 10-11 (1990), *Summary of Activities, One Hundred First Congress* (concerning Representative Donald E. Lukens), and 12-13 (concerning Representative Robert Garcia); H.R. Rpt. No. 96-856, 96th Cong., 2d Sess., *In the Matter of Representative Daniel J. Flood* (1980). Since no recommendation was made by the Committee, it can not be said with certainty what, if any, discipline would have been recommended by the Committee, or approved by the House.

[24]The House Committee on Standards of Official Conduct has found that since it will "lose jurisdiction" over a Member who has been defeated in an election, proceedings which could not be completed prior to the January end-of-term be suspended. *Note,* for example, H.R. Rpt. No. 105-848, 105th Cong., 2d Sess. 14 (1999), *Summary of Activities, One Hundred Fifth Congress* (concerning Representative Jay C. Kim); H.R. Rpt. No. 104-886, *supra* at 21 (concerning Representative Barbara-Rose Collins); *see* also H.R. Rpt. No. 100-1125, 100th Cong., 2d Sess. 17 (1989), *Summary of Activities, One Hundredth Congress* (concerning Rep. Patrick L. Swindall); H.R. Rpt. No. 95-1818, 95th Cong., 2d Sess. 3 (1978), *Summary of Activities, Ninety-Fifth Congress* (concerning Rep. Joshua Eilberg).

[25]Madison. *The Federalist Papers*, No. 57: "All these sanctions, however, would be found very insufficient without the restraint of frequent elections ... as to support in the members an habitual recollection of their dependence on the people."

[26]*Deschler's Precedents, supra* at Ch. 12, § 13, p. 176. *See* H.R. Rpt. No. 94-1477, 94th Cong., 2d Sess. 2, *In the Matter of Representative Andrew J. Hinshaw* (1976). The House (continued...)

complained of occurred in a prior Congress when the electorate knew of the conduct but still re-elected the Member to the current Congress. On occasion, this restraint has been characterized, such as in *dicta* by the Supreme Court, as the House's "distrusting" its own "power" to expel for past misconduct.[27] While there has, in fact, in the past been some division of opinion on the subject of the House's constitutional "authority" or "right" to do so,[28] in modern congressional practice it would appear to be more accurate to say that such restraint has arisen from a questioning of the wisdom of such a *policy*, rather than a formal recognition of an absence of constitutional *power* to expel for past misconduct.

The reticence of the House to expel a Member for past misconduct after the Member has been re-elected by his or her constituents, with knowledge of the Member's conduct, appears to reflect the deference traditionally paid in our heritage to the popular will and election choice of the people.[29] Justice Story, while noting the necessity of expulsion of one who "disgrace[d] the house by the grossness of his conduct," noted that such power of the institution of the House to expel a duly-elected representative of the people is "at the same time so subversive of the rights of the people," as to require that it be used sparingly and to be "wisely guarded" by a

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[26](...continued)
Committee on Standards of Official Conduct recommended against expulsion of a Member, since the Member's conviction "while reflecting on his moral turpitude, does not relate to his official conduct while a Member of Congress."

[27]The Court in *Powell v. McCormack, supra*, in distinguishing the exclusion of Powell from an expulsion, noted that the House has "distrusted" its right to expel Members for prior conduct after they have been reelected (395 U.S. at 508), and that congressional precedents have shown that "the House will not expel a member for misconduct committed during an earlier Congress." 395 U.S. at 509, noting expulsion case of John W. Langley, H.R. Rpt. No. 30, 69th Cong., 1st Sess., 1-2 (1925). The Court noted specifically, however, that it was not ruling on Congress' authority to expel for past misconduct (395 U.S. at 507, n. 27; 510, n.30), and, in fact, Justice Douglas, in his concurrence noted specifically that "if this were an expulsion case I would think that no justiciable controversy were presented" (395 U.S. at 553), since Douglas agreed with Senator Murdock of Utah in a 1940 exclusion case that each House may "expel anyone it designates by a two-thirds vote." 395 U.S. at 558-559.

[28]*Note* conflicting opinions of two House committees in the *Credit Mobilier* investigations on the discipline of Representatives Ames and Brooks in the 42nd Congress, H.R. Rpt. No. 77, 42nd Cong., 3rd Sess. (1872) and H.R. Rpt. No. 82, 42d Cong., 3rd Sess. (1872). The House specifically refused, however, to accept a preamble to the substitute resolution for censure expressly questioning its authority to expel for past misconduct. *See* Committee Print, *House of Representatives Exclusion, Censure and Expulsion Cases from 1789 to 1973*, 93rd Cong., 1st Sess. 125 (1973); *note* also majority and minority opinions in expulsion cases of William S. King and John Schumaker, H.R. Rpt. No. 815, 44th Cong., 1st Sess. (1876), II *Hinds' Precedents, supra* at §1283, and in expulsion case of Orsamus B. Matteson, H.R. Rpt. No. 179, 35th Cong., 1st Sess. (1858), II *Hinds' Precedents* § 1285.

[29]*See* footnote 5, *supra. Note* also discussion of the infamous Wilkes case in England, shortly before the time of the drafting of the United States Constitution. *Powell v. McCormack, supra* at 532-535; May, *supra* at 107.

two-thirds requirement.[30] Similarly, Cushing noted that the power to expel "should be governed by the strictest justice," since in expelling a duly-elected Member without just cause "a power of control would thus be assumed by the representative body over the constituent, wholly inconsistent with the freedom of election."[31]

The distinction between the "power" of the House to expel, and the judicious use of that power as a "policy" of the House, was cogently explained in a House Judiciary Committee report in 1914:

> In the judgment of your committee, the power of the House to expel or punish by censure a Member for misconduct occurring before his election or in a preceding or former Congress is sustained by the practice of the House, sanctioned by reason and sound policy and in extreme cases is absolutely essential to enable the House to exclude from its deliberations and councils notoriously ~~corrupt men~~, who have unexpectedly and suddenly dishonored themselves and ~~betrayed~~ the public by acts and conduct rendering them unworthy of the high position of honor and trust reposed in them. ...
>
> But in considering this question and in arriving at the conclusions we have reached, we would not have you unmindful of the fact that we have been dealing with the question merely as one of *power*, and it should not be confused with the question of *policy* also involved. As a matter of sound policy, this extraordinary prerogative of the House, in our judgment, should be exercised only in extreme cases and always with great caution and after due circumspection, and should be invoked with greatest caution where the acts of misconduct complained of had become public previous to and were generally known at the time of the Member's election. To exercise such power in that instance the House might abuse its high prerogative, and in our opinion might exceed the just limitations of its constitutional authority by seeking to substitute its standards and ideals for the standards and ideals of the constituency of the member who had deliberately chosen him to be their Representative. The effect of such a policy would tend not to preserve but to undermine and destroy representative government.[32]

The power to expel is thus used cautiously when the institution of Congress might be seen as usurping or supplanting its own institutional judgment for the judgment of the electorate as to the character or fitness for office of an individual whom the people have chosen to represent them in Congress.[33] As noted, the principal manner of dealing with ethical improprieties or misconduct of a Representative was intended by the Framers to be, and has historically been, reliance upon the voters to keep their Members "virtuous" through the "restraint of frequent elections."[34]

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[30]Story, *supra* at § 835.

[31]Cushing, *supra* at § 625; *Deschler's Precedents, supra* at Ch. 12, §13, p. 175.

[32]H.R. Rpt. No. 570, 63rd Cong., 2d Sess. (1914), at VI *Cannon's Precedents, supra* at § 398. Emphasis added.

[33]"Congress has demonstrated a clear reluctance to expel when to do so would impinge ... on the electoral process." Bowman and Bowman, *supra* at 1101.

[34]Madison, *The Federalist Papers*, No. 57.

Consequences of Expulsion.

Expulsion from the House of Representatives carries with it no further "automatic" penalties or disabilities beyond removal from Congress. Although the constitutions of some states provide that members expelled from their State legislatures are ineligible to be re-elected to that legislature, no such disability was included in the United States Constitution for Members of Congress. An individual who has been expelled from Congress is *not* ineligible to run again for that seat, or for another position in Congress. The three qualifications for congressional office — age, citizenship, and inhabitancy in the State — are established and fixed in the United States Constitution; are the *exclusive* qualifications to congressional office; and may not be added to or altered by the Congress via a statute or internal congressional rule, or by a state unilaterally.[35] A Member who has been expelled from Congress and subsequently re-elected may, therefore, not be "excluded" from being seated in Congress based merely on the past misconduct and subsequent congressional discipline.[36] Although in theory, a previously expelled Member re-elected to Congress could, after having been seated, be expelled by a two-thirds vote for misconduct, even past misconduct, both the House and the Senate have not, as discussed above, as a practice expelled a Member for past misconduct when the electorate knew of the conduct and still elected or re-elected the Member.

A Member who has been expelled from the House does not lose his or her Federal Government pension automatically by virtue of the expulsion. Rather, Federal Government pensions earned, vested or accumulated by officers and employees, including Members of Congress, are forfeited only upon the conviction of certain federal offenses that relate to espionage, treason, or other specific national security offenses expressly designated in the so-called "Hiss Act."[37]

Procedure.

The Supreme Court has also recognized a very broad discretion and authority in each House of Congress to discipline its Members under its own chosen *procedural* standards, generally without established right to judicial review. The act of disciplining Members is carried out through the rule-making authority of the House, and the Supreme Court in describing the congressional disciplinary process in *United States v. Brewster*, has noted in *dicta*:

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[35] *Powell v. McCormack,* supra; *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779 (1995); *Cook v. Gralike,* 531 U.S. 510 (2001).

[36] See *Powell v. McCormack, supra* at 522, 547-550, 537 n. 69. Note discussion by the Court (at 527-536) of the Wilkes case concerning English parliamentary practice at the time of the Constitution's drafting. If, however, there is alleged disloyalty to the Union, after having taken an oath of office to defend the Constitution, the disqualification provision of the Fourteenth Amendment may come into play. *See* pre-*Powell*, House of Representatives case of Victor Berger, excluded even after re-election. VI *Cannon's Precedents*, §§ 56, 58, 59.

[37] *See* now 5 U.S.C. § 8311 *et seq.* The President is not covered by the retirement laws applicable to other officers and employees of the federal government, and forfeiture of retired pay applies in case of impeachment, conviction and removal of the President. *See* P.L. 85-745, as amended, 3 U.S.C. § 102, note.

> The process of disciplining a Member in the Congress ... is not surrounded with the panoply of protective shields that are present in a criminal case. An accused Member is judged by no specifically articulated standards, and is at the mercy of an almost unbridled discretion of the charging body ... from whose decision there is no established right of review.[38]

Currently in the House of Representatives, a resolution to expel a Member would be referred to the House Committee on Standards of Official Conduct, the standing Committee in the House with jurisdiction over congressional conduct and "ethics," although such a resolution is considered to raise a question of the "privileges" of the House, and could be called up as a privileged resolution with notice by its sponsor according to House Rules.[39] The House Committee on Standards of Official Conduct is also authorized to receive "complaints" concerning a Member's conduct from any other Member of the House (or from outside of the House when certified by a Member), or may initiate on its own accord an investigation of a Member.[40] Furthermore, the House of Representatives may also, and from time-to-time has, instructed the Committee by resolution to investigate a particular matter or Member.

While it had been a common practice in the past to wait until all appeals were exhausted in a criminal conviction of a Member before the House would proceed on a matter concerning that Member,[41] the more modern practice has been for the House to take cognizance of the underlying *factual* findings regarding the conduct that was the basis for the Member's conviction, regardless of the potential *legal* or procedural issues which might be resolved on appeal.[42] The rules of the House Committee on Standards of Official Conduct specifically provide, in fact, for automatic jurisdiction of the Committee when a Member has been convicted in a Federal, State, or local court of a felony.[43] Moreover, in one instance, a committee disciplinary proceeding

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[38]408 U.S. 501, 519 (1972). Matters "textually committed" to Congress in the Constitution, such as rules for internal proceedings, might not generally be subject to judicial review unless another, express provision of the Constitution is violated. *Note, e.g., Nixon v. United States*, 506 U.S. 224, 228-229, 236-238 (1993); *United States v. Ballin*, 144 U.S. 1, 5 (1892); *Powell v. McCormack, supra* at 519, and 553 (Douglas, J. concurring).

[39]House Rule IX. *Deschler's Precedents, supra*, Ch. 12, § 13, at 176-177; Brown, *supra*, "Misconduct," § 21. *Note* also H.R. Rpt. No. 94-1477, 94th Cong., 2d Sess., at 6, *In the Matter of Representative Andrew J. Hinshaw* (1976). Prior to 1968 when the Committee on Standards of Official Conduct was created as a standing committee of the House, such resolutions would be referred to either *ad hoc* select committees, or to standing committees with other jurisdiction, often the Judiciary Committee.

[40]House Rule XI, cl. 3. Rules of the Committee on Standards, *supra* Rule 15.

[41]*Deschler's Precedents, supra*, Ch. 12, § 13, at 176.

[42]*Note* discussion in H.R. Rpt. No. 96-1387, *supra* at 4-5; *see* also, generally, CRS Rpt. 88-197A, "House Discipline of Members After Conviction But Before Final Appeal," March 1, 1988 (archived). A Member convicted of a felony for which the penalty may be two years or more imprisonment, "should refrain" from voting on the floor or in committee until his or her presumption of innocence is restored. House Rule XXIII (10).

[43]Rules of the Committee on Standards, *supra* Rule 15(a)(4), 19(e).

concerning a Member indicted for bribery was begun after the Member's trial, even though it ended in a hung jury, and before a second trial was to commence.[44]

The current Rules of the House of Representatives provide that the House Committee on Standards of Official Conduct is authorized to investigate allegations of violations of "any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member ... in the performance of his duties or the discharge of his responsibilities," and after such investigation the Committee is to "report to the House its finding of fact and recommendations, if any ...."[45] The Standards Committee has promulgated detailed procedural rules to implement fairness in the disciplinary process, specifically providing the requirements of notice, the specification of charges, and by providing opportunities for the charged Member to be heard and to examine witnesses and evidence. After an investigation by an investigatory subcommittee, the taking of evidence and an adjudicatory hearing, if the Member is found by the majority of the Committee members to have committed the specific offenses charged, the full Committee will then consider the appropriate discipline.[46] If the Committee finds that expulsion is warranted, a recommendation for such discipline is made in a report to the full House of Representatives, which may be, after debate, accepted, modified or rejected by the House.

Censure

The term "censure," unlike the term "expel," does not appear in the Constitution, although the authority is derived from the same clause – Article I, Section 5, clause 2, concerning the authority of each House of Congress to "punish its Members for disorderly Behaviour." Censure, reprimand, or admonition are traditional ways in which parliamentary bodies have disciplined their members and maintained order and dignity in their proceedings.[47] In the House of Representatives, a "censure" is a formal vote by the majority of Members present and voting on a resolution disapproving a Member's conduct, with generally the additional requirement that the

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[44]H.R. Rpt. No. 96-856, 96th Cong., 2d Sess., *In the Matter of Representative Daniel J. Flood* (1980).

[45]House Rule XI, cl. 3(a)(2).

[46]Investigations subcommittees are 4 Members of the House, and may be made up of Committee Members, as well as Members of the House not on the Committee who are appointed at the beginning of the Congress as a reserve "pool" available to be on investigations subcommittees if needed. Adjudications are held before a panel of the Committee who did *not* serve on the investigations subcommittee, and if any charges drafted by the investigations subcommittee are proven before the adjudications panel, a "sanctions" hearing to determine the sanctions to be recommended to the House is conducted before the full membership of the Standards Committee. House Rule X, cl. 5(a)(3) and (4), XI, cl. 3(b)(1)(B)(i), Rules of the Committee on Standards of Official Conduct, *supra.*

[47]May, *The Law, Privileges, Proceedings and Usage of Parliament, supra* at 103; *Black's Law Dictionary,* at 224, 6th Edition (1990), defines "censure" as: "The formal resolution of a legislative, administrative, or other body reprimanding a person, normally one of its own members, for specified conduct."

Member stand at the "well" of the House chamber to receive a verbal rebuke and reading of the censure resolution by the Speaker of the House.

Grounds.

The Constitution, in providing that either House of Congress may "expel" a Member by a two-thirds majority, does not specify the reasons for such expulsion, but does in that same provision state that either House of Congress may punish its Members for "disorderly Behaviour." Some early commentators thus felt that the authority to "punish" a Member by way of censure or some other condemnation was thus expressly limited, unlike expulsion, to cases concerning "disorderly" or unruly behavior or conduct in Congress, that is, conduct which disrupts the institution.[48] The authority to discipline by way of censure, reprimand or other such rebuke, however, has come to be recognized and accepted in congressional practice as extending to cases of "misconduct," even outside of Congress, which the House finds to be reprehensible, and/or to reflect discredit on the institution, and which is, therefore, worthy of condemnation or rebuke.

The House of Representatives has taken abro ad view of its authority to discipline its Members. In the 63rd Congress, for example, the House Judiciary Committee described the power of the House to punish for disorderly behavior as a power which is "full and plenary and may be enforced by summary proceedings. It is discretionary in character ... restricted by no limitation except in case of expulsion the requirement of the concurrence of a two-thirds vote."[49] Similarly, in its report on a Member, a House Select Committee in 1967 stated:

> Censure of a Member has been deemed appropriate in cases of a breach of the privileges of the House. There are two classes of privilege, the one, affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; and the other, affecting the rights, reputation, and conduct of Members, individually.
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> Most cases of censure have involved the use of unparliamentary language, assaults upon a Member or insults to the House by introductions of offensive resolutions, but in five cases in the House and one in the Senate [as of 1967] censure was based on corrupt acts by a Member, and in another Senate case censure was based upon noncooperation with and abuse of Senate committees.
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> * * *
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> This discretionary power to punish for disorderly behavior is vested by the Constitution in the House of Representatives and its exercise is appropriate where a Member has been guilty of misconduct relating to his official duties, noncooperation with committees of this House, or nonofficial acts of a kind likely to bring this House into disrepute.[50]

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[48]Note, for example, discussion in Bowman and Bowman, *supra* at 1089 - 1091, citing Rawle, *View of the Constitution of United States* 46-47 (2nd ed. 1829).

[49]H.R. Rpt. No. 570, 63rd Cong., 2d Sess. (1914).

[50]H.R. Rpt. No. 27, 90th Cong., 1st Sess., at 24-26, 29, *In re Adam Clayton Powell* (1967).

(continued...)

While the House has stated and demonstrated in precedents its reticence to *expel* a Member for past misconduct, that is, misconduct in a previous Congress which was known to the electorate, the House has had no similar compunction nor exercised similar restraint in expressing a formal "censure" of such past misconduct. Thus, a House Select Committee in the 90th Congress noted that "the right to *censure* a Member for such prior acts is supported by clear precedent in both Houses of Congress ...."[51] In more recent years the House has adopted in its Rules a "statute of limitations" on actions, restricting the Standards Committee from investigating alleged violations of conduct standards when such violations go back more than the last three Congresses, "unless the Committee determines that the alleged violation is directly related to an alleged violation that occurred in a more recent Congress."[52]

Precedents.

In the House of Representatives there have been 22 "censures" of Members (21 Members and 1 Delegate), including two censures of *former* Members who, in 1870, had resigned just prior to the House's consideration of expulsion motions against those Members for selling military academy appointments.[53] While the majority of the censures in the House occurred in the 19th century and concerned issues of decorum, that is, the use of unparliamentary or insulting language on the floor of the House or acts of violence towards other Members, in more recent years instances of financial misconduct have appeared to have been a major issue. House Members have been censured for various conduct, including insulting or other unparliamentary language on the floor, assaulting another Member, supporting recognition of the Confederacy, the selling of military academy appointments, bribery, payroll fraud where inflated staff salaries were used to pay a Member's personal expenses, receipt of improper gifts and improper use of campaign funds, and sexual misconduct with House pages.[54]

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[50](...continued)
The Select Committee recommended to the full House in the 90th Congress to seat Mr. Powell, and then to censure him. The House rejected that recommendation, however, and voted to "exclude" Powell, which was ultimately found unconstitutional by the Supreme Court in *Powell v. McCormack, supra,* because the House's action went beyond judging the three constitutional "qualifications" or the "election" of the Member-elect. Representative Powell was re-elected to and then seated in the 91st Congress, but was fined and had his seniority reduced by the House (H.Res. 2, 115 *Congr. Rec.* 29, 34 (January 3, 1969)).

[51]H.R. Rpt. No. 27, *supra* at 27; *see* also censure of Representatives Ames and Brooks in the "Credit Mobilier" bribery matter (1872), for conduct that took place at least five years before their election to the House, and about which the electorate apparently knew, II *Hinds' Precedents, supra* at § 1286; *Deschler's Precedents, supra* at Ch. 12, §16, pp. 194-195; and H.R. Rpt. No. 96-351, 96th Cong., 1st Sess. 3-5, *In the Matter of Representative Charles C. Diggs, Jr.* (1979).

[52]House Rule XI, cl. 3(b)(3).

[53]*See* censures of Representatives Whittemore and DeWeese, II *Hinds' Precedents, supra* at §§ 1273, 1239.

[54]*See* Appendix; House Committee on Standards of Official Conduct, "Historical Summary of Conduct Cases in the House of Representatives" (April 1992); *House of Representatives*
(continued...)

Consequence of Censures.

There is no specific disqualification or express consequence provided in the House Rules after a Member has been "censured." The political ignominy of being formally and publically admonished and deprecated by one's colleagues, however, has lead some Members of Congress who face a potential censure or other formal House discipline for certain misconduct to resign before any official recommendation or other action is taken.[55]

While there are no House Rules regarding the consequences of a "censure," the two political parties in the House themselves have adopted their own internal party rules which in recent years have generally barred from the chairmanship of committees and subcommittees those Members who have been censured during that Congress.[56] Political party rules of the parties in the House may be changed by the particular party caucus or conference itself according to its own rules.

Reprimand

Prior to the 1970's in the House of Representatives, although there were some inconsistencies,[57] the terms "reprimand" and "censure" were often considered synonymous and used together in a resolution. In 1921, for example, a resolution adopted by the House instructed the Speaker to summon Representative Blanton of Texas to the bar of the House "and deliver to him its reprimand and censure."[58]

The more formalized distinction in the House whereby it is considered that a "reprimand" expressly involves a lesser level of disapproval of the conduct of a Member than that of a "censure," and is thus a less severe rebuke by the institution,[59] is of relatively recent origin. The term "reprimand" was used to explicitly indicate a less severe rebuke by the House in 1976 in the reprimand of a Member for his failure to disclose certain personal interests in official matters, and for the apparent use of his

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[54](...continued)
Exclusion, Censure and Expulsion Case from 1789 to 1973, supra; and Maskell, "Discipline of Members," in *The Encyclopedia of the United State Congress*, 641-646 (Simon and Schuster 1993).

[55]*See* footnote 22, *supra*. Other Members have also lost their next election before any House action is completed. *See* footnote 23, *supra*. As noted, since no recommendation is made by the House Committee on Standards or other committee investigating these matters, it can not be said with certainty what, if any, discipline would have been recommended by the committees, or approved by the House.

[56]*See*, for example, House Democratic Caucus Rule 51 (1997); House Republican Conference Rule 27 (1997).

[57]*Note* II *Hinds' Precedents, supra* at § 1257 (47th Cong., 1stSe ss. (1882)); II *Hinds' Precedents, supra* at § 1666 (39th Cong., 1st Sess. (1866)).

[58]VI *Cannon's Precedents, supra* at §236 (67th Cong., 1st Sess.).

[59]*Deschler's Precedents, supra* at Ch. 12, § 16, p. 196 ("a somewhat lesser punitive measure than censure"); *see* also Cushing, *supra* at pp. 266-269, for historical context. *See* now House Committee on Standards of Official Conduct Rules, *supra* at Rule 25(g).

office to further his own personal financial interests.[60] Procedurally in the House, a "censure" resolution will generally involve a verbal admonition, such as a reading of the resolution, to be administered by the Speaker of the House to the Member at the bar of the House. In the case of a "reprimand," however, the resolution is merely adopted by a vote of the House with the Member "standing in his place," or is merely implemented by the adoption of the committee's report.[61]

Eight House Members have been "reprimanded" by the full House for a variety of misconduct, including failure to disclose certain personal interests in official matters and using one's office to further personal financial interests; misrepresentations to investigating committees; failure to report campaign contributions; conversion of campaign contributions to personal use and false statements before the investigating committee; false statements on financial disclosure forms; ghost voting and maintaining persons on the official payroll not performing official duties commensurate with pay; the misuse of one's political influence in administrative matters to help a personal associate; and the failure to insure that a Member-affiliated tax-exempt organization was not improperly involved in partisan politics, and for providing inaccurate, incomplete and unreliable information to the investigating committee.[62]

Upon making a report recommending to the House a "censure" or a "reprimand," the House Committee on Standards of Official Conduct may also include in that report a recommendation for an additional action such as a fine, a restitution or payment of funds, or recommendations for the loss of seniority or privileges, when such actions are deemed appropriate.

Fines; Monetary Assessments

In addition to more traditional disciplines of censure, reprimand or expulsion, the House of Representatives as an institution has the authority to levy a fine against a Member of the House concerning a disciplinary matter. This authority appears to be incidental to the express constitutional grant of power to the House to determine the rules of its proceedings and to punish its Members for misconduct. *Deschler's Precedents* states expressly that under the constitutional authority of the House at Article I, Section 5, clause 2: "A fine may be levied by the House against a Member pursuant to its constitutional authority to punish its Members."[63] The House Committee on Standards notes expressly in its Committee Rules that sanctions that it may recommend to the House concerning a Member may include expulsion, censure, reprimand, denial or limitation of any right, privilege or immunity of the

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[60]H.R. Rpt. No. 94-1364, 94th Cong., 2d Sess., *In the Matter of Representative Robert L.F. Sikes* (1976). No recommendation for punishment was made for an "obvious and significant conflict of interest" – a significant ownership interest in land directly impacted by legislation the Member sponsored, since the "events occurred approximately 15 years ago and ... appear to have been known to [his] constituency ...." *Id.* at 4-5.

[61]*Deschler's Precedents, supra* at Ch. 12, § 16, p. 196.

[62]*See* Appendix.

[63]*Deschler's Precedents, supra* at Ch. 12, § 17, p. 203. *Note*, Cushing, *supra* at § 675.

Member, or a "fine."[64] The authority for each House of Congress to fine one of its own Members was recognized by the Supreme Court in *dicta* in *Kilbourn v. Thompson*,[65] where the Court noted that "either House" of Congress has "the power of punishment ... by fine or imprisonment," relating to areas where Congress has been expressly granted authority, such as where the "Constitution expressly empowers each House to punish its own Members for disorderly behavior."[66]

Fines for disciplinary purposes in the House, as well as in the Senate,[67] have been relatively infrequent occurrences.[68] The precedents in the House have demonstrated that the House fined a Member in 1969 in the sum of $25,000 to be repaid by automatically withdrawing a certain amount regularly from his pay, for various conduct offenses, including the misuse of official committee appropriations, payroll, and expenses.[69] A Member of the House who was censured in 1979 was required to "make restitution of substantial amounts by which he was unjustly enriched," that is, the Member was expressly ordered within the resolution of censure to pay to the House a specific amount by executing an interest-bearing demand promissory note for $40,031.66, made payable to the Treasury of the United States.[70]

At other times the House pursuant to disciplinary actions required certain monetary assessments of Members of Congress which were not expressly or necessarily characterized as "fines." A Member of Congress, pursuant to a formal "reprimand" was required to make restitution to the District of Columbia of certain monies and fines, concerning which he had improperly used his influence to have "fixed" or reduced.[71] In 1997, a monetary assessment or penalty, which was *not* characterized by the Committee as a "fine," was imposed upon the Speaker of the

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[64]Committee on Standards of Official Conduct, Rule 25(e)(4).

[65]103 U.S. 168 (1880).

[66]103 U.S. at 189, 190.

[67]In the Senate, in a 1990 disciplinary matter in which a Senator was "denounced" by the full Senate, for example, the Senator was ordered to "reimburse" the Senate a specified amount in connection with questionable expense reimbursements received from the Senate, and "to pay to charities with which he has no affiliation" an amount equal to that which was considered as "excess honoraria" over and above that which the Senator was permitted to accept. S. Rpt. No. 101-382, 101st Cong., 2d Sess., 14-15 (1990).

[68]Studies have noted that prior to 1969, no Members of the House had ever been fined for disciplinary reasons. McLaughlin, "Congressional Self-Discipline: The Power to Expel, Exclude and to Punish," 41 *Fordham L.R.* 43, 61 (Oct. 1972). There had in the 1800's been a few instances noted in precedents where the House authorized fines for absences, or as a condition for discharge. *Note*, IV *Hinds' Precedents*, *supra* at §§ 3011-3014.

[69]H. Res. 2, 91st Cong., 1st Sess., *In the Matter of Representative Adam Clayton Powell* (1969), note *Deschler's Precedents, supra* at Ch. 12, §17, pp. 203-204. The Sergeant at Arms was directed to deduct $1,150 a month from the Member's salary.

[70]H.R. Rpt. No. 96-351, 96th Cong., 1st Sess. 20, *In the Matter of Representative Charles Diggs, Jr.* (1979).

[71]H.R. Rpt. No. 101-610, 101st Cong., 2d Sess., *In the Matter of Representative Barney Frank* (1990).

House to pay "for some of the costs" of an ethics investigation which resulted in the reprimand of the Speaker.[72]

The "fines" and/or monetary assessments ordered in the disciplinary cases appear to involve the repayment or restitution of funds misused or wrongfully received, as opposed to fines merely or strictly for "punishment" purposes and not necessarily connected to the wrongful conduct. This is consistent with the current guidance in the House Committee on Standards of Official Conduct Rules concerning the recommendation of a "fine," which the Committee notes, "is appropriate in a case in which it is likely that the violation was committed to secure a personal financial benefit."[73] There does not appear to be, however, a constitutional or institutional *requirement* for such fines to be so connected with unjust enrichments or misuse of funds, and the Committee on Standards has noted in its Rules that the guidance concerning fines and other sanctions recommended to the House "sets forth general guidelines and does not limit the authority of the Committee to recommend other sanctions."[74]

Suspension

Although a temporary "suspension" is traditionally listed as one of the possible disciplinary actions that a legislative body may take against one of its members,[75] the House of Representatives has in recent years questioned its authority to disqualify or mandatorily suspend a Member by a simple majority vote.[76] Such a "suspension" would most likely involve a prohibition on a Member of the House from voting on or working on legislative or representational matters for a particular time. Although not addressing a "suspension" specifically, the House has generally considered a decision of a Member not to vote on a matter as within the discretionary purview of the Member individually, even when a legislative matter may involve possible conflicting personal interests, under House Rule III(1). As noted in the House Rules, the authority of the House to require a Member to disqualify himself or herself from voting has traditionally been questioned, and such "recusal" has therefore been traditionally left to the discretion of the Member. *Jefferson's Manual and Rules of the House of Representatives*, at §658, states:

> [T]he weight of authority also favors the idea that there is no authority in the House to deprive a Member of the right to vote (V, 5937, 5952, 5959, 5966, 5967; VIII, 3072).[77] In one or two early instances the Speaker has decided that because

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[72]H.R. Rpt. No. 105 - 1, 105th Cong., 1st Sess. 3, *In the Matter of Representative Newt Gingrich* (1997).

[73]House Committee on Standards of Official Conduct, Rule 25(g).

[74]*Id.*

[75]Cushing, *supra*, at section 627, p. 251.

[76]*Jefferson's Manual and Rules of the House of Representatives*, §658. *Deschler's Precedents, supra* at Ch. 12, § 15, p. 187.

[77]Citations are to volumes of *Hinds' and Cannon's Precedents of the United States House*

(continued...)

> of a personal interest, a Member should not vote (V, 5955, 5958); but on all other occasions and in the later practice the Speaker has held that the Member himself and not the Chair should determine this question (V, 5950, 5951; VIII, 3071; Speaker Albert, Dec. 2, 1975, p. 38135; Speaker O'Neill, Mar. 1, 1979, p. 3748), and the Speaker has denied his own power to deprive a Member of the constitutional right to vote (V, 5956; Speaker Albert, Dec. 2, 1975, p. 38135; Speaker O'Neill, Mar. 1, 1979, p. 3748).

As to refraining from voting and committee work specifically, the House of Representatives in the 94th Congress adopted a rule which stated a sense of the House that Members who have been convicted of a crime for which a sentence of two or more years may be imposed "should refrain from participation in the business of each committee of which he is then a member and should refrain from voting on any question at a meeting of the House, or of the Committee of the Whole House ..." until there has been a judicial or administrative reinstatement of his or her presumption of innocence, or until the Member is re-elected.[78] The supporters of the provision noted that the rule was worded in the *discretionary* way it was because, they believed, that if the provision were mandatory, then "it would have been unconstitutional [because] [i]t would have deprived the district, which the Member was elected to represent, of representation...."[79]

Although the Rule on refraining from voting is couched in what can be considered advisory terms of guidance to Members, the Rules of the House also provide, in the Code of Official Conduct, that Members of the House "shall adhere to the spirit and the letter of the Rules of the House."[80] Members are thus expected to conform to and abide by the abstention provision.[81]

Letters of Reproval and Other Committee Actions

In the House of Representatives a "Letter of Reproval" is an administrative action of the House Committee on Standards of Official Conduct, authorized under the Rules of the House of Representatives "to establish or enforce standards of official

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[77](...continued)
of Representatives, and to the relevant sections.

[78]*See* now, House Rule XXIII (10); *note* H.R. Rpt. No. 93-616, 93rd Cong., 1st Sess. (1973).

[79]121 *Congressional Record* 10341, April 16, 1975, see colloquy between Representatives Robert Eckhardt and John J. Flynt of Texas.

[80]House Rule XXIII(2); *note* comments on passage of abstention rule by Representatives Edwards and Drinan, 121 *Congressional Record, supra* at 10343-10345, and discussion in *Deschler's Precedents*, Ch. 12, § 15 (1977).

[81]The Committee in 1993 noted in its report that although there is no "specific enforcement capability" expressed in the proposed rule, "any Member subject to its provisions at the time of the resolution's adoption, or thereafter, who violates the clear principles it expresses, will do so at the risk of subjecting himself to the introduction of a privileged resolution relating to his conduct ...." H.R. Rpt. No. 93-616, *supra* at 4. *Note*, Washington Post, "Under Colleagues' Pressure, Biaggi Refrains from Voting," October 22, 1987.

conduct for members, officers, and employees of the House."[82] The issuance of a Letter of Reproval by the Committee is made public, as it is issued as part of a public report from the Committee to the House on an investigation that the House Committee on Standards of Official Conduct has undertaken.[83]

A Letter of Reproval may be sent by the Committee on Standards of Official Conduct on its own accord by majority vote of the Committee, without any approval or action by the full House of Representatives.[84] As such, a Letter of Reproval is clearly distinguishable from legislative "discipline," "punishment" or "sanctions" that the full House may invoke against a Member, such as censure, reprimand, fine, or expulsion.[85] It appears that a Letter of Reproval is intended to be an action by the Committee which is an alternative to the recommendation of sanctions to the House, and is an action which is used for infractions of Rules or standards which, because of the nature of the infractions or because of mitigating circumstances, do not rise to the level of requiring action by the full House of Representatives. The Committee on Standards of Official Conduct Rules provide, after setting out procedures when "a majority of the Committee does not vote in favor of the recommendation that the House of Representatives take action," that: "The Committee may also, by majority vote, adopt a motion to issue a Letter of Reproval or take other appropriate Committee action."[86] The Committee may issue such Letter "[i]f the Committee determines a Letter of Reproval constitutes sufficient action ...."[87]

A Letter of Reproval was characterized by the House Committee on Standards as a "rebuke of a Member's conduct issued by a body of that Member's peers acting, as the Committee on Standards of Official Conduct, on behalf of the House of Representatives."[88] The Committee on Standards of Official Conduct has issued several Letters of Reproval to Members of the House, including Letters of Reproval for the improper use of campaign accounts for personal loans;[89] for a Member's

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[82]House Rule XI, cl.3(a)(1).

[83]House Rule XI, cl. 3(a)(1) provides that a "letter of reproval or other administrative action of the committee pursuant to an investigation ... shall only be issued ... as part of a report required" under subparagraph (2) of the Rule. Subparagraph (2) states that the Committee on Standards "shall report to the House its findings of fact and recommendations, if any, upon the final disposition of any such investigation, and such action as the committee may deem appropriate in the circumstances." House Rule XI, cl. 3(a)(2).

[84]House Rule XI, cl.3(a)(I); Committee on Standards Rule 25(c).

[85]A Letter of Reproval is not one of the "sanctions" recommended to the House, listed in the Committee Rules at Rule 25(e).

[86]Committee Rule 25(c).

[87]Committee Rule 25(d).

[88]H.R. Rpt. No. 106-979, 106th Cong., 2d Sess., at p. 3J, *In the Matter of Representative E.G. "Bud" Shuster* (2000).

[89]H.R. Rpt. No. 100-382, 100th Cong., 1st Sess., at 5, 6, *In the Matter of Representative Richard H. Stallings* (1987). The Committee recommended against sanctions by the full House because of several "mitigating" factors, including "no evidence of improper intent" of

(continued...)

borrowing of campaign funds for personal use, and as ubsequent "inadequate" disclosure of such transaction;[90] and concerning allegations of sexual harassment of a female employee, and the use of one's office for political campaign activity.[91] In October of 2000, after a lengthy investigation of a Member, the Committee issued a Letter of Reproval for actions for which the Member was found to have "brought discredit to the House of Representatives," including a relationship with a former chief of staff which gave the appearance that official decisions might have been improperly affected, violations of the House gift rule, misuse of official congressional resources, misuse of official congressional staff for campaign purposes, and the appearance that certain expenditures of the Member's campaign committee were not for bona fide campaign or political purposes.[92] In June of 2001 the Committee issued a Letter of Reproval to a Member for the improper expenditure of campaign funds to benefit businesses in which the Member and his family had a personal stake, and for the improper conversion of campaign funds to personal uses.[93]

In addition to the formal, public reprovals, the Committee has addressed ethical issues before it concerning allegations of misconduct by Members by way of "other appropriate Committee action," upon agreement of a majority of the Committee, when the recommendation of sanctions to the full House is not made.[94] Such actions by the Committee have included writing a letter to a Member concerning "necessary corrective action" that should be taken by the Member.[95] The Committee has also noted violations of House Rules or standards, has "so notified" the Member, and

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[89](...continued)
the Member either to conceal the activity or to violate the provisions of the Rule as the loans were fully reported on required disclosures, and the voluntary "corrective action" on the Member's own initiative once the Member became aware of the violations.

[90]H.R. Rpt. No. 100-526, 100th Cong., 2d Sess., *In the Matter of Representative Charles G. Rose III* (1988). The Committee cited "mitigating circumstances which prevent these violations from rising to the level of a recommendation of sanction to the full House," and commended the "positive action taken" by the Member. *Id.* at 26.

[91]H.R. Rpt. No. 101-293, 101st Cong., 1st Sess., *In the Matter of Representative Jim Bates* (1989). The Committee initiated a Preliminary Inquiry and the Member waived his rights to a Statement of Alleged Violations and a disciplinary hearing. The Committee noted that since the Member had taken steps to assure no repeat of the offending conduct, was being directed to specifically issue apologies to the affected employees, and that since any inappropriate campaign activities were "sporadic" and not on-going, that "the better course is to formally and publicly reprove" the Member. *Id.* at 13-14.

[92]H.R. Rpt. No. 106-979, 106th Cong., 2d Sess., at pp. 3D-3E, *In the Matter of Representative E.G. "Bud" Shuster* (2000).

[93]H.R. Rpt. No. 107-130, 107th Cong., 1st Sess., *In the Matter of Representative Earl F. Hilliard* (2001).

[94]Committee Rule 25(c).

[95]*See* H.R. Rpt. No. 101-995, 101st Cong., 2d Sess., at 8, *Summary of Activities, One Hundred First Congress* (1990).

found that no further action by the Committee will be taken.[96] In 1990 the Committee made a public report concerning a Member's conduct, noting that the "Committee clearly disapproves" of the Member's conduct.[97] There is no indication, however, that a formal and public Letter of Reproval, or any other action was initiated by the Committee in that instance. The House Committee on Standards has characterized such actions generally by stating that the Committee "has noted infractions not meriting sanctions ...."[98] Such informal notifications, public reports, or letters for corrective action, thus appear to be distinguished from when the Committee "formally and publicly reproved" a Member.[99]

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[96]H.R. Rpt. No. 104-401, 104th Cong., 1st Sess., at 2, 4-5, *Inquiry Into Various Complaints Filed against Representative Newt Gingrich* (1995).

[97]H.R. Rpt. No.101-397, 101st Cong., 2d Sess., at 2, 14, *In the Matter of Representative Gus Savage* (1990).

[98]*House Ethics Manual,* 102d Cong., 2d Sess., at 11 (1992).

[99]Compare Committee descriptions at H.R. Rpt. No. 101-995, *supra* at 8, and 9; note *House Ethics Manual, supra* at 11.

APPENDIX: Disciplinary Actions Taken by the Full House Against a Member

I. Censure.

Date	Member of Congress	Conduct
1. July 11, 1832	William Stanberry (Ohio)	Insulting the Speaker of the House.
2. March 22, 1842	Joshua R. Giddings (Ohio)	Resolution introduced by Member relating to delicate international negotiations deemed "incendiary."
3. July 15, 1856	Lawrence M. Keitt (S.C.)	Assisting in assault on a Member.
4. April 9, 1864	Benjamin G. Harris (Md.)	Treasonous conduct in opposing subjugation of the South.
5. April 14, 1864	Alexander Long (Ohio)	Supporting recognition of the Confederacy.
6. May 14, 1866	John W. Chanler (N.Y.)	Insulting the House by introduction of resolution containing unparliamentary language.
7. July 24, 1866	Lovell H. Rousseau (Ky.)	Assault of another Member.
8. Jan. 26, 1867	John W. Hunter (N.Y.)	Unparliamentary language.
9. Jan. 15, 1868	Fernando Wood (N.Y.)	Unparliamentary language.
10. Feb. 14, 1869	Edward D. Holbrook (Idaho)	Unparliamentary language.
11. Feb. 24, 1870	Benjamin Whittemore (S.C.)	Selling military academy appointments (Member had resigned before expulsion, and was "condemned" by House).
12. March 1, 1870	John T. DeWeese (S.C.)	Selling military academy appointments (Member had resigned before expulsion, and was "condemned" by House).

Censure (cont'd)

Date	Member of Congress	Conduct
13. March 16, 1870	Roderick R. Butler (Tenn.)	Accepting money for "political purposes" in return for Academy appointment.
14. Feb. 27, 1873	Oakes Ames (Mass.)	Bribery in "Credit Mobilier" case. (Conduct prior to election to House.)
15. Feb. 27, 1873	James Brooks (N.Y.)	Bribery in "Credit Mobilier" case. (Conduct prior to election to House.)
16. Feb. 4, 1875	John Y. Brown (Ky.)	Unparliamentary language.
17. May 17, 1890	William D. Bynum (Ind.)	Unparliamentary language.
18.Oct. 27, 1921	Thomas L. Blanton (Tex.)	Unparliamentary language.
19. July 31, 1979	Charles C. Diggs (Mich.)	Payroll fraud, 18 U.S.C. §1001 conviction.
20. June 6, 1980	Charles H. Wilson (Cal.)	Receipt of improper gifts; "ghost" employees; improper personal use of campaign funds.
21. July 20, 1983	Gerry E. Studds (Mass.)	Sexual misconduct with House page.
22. July 20, 1983	Daniel B. Crane (Ill.)	Sexual misconduct with House page.

II. Reprimand.

Date	Member of Congress	Conduct
1. July 29, 1976	Robert L.F. Sykes (Fla.)	Use of office for personal gain; failure to disclose interest in legislation.
2. Oct. 13, 1978	Charles H. Wilson (Cal.)	False statement before Standards of Official Conduct Committee investigating Korean influence matter.

II. Reprimand (cont'd)

	Date	Member of Congress	Conduct
3.	October 13, 1978	John J. McFall (Cal.)	Failure to report campaign contributions from Korean lobbyist.
4.	October 13, 1978	Edward J. Roybal (Cal.)	Failure to report campaign contributions; false sworn statement before Standards of Official Conduct Committee investigating Korean influence matter.
5.	July 31, 1984	George V. Hansen (Idaho)	False statements on financial disclosure form; conviction under 18 U.S.C. §1001 for such false statements.
6.	Dec. 18, 1987	Austin J. Murphy (Pa.)	Ghost voting (allowing another person to cast his vote); maintaining on his payroll persons not performing official duties commensurate with pay.
7.	July 26, 1990	Barney Frank (Mass.)	Using political influence to fix parking tickets, and to influence probation officers for personal friend.
8.	January 21, 1997	Newt Gingrich (Ga.)	Allowing a Member-affiliated tax-exempt organization to be used for political purposes; providing inaccurate, and unreliable information to the ethics committee.

III. Expulsion.

	Date	Member of Congress	Conduct
1.	July 13, 1861	John B. Clark (Mo.)	Disloyalty to the Union - taking up arms against the United States.

II. Expulsion (cont'd)

2. December 2, 1861	John W. Reid (Mo.)	Disloyalty to the Union - taking up arms against the United States.
3. December 3, 1861	Henry C. Burnett (Ky.)	Disloyalty to the Union - open rebellion against the Government.
4. October 2, 1980	Michael J. Myers (Pa.)	Bribery conviction for accepting money in return for promise to use influence in immigration matters.

U.S. History

Disciplinary Actions in States with Similar Constitutional Provisions to the Federal Constitution					
State	**Year**	**Incident**	**Charge (sometimes expressed in Finding)**	**Final Action**	**Page # in Report**
Arizona	1991	Indicted for taking money in return for supporting legislation	Unethical conduct in violation of Senate rules and personal and stat campaign finance disclosure laws.	Expulsion	55
Arkansas	1974	Convicted of federal tax fraud	Not iincluded in report	Expulsion	55
Maryland	1997	Bribery, extortion, filing false tax returns	Failure to disclose contractual relationship with a State agency; Conflict of interest concerning legislation; improper solicitation and acceptance of gifts; improper use of district office funds; improper use of title for commercial purposes; use of prestige of office in connection with occupational activities.	Expulsion	55
Pennsylvania	1975	Convicted of felony extortion	Conviction of a crime the "gravamen which relates to the member's conduct as a senator".	Expulsion	57
South Carolina	1994	Pled guilty to misdemeanor federal tax law violation	Not expressly included in report	Expulsion	58
West Virginia	1972	Convicted of felony federal vote tampering	Not expressly included in report	Expulsion	58
Florida	1986	Convicted of five felony charges of making misstatements on a SBA loan application	Conduct shows "he was inattentive to matters that ultimately led to his federal convictions and have case a shadow on the honor of the House of Representatives	Censure	59
Georgia	1998	Smuggling a small amount of marijuana into the country	Not expressly included in report	Censure	62
Hawaii	1989	Soliciting undercover policewoman	Not expressly included in report	Censure	62
Maine	2001	"Berated" two fellow Senators	Not expressly included in report	Censure	62
Minnesota	1996	Coercing individuals to give campaign contributions, misuse of state campaign funds	Not expressly included in report	Censure	63
Minnesota	1995	Threats to State Commissioner, 3 DWI arrests in less than 7 weeks	Not expressly included in report	Censure	63

Minnesota	1986	Pled guilty to felony theft charges - wrote total of 76 bad checks	Not expressly included in report	Censure	65
New Hampshire	2005	Seven years of soliciting gifts from individuals who were likely to have matters pending before the legislature including businesses, lobbyists, and individuals. Pled guilty to failing to report gifts over $50	(1) Solicitation/acceptance of gifts while knowing/believing givers were or were likely to be interested in matters pending before the legislature; (2) using public position to obtain gifts for private benefit; (3) disregarding obligation to report gifts.	Censure	66
New Hampshire	1998	Introducing legislation to impeach probate judge involved in case of mother's estate (for the third time, previously reprimanded for same conduct)	Not expressly included in report	Censure	67
New Mexico	1991	Charged with solicitation of bribery, demanding a bribe by a public official	Legislator engaged in a course of conduct while seeking to sell his consulting services that violated his public trust as a legislator	Censure	67
Pennsylvania	1975	Consent disbarment resulting from charges including improperly converting client funds to personal use and co-mingling funds between clients estates	Converting trust funds to personal use and co-mingling further trust funds to restore the converted amounts constituted a grave and serious mater and conduct unbecoming any public official.	Censure	68
Utah	1991	Convicted of misdemeanor shoplifting	Not expressly included in report	Censure	69
Virginia	1987	Voting in violation of conflict of interest rules	Unethical conduct	Censure	70
Florida	1997	21 separate instances of financial disclosure violations	Legislator should apologize for "any unintentional adverse effect his actions may have brought" on the House.	Repriman d	70
Florida	1992	Representing others before state agency, seeking a benefit inconsistent with public duties	Legislator apologized for "any unintentional adverse effect his actions may have brought" on the House.	Repriman d	71
Florida	1980	Sexual discrimination and sexual harassment	Not expressly included in report	Repriman d	72

Georgia	2000	Failed to file mandatory campaign finance reports, ignored fines from State Ethics Commission	Not expressly included in report	Repriman d	72
Georgia	1993	Displayed sex toy in House Chamber to young pages	Not expressly included in report	Repriman d	73
Idaho	1990	Threatened funding of state agency if agency failed to grant occupational license to son	Serious lack of judgment by legislator left the impression he used his position, contrary to the public interest, to benefit a member of his family.	Repriman d	73
Minnesota	1999	Accepted state contract related to legislation he introduced	Not expressly included in report	Repriman d	73
New Hampshire	1994	Introducing legislation to impeach probate judge involved in case of mother's estate	Not expressly included in report	Repriman d	74
Florida	2000	Failed to file mandatory financial disclosure forms	Not expressly included in report	Admonish ment	74
Florida	2000	Failed to report liability on financial disclosure form	Not expressly included in report	Admonish ment	74
Florida	1994	Representing others before state agency	Agreed to apologize for "any unintentional adverse effect his actions may have brought" on the House	Admonish ment	75
Florida	1991	Failing to supervise staff, improper behavior with staff, allegations of sexual harassment	Not expressly included in report	Admonish ment	76
Minnesota	2006	Disclosed alleged conversations with members of Supreme Court regarding legislation	Not expressly included in report	Apology	77
Minnesota	2004	Performing private campaign activities from state office	Not expressly included in report	Apology	77
Minnesota	1994 and 1996	Provided wife with state long-distance access code	Not expressly included in report	Apology	77

Minnesota	1995	Domestic violence allegations	Not expressly included in report	Apology and removed from leadership positions	78
Ohio	1996	Accepted gifts from lobbyists	Not expressly included in report	Apology and removed as committee chairman	78
Indiana	1997	Affair with intern	Immoral and unethical conduct "in contradiction to the high moral and ethical standards expected of members of the Indiana State Senate under the Rules of the Senate."	Removed as committee chairman	78
Ohio	2005	Failed to disclose gifts on disclosure forms	Not expressly included in report	Required to reimburse costs to lobbyists; required to pay for and attend ethics training.	79

NC History

Disciplinary Actions Against Members of North Carolina House and Senate

	A	B	C	D	E	
1	**Date**	**Legislator**	**Charge**	**Resolution**	**Notes**	Const
2	11/23/1757	James Carter - Rowan County	Mishandling Funds - "Neglected to apply the Sum of 500 pounds put in his hands for the purchasing Arms for the Public"	Expelled from House	North Carolina Colonial Records, Vol. V, pp. 846, 892-893	That the Senate an each have power to qualifications and e (Sec. 10, NC Const
3	12/5/1758	Francis Brown - Currituck County	Perjury before a House Select Committee	Expelled from House (as "unworthy a seat therein and rendered incapable to serve as a Member for any county or Town in this Province to Sit and Vote in this or any future Assembly). House refused to seat him in 1760	North Carolina Colonial Records, Vol. V, pp. 1050-1051, 1057-58; Vol. VI, pp. 374-376, 473-474	
4	12/20/1770	Hermon Husbands - Orange County	House as a Committee of the whole to take into" Consideration the conduct and behaviour of Mr. Herman Husband Both as a Member of this House in particular and A member of the community in General." - (1) libeling Maurice Moore, Jr., for threatening the Assembly, and for initiating the revolt	Expelled from House - "Resolved that the conduct of the said Herman Husband both as a Member of this House in particular, and of the Community in general, has justly incurred the contempt of this House, and rendered him unworthy of a seate in the Assembly."	Hermon Husbands was a principal mover and promoter of the Regulators and their "riots and seditions" in Orange County; published an article in the North Carolina Gazette directed at Maurice Moore that was false/malicious/libelous; gross prevarication before a House Committee; insinuated in conversation that if he were confined by order of the House he would have a mob release him. Dictionary of North Carolina Biography, Vol. 3, p. 243; North Carolina Colonial Records, Vol. VIII, pp. 268-270, 330-331, 471, 643, 645-646	
5	2/8/1779	William Gilbert - Tryon County	Intentionally defrauding the Public - received double payment for rations provided by his company to the State	Expelled from House - "by reason of his Conduct in this Respect, is unworthy of a Seat in the House of Commons"	Dictionary of North Carolina Biography, Vol. 2, p. 296; North Carolina Colonial Records (State Records of North Carolina), Vol. XIII, pp. 703-708	
6	11/11/1784	Edward Clay - Caswell County	Petty larceny (no criminal charge)	Expelled from the House	North Carolina Colonial Records (State Records of North Carolina), Vol. XIX, pp. 776-778, 782-787; Vol. XVII p. 181	
7	1784	Farquahard Campbell - Cumberland County	Challenge as to who won election	Expelled from Senate	State Records of North Carolina, Vol. XVII, pp. 134-135.	
8	11/23/1786	Benjamin Herndon's Senate seat - Wilkes County	Allegations of illegalities in election	Senate seat declared vacant	State Records of North Carolina, Vol. XVIII pp 6, 14	
9	12/11/1786	Benjamin McCullock (McCulloh, McCulloch)- Halifax County	Criminal fraud	Unclear - no direct record of expulsion	State Records of North Carolina, Vol. XX, pp. 408-409, 628-631	
10	12/1/1786	Philip Alston - Moore County	Indicted for murder, threatened to incite a riot if he lost his election, denied the existence of God, stated that the Scriptures were set forth as a Scare-Crow to children, endeavored to corrupt the condutors of the election	Senate seat declared vacant	State Records of North Carolina, Vol. XVIII , p. 32	
11	12/15/1786	Henry Montfort - Warren County	Criminal fraud	Senate	State Records of North Carolina, Vol. XVIII, pp. 306-307, 322-323	

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Disciplinary Actions Against Members of North Carolina House and Senate

	A	B	C	D	E	
12	12/14/1787	John Bonds - Nash County	Having drawn Monies out of the Public Treasury, the property of others, by false orders	Expelled from House	House of Commons Journal, December 12, 1787, North Carolina Colonial Records XX, pp. 232-235	
13		Hardy Holmes' Senate seat - Sullivan County	Public Indebtedness	Senate seat declared vacant, but reseated when cleared of charges		
14	11/13/1789	Thomas Wade's Senate seat - Anson County	Public Indebtedness	Senate seat declared vacant		
15	12/15/1790	Hance Hamilton's House Seat - Guilford County	Arrears to the pubic for taxes due in 1788	House seat declared vacant	North Carolina Government, 1585-1979, pp. 225 and 346	
16	12/15/1790	James Withrow's House seat - Guildford County	Arrears to the public for taxes owed in 1788	House seat declared vacant		
17	1809	John Clarey (Clary?) - Perquimans County	Guilty of fornication with stepdaughter ("a crime so enormous as renders it unfit that he should be permitted to continue as member"	Expelled from House	Dictionary of North Carolina Biography, Vol. 1 pp. 383-384	
18	1816	John Roberts - Carteret County	Fraud	Expelled from Senate		
19	1835	Robert Potter - Granville county	Public reports that were "highly injurious" to member's reputation and "derogatory to the dignity of this House, touching on his conduct since he took his seat as a member	Expelled from House	Engaged in a fight after a card game, during which he drew a pistol and a knife. House of Commons Journal, Dec. 29, 1835, p. 224; January 1, 1835, Report of the Select Committee of the House of Commons, and January 2, 1835, p. 234; Dictionary of North Carolina Biography, Vol. V., p. 133.	
20	8/20/1868	William Long's House seat - Casewell county	Challenge as to who won election	House seat declared vacant	Following an investigation by the Committee of Privileges and Elections brought about when Wilson Carey claimed the right to the seat. North Carolina Government, 1585-1979, pp. 448 and 557.	Each House shall b and elections of its 24, 1868 Constituti
21	1875 (1873?)	J. William Thorne	Advocated and promulgated a "most sacrilegious doctrine, subversive of the principles of the constitution of the State of North Carolina and of sound morality and the constitution of the United States	Expelled from the House	House of Representatives, Journal, February 24, 1875, pp. 500-503; February 25, 1875, Protest, pp. 518-19	
22	1880	Josiah Turner - Orange County	Disorderly Conduct of member	Censured, present when motion of censure is adopted; called to the Bar of the House to receive censure but leaves the House Chamber, then expelled from the House	"Said member from Orange has been guilty of the grossest improprieties upon the floor of this House in his disorderly, contumacious and defiant conduct, violating the rules of this House in a willfully disrespectful manner." House of Representatives Journal, March 26, 1890, pp. 114-115, and pp. 117-119.	
23	1883	Representative Thompson		Resolution of Censure introduced by later withdrawn	House of Representatives, Journal, February 24, 1883, pp. 605; February 26, 1883, p. 624	

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Disciplinary Actions Against Members of North Carolina House and Senate

	A	B	C	D	E	
24	5/13/1996	Ken Miller - Alamance County	Conduct unbecoming and unfitting of a member of the House of Representatives (Unsolicited and in appropriate remarks of a sexual nature to a female employee, to a female lobbyist, and to a female page.)	Censured by the House	House Journal, 1995 General Assembly, Second Regular Session 1996, pp. 11-12.	Each house shall b and elections of its 20, Constitution of

Legal Research

1. In re Chapman, 166 U.S. 661 (1897).

2a. Powell v McCormack, 395 U.S. 486 (1969).

2b. Powell v McCormack, 395 F2d. 577, Circuit court opinions in the case, including the concurring opinion by Judge McGowan.

3. United States v. Rose, 28 F.3d 181 (D.C.Cir. 1994).

4. Justice Joseph Story, Commentaries on the Constitution of the United States, Vol. II, Sections 835 and 836 (Boston 1883).

5. Cushing, The Law and Practice of Legislative Assemblies, pp. 250-270 (Boston 1874).

6. 29 Syracuse Law Review 1071 (1978).

1. In re Chapman, 166 U.S. 661 (1897).

IN RE CHAPMAN
U.S. 1897

Supreme Court of the United States
In re CHAPMAN.
No. 11.

April 19, 1897.

This is a petition for a writ of habeas corpus, filed on leave, and a rule thereon entered, to which return was duly made.

677 The petition alleges as follows: That petitioner is a citizen of the United States, and a resident of the city of New York, in the state of New York, and that he is now restrained of his liberty by the marshal of the United States for the District of Columbia. That on the 1st of October, 1894, in the supreme court of the District of Columbia, holding a criminal term, the grand jury impaneled in said court at said term thereof found an indictment against petitioner, based on section 102 of the Revised Statutes of the United States, to which petitioner filed a demurrer, alleging, among other objections, the unconstitutionality of the acts of congress on which the indictment was based; that the demurrer was overruled, and petitioner ordered to plead thereto; that the court of appeals for the District of Columbia allowed an appeal from the order overruling the demurrer, and subsequently affirmed it (Chapman v. U. S., 5 D. C. App. 122), whereupon petitioner applied to this court for leave to file a petition for a writ of habeas corpus, which application was denied.678In re Chapman, 156 U. S. 211, 15 Sup. Ct. 331. That thereafter petitioner filed a petition in the court of appeals for a writ of prohibition to prevent the trial court from unlawfully assuming jurisdiction to try petitioner on said indictment, which petition was denied; and thereupon petitioner duly prosecuted an appeal and writ of error to this court from such order denying said petition, which are still pending, this court having refused to advance the cause, and having also declined to stay the proceedings below. That thereupon the trial of petitioner under the indictment was proceeded with, and verdict of guilty returned. Motions in arrest of judgment and for new trial were made and overruled; and on February 1, 1896, the trial court entered its judgment and sentence on said verdict, that petitioner be imprisoned in the jail of the District of Columbia for the period of one month from date of arrival, and to pay a fine of $100, from which judgment and sentence petitioner prosecuted an appeal to the court of appeals. peals. That court affirmed the judgment and sentence of the trial court (Chapman v. U. S., 24 Wash. Law Rep. 251), but allowed a writ of error to remove the cause to this court for review (24 Wash. Law Rep. 297), which was dismissed for want of jurisdiction (Chapman v. U. S., 164 U. S. 436, 17 Sup. Ct. 76).

That petitioner was then surrendered in open court by his bondsmen, and committed into the custody of the United States marshal for the District, who now holds and confines him, and deprives him of his liberty.

The petition further alleged that the act of congress under which petitioner was prosecuted was unconstitutional, and the imprisonment of petitioner unlawful, on various grounds set forth at length.

Petitioner attached duly-certified copies of the record and proceedings, judgment, and sentence, under the aforesaid indictment against him, and prayed that the same be considered in connection with the petition, and also referred to the record in the matter of the application of petitioner for a writ of prohibition.

The indictment averred that the house of representatives had passed a certain tariff bill, which was pending in the senate, with a very large number of proposed amendments thereto, during the months thereafter mentioned, and, among them,

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certain amendments providing for duties on sugar different from the provisions of the bill as it had been sent to the senate, the adoption or rejection of which by the senate would materially affact the market value of the stock of the American Sugar-Refining Company; that the scnate adopted a preamble and resolutions raising a special committee, and clothing it with full power of investigation into certain charges made in designated newspapers that members of the senate were yielding to corrupt influences in the consideration of said legislation; that the investigation was commenced, and, in the course of it, petitioner, being a member of a firm of stockbrokers in the city of New York, dealing in the stock of the American Sugar-Refining Company, appeared as a witness, and was asked whether the firm of which the witness was a member had brought or sold what were known as 'sugar stocks' during the month of February, 1894, and after the 1st day of that month, for or in the interest, directly or indirectly, of any United States senator; had the firm, during the month of March, 1894, bought or sold any stocks or securities known as 'sugar stocks' for or in the interest, directly or indirectly, or any United States senator; had the said firm during the month of April done so; had the said firm during the month of May done so; was the said firm at that time carrying any sugar stock for the benefit of or in the interest, directly or indirectly, of any United States senator. But petitioner then and there willfully refused to answer each of the questions so propounded, all of which were pertinent to the inquiry then and there being made by the said committee under the resolutions aforesaid.

West Headnotes

Double Jeopardy 135H ⚿2

135H Double Jeopardy
135HI In General
135Hk2 k. Constitutional and Statutory Provisions. Most Cited Cases
(Formerly 110k162)

Since indictable statutory offenses may be punished as such while the offenders may still be subjected to punishment for the same acts as contempts, Rev.St. § 102, 2 U.S.C.A. § 192, making it a misdemeanor punishable by indictment to refuse to give testimony before either house of congress, is not invalid, as putting the witness twice in jeopardy for the same offense, though the refusal may still be punished as a contempt.

Constitutional Law 92 ⚿2403

92 Constitutional Law
92XX Separation of Powers
92XX(B) Legislative Powers and Functions
92XX(B)4 Delegation of Powers
92k2402 To Judiciary
92k2403 k. In General. Most Cited Cases
(Formerly 92k61)

Contempt 93 ⚿31

93 Contempt
93II Power to Punish, and Proceedings Therefor
93k31 k. Constitutional and Statutory Provisions. Most Cited Cases
(Formerly 92k61)

Rev.St. § 102, 2 U.S.C.A. § 192, making it a misdemeanor punishable by indictment to refuse to give testimony before either house of congress or any committee thereof, is not unconstitutional, as delegating to the courts the powers of the houses to punish for contempt.

Searches and Seizures 349 ⚿25.1

349 Searches and Seizures
349I In General
349k25 Persons, Places and Things Protected
349k25.1 k. In General. Most Cited Cases
(Formerly 349k7(10))

Upon an investigation by the senate of charges in the public press as to alleged dealings of senators in the stock of a corporation whose business was affected by a pending tariff bill, it is no invasion of the constitutional protection against unreasonable searches and seizures to require a member of a stock brokerage firm to state whether or not any senator had bought or sold such stocks through his firm.

United States 393 ⚿21

393 United States

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393I Government in General
393k7 Congress
393k21 k. Contempt. Most Cited Cases
Rev.St. § 102, 2 U.S.C.A. § 192, making it a misdemeanor to refuse to give testimony before either house of congress or any committee thereof, is not unconstitutional.

United States 393 ⇐23(6)

393 United States
393I Government in General
393k23 Congressional Investigations, Commissions and Committees
393k23(5) Particular Subjects of Inquiry; Powers and Proceedings
393k23(6) k. Conduct of Members, Elections and Lobbying. Most Cited Cases
The senate has jurisdiction to enter upon an inquiry in respect to the truth of charges in the public press as to alleged dealings of senators in the stock of a corporation whose business was affected by a pending tariff bill; and it is not essential to the jurisdiction that the preamble and resolution shall declare that the proceeding is taken for the purpose of censure or expulsion.

United States 393 ⇐23(9.1)

393 United States
393I Government in General
393k23 Congressional Investigations, Commissions and Committees
393k23(9) Offenses by Witnesses
393k23(9.1) k. In General. Most Cited Cases
(Formerly 393k23(9))
Under Rev.St. § 102, 2 U.S.C.A. § 192, making it a misdemeanor punishable by indictment to refuse to give testimony upon "any matter under inquiry" before either house of congress or any committee thereof, the words quoted are to be construed as meaning any matters within the jurisdiction of the two houses which are before them for consideration, and proper for their action, any question pertinent thereto or facts or papers bearing thereon.

United States 393 ⇐23(10)

393 United States
393I Government in General
393k23 Congressional Investigations, Commissions and Committees
393k23(9) Offenses by Witnesses
393k23(10) k. Defenses; Grounds for Refusal to Testify. Most Cited Cases
Rev.St. § 102, 2 U.S.C.A. § 192, making it a misdemeanor punishable by indictment to refuse to give testimony upon "any matter under inquiry" before either house of congress or any committee thereof, is not so connected with section 103, which declares that witnesses are not privileged to refuse to give testimony on the ground that it may tend to disgrace or render them infamous, that, if the latter section be held unconstitutional, the former must fall with it.

*664 George F. Edmunds and A. J. Dittenhoefer, for petitioner.
Sol. Gen. Conrad, for respondent.
Mr. Chief Justice FULLER, after stating the facts in the foregoing language, delivered the opinion of the court.
It is insisted that the supreme court of the District of Columbia, sitting as a criminal court, had no jurisdiction; that the questions were not authorized under the constitution; and that the act of congress under which petitioner was indicted and tried is unconstitutional.

Sections 102, 103, and 104 and section 859 of the Revised Statutes are as follows:

'Sec. 102. Every person who having been summoned as a witness by the authority of either house of congress, to give testimony or to produce papers upon any matter under inquiry before either house, or any committee of either house of congress, wilfully makes default, or who, having appeared, refuses to answer any question pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars nor less than one hundred dollars, and imprisonment in a common jail for not less than one month nor more than twelve months.

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'Sec. 103. No witness is privileged to refuse to testify to any fact, or to produce any paper, respecting which he shall be examined by either house of congress, or by any committee of either house, upon the ground that his testimony to such fact or his production of such paper may tend to disgrace him or otherwise render him infamous.

'Sec. 104. Whenever a witness summoned as mentioned in section one hundred and two fails to testify, and the facts are reported to **679 either house, the president of the senate or the speaker of the house, as the case may be, shall certify the fact under the seal of the senate or house to the district attorney for the District of Columbia, whose duty it shall be to bring the matter before the grand jury for their action.'

*665 'Sec. 859. No testimony given by a witness before either house, or before any committee of either house of congress, shall be used as evidence in any criminal proceeding against him in any court, except in a prosecution for perjury committed in giving such testimony. But an official paper or record produced by him is not within the said privilege.'

These sections were derived from an act of January 24, 1857, entitled 'An act more effectually to enforce the attendance of witnesses on the summons of either house of congress, and to compel them to discover testimony' (11 Stat 155, c. 19),[FN1] as amended by an act entitled 'An act amending the provisions*666 of the second section of the act of January twenty-fourth, eighteen hundred and fifty-seven, enforcing the attendance of witnesses before committees of either house of congress,' approved January 24, 1862 (12 Stat. 333, c. 11),[FN2] both of which are given in the margin.

From the record of the proceedings on the trial, accompanying and made part of the petition, it appears that petitioner, in declining to answer the questions propounded, expressly stated that he did not do so on the ground that to answer might expose him, or tend to expose him, to criminal prosecution; nor did he object that his answers might tend to disgrace him. Section 103 had in fact no bearing on the controversy in regard to this witness, and it is difficult to see how he can properly raise the question as to its constitutionality, notwithstanding section 859. And we cannot concur in the view that sections 102 and 103 are so inseparably connected that it can be reasonably concluded that, if section 103 were not sustainable, section 102 would therefore be invalid. In other words, we do not think that there is ground for the belief that congress would not have enacted section 102 if it had been supposed that a particular class of witnesses, to which petitioner did not belong, if they refused to answer by reason of constitutional privilege, could not be deprived of that privilege by section 103.

*667 Laying section 103 out of view, we are of opinion that sections 102 and 104 were intended, in the language of the title of the original act of January 24, 1857, 'more effectually to enforce the attendance of witnesses on the summons of either house of congress, and to sompel them to discover testimony.'To secure this result, it was provided that when a person summoned as a witness by either house to give testimony or produce papers, upon any matter under inquiry before either house, or any committee of either house, willfully fails to appear, or, appearing, refuses to answer 'any question pertinent to the question under inquiry,' he shall be deemed guilty of a misdemeanor, and punished accordingly. And it was also provided that when, under such circumstances, the facts are reported to either house, the president of the senate or the speaker of the house, as the case may be, shall certify the fact under the seal of the **680 senate or house to the district attorney for the District of Columbia, that the matter may be brought before the grand jury for their action.

It is true that the reference is to 'any' matter under inquiry, and so on, and it is suggested that this is fatally defective, because too broad and unlimited in its extent; but nothing is better settled than that statutes should receive a sensible construction, such as will effectuate the legislative intention, and, if possible, so as to avoid an unjust or an absurd conclusion (Lau Ow Bew v. U. S., 144 U. S. 47, 59, 12 Sup. Ct.517); and we think that the word 'any,' as used in these sections, refers to matters within the jurisdiction of the two houses of congress, before them for consideration and proper for their action,

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to questions pertinent thereto, and to facts or papers bearing thereon. When the facts are reported to the particular house, the question or questions may undoubtedly be withdrawn or modified, or the presiding officer directed not to certify; but if such a contingency occurs, or if no report is made or certificate issued, that would be matter of defense, and the facts of report and certificate need not be set out in an indictment under the statute. In this case we must assume that there was such report and certificate, and indeed we do not understand this to be controverted, as it could not well be in view ***668** of the senate proceedings as disclosed by its journal and otherwise. Senate Journal, 53d Cong., 2d Sess., p. 238; Senate Rep. No. 477, Id.;Cong. Rec., Id. p. 6143.

Under the constitution, the senate of the United States has the power to try impeachments; to judge of the elections, returns, and qualifications of its own members; to determine the rules of its proceedings; punish its members for disorderly behavior; and, with the concurrence of two-thirds, expel a member; and it necessarily possesses the inherent power of self-protection.

According to the preamble and resolutions, the integrity and purity of members of the senate had been questioned in a manner calculated to destroy public confidence in the body, and in such respects as might subject members to censure or expulsion. The senate, by the action taken, signifying its judgment that it was called upon to vindicate itself from aspersion, and to deal with such of its members as might have been guilty of misbehavior, and brought reproach upon it, obviously had jurisdiction of the subject-matter of the inquiry it directed, and power to compel the attendance of witnesses, and to require them to answer any question pertinent thereto. And the pursuit of such inquiry by the questions propounded in this instance was not, in our judgment, in violation of the security against unreasonable searches and seizures protected by the fourth amendment.

In Kilbourn v. Thompson, 103 U. S. 188, among other important rulings, it was held that there existed no general power in congress, or in either house, to make inquiry into the private affairs of a citizen; that neither house could, on the allegation that an insolvent debtor of the United States was interested in a private business partnership, investigate the affairs of that partnership, as a mere matter of private concern; and that consequently there was no authority in either house to compel a witness to testify on the subject. The case at bar is wholly different. Specific charges publicly made against senators had been brought to the attention of the senate, and the senate had determined that investigation was necessary. The subject-matter as affecting the senate ***669** was within the jurisdiction of the senate. The questions were not intrusions into the affairs of the citizen. They did not seek to ascertain any facts as to the conduct, methods, extent, or details of the business of the firm in question, but only whether that firm, confessedly engaged in buying and selling stocks, and the particular stock named, was employed by any senator to buy or sell for him any of that stock, whose market price might be affected by the senate's action. We cannot regard these questions as amounting to an unreasonable search into the private affairs of the witness simply because he may have been in some degree connected with the alleged transactions, and, as investigations of this sort are within the power of either of the two houses, they cannot be defeated on purely sentimental grounds.

The questions were undoubtedly pertinent to the subject-matter of the inquiry. The resolutions directed the committee to inquire 'whether any senator had been, or is, speculating in what are known as 'sugar stocks' during the consideration of the tariff bill now before the senate.'What the senate might or might not do upon the facts when ascertained, we cannot say; nor are we called upon to inquire whether such ventures might be defensible, as contended in argument; but it is plain that negative answers would have cleared that body of what the senate regarded as offensive imputations, while affirmative answers might have led to further action on the part of the senate within its constitutional powers.

Nor will it do to hold that the senate had no jurisdiction to pursue the particular inquiry because the preamble and resolutions did not specify that the

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proceedings were taken for the purpose of censure or expulsion, if certain facts were disclosed by the investigation. The matter was within the range of the constitutional powers of the senate. The resolutions adequately indicated that the transactions referred to were deemed by the senate reprehensible, and deserving of condemnation and punishment. The right to expel extends to all cases where the offense is such as in the judgment of the senate is inconsitent with the trust and duty of a member.*670 1 Story, Const. § 838. Reference is there made to the case of William Blount, who was expelled from the senate in July, 1797, for 'a high misdemeanor entirely **681 inconsistent with his public trust and duty as a senator.'The offense charged against him, said Mr. Justice Story, was an attempt to seduce an American agent among the Indians from his duty, and to alienate the affections and confidence of the Indians from the public authorities of the United States, and a negotiation for services in behalf of the British government among the Indians. It was not a statutable offense, nor was it committed in his official character, nor was it committed during the session of congress, nor at the seat of government.

Commenting on this case, Mr. Sergeant says, in his work on Constitutional Law (2d Ed., p. 302): 'In the resolution, the senate declared him guilty of a high misdemeanor, though no presentment or indictment had been found against him, and no prosecution at law was ever commenced upon the case; and it seems no law existed to authorize such prosecution.'

The two houses of congress have several times acted upon this rule of law, and the cases may be found, together with debates on the general subject, in both houses, of great value, in Smith's Digest of Decisions and Precedents (Senate Doc. No. 278, 53d Cong., 2d Sess.). The reasons for maintaining the right inviolate are eloquently presented in the report of the committee in the case of John Smith, accused in 1807 of participating in the imputed treason of Aaron Burr. 1 Hall, Law J. 459; Smith, Dig. p. 23.

We cannot assume on this record that the action of the senate was without a legitimate object, and so encroach upon the province of that body. Indeed, we think it affirmatively appears that the senate was acting within its right, and it was certainly not necessary that the resolutions should declare in advance what the senate meditated doing when the investigation was concluded.

Doubtless, certain general principles announced in Runkle v. U. S., 122 U. S. 555, 7 Sup. Ct. 1141, cited by petitioner's counsel as conclusive, were correctly set forth; but that case has not been approved in subsequent quent decisions on the same *671 subject, and the presumptions in favor of official action have been held to preclude collateral attack on the sentences of courts-martial, though courts of special and limited jurisdiction.U. S. v. Fletcher, 148 U. S. 84, 13 Sup. Ct. 552;Swain v. U. S., 165 U. S. 553, 17 Sup. Ct. 448.

Counsel contend with great ability that the law under consideration is necessarily subject to being impaled on one or the other of two horns of a dilemma, either inflicting a fatal wound. The one alternative is that the law delegates to the District of Columbia criminal court the exclusive jurisdiction and power to punish as contempt the acts denounced, and thus deprives the houses of congress of their constitutional functions in the particular class of cases. The other alternative is that if the law should be interpreted as leaving in the houses the power to punish such acts, and vesting, in addition, jurisdiction in the district criminal court to punish the same acts as misdemeanors, then the law is invalid, because subjecting recalcitrant witnesses to be twice put in jeopardy for the same offense contrary to the fifth amendment.

The refusal to answer pertinent questions in a matter of inquiry within the jurisdiction of the senate, of course, constitutes a contempt of that body, and by the statute this is also made an offense against the United States.

The history of congressional investigations demonstrates the difficulties under which the two houses have labored, respectively. in compelling unwilling witnesses to disclose facts deemed essential to taking definitive action; and we quite agree with Chief Justice Alvey, delivering the

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opinion of the court of appeals, 'that congress possessed the constitutional power to enact a statute to enforce the attendance of witnesses, and to compel them to make disclosure of evidence to enable the respective bodies to discharge their legitimate functions,' and that it was to effect this that the act of 1857 was passed. It was an act necessary and propr for carrying into execution the powers vested in congress and in each house thereof. We grant that congress could not devest itself, or either of its houses, of the *672 essential and inherent power to punish for contempt, in cases to which the power of either house properly extended; but because congress, by the act of 1857, sought to aid each of the houses in the discharge of its constitutional functions, it does not follow that any delegation of the power in each to punish for contempt was involved, and the statute is not open to objection on that account.

Nevertheless, although the power to punish for contempt still remains in each house, we must decline to decide that this law is invalid because it provides that contumacy in a witness called to testify in a matter properly under consideration by either house, and deliberately refusing to answer questions pertinent thereto, shall be a misdemeanor against the United States, who are interested that the authority of neither of their departments, nor of any branch thereof, shall be defied and set at naught. It is improbable that in any case cummulative penalties would be imposed, whether by way of punishment merely, or of eliciting the answers desired; but it is quite clear that the contumacious witness is not subjected to jeopardy twice for the same offense, since the same act may be an offense against one jurisdiction and also an offense against another; and indictable statutory offenses may be punished as such, while the offenders may likewise be subjected to punishment for the same acts as contempts, the two being diverso intuitu, and capable of standing together. General Houston's Case (Atty. **682 Gen. Butler) 2 Ops. Attys. Gen. U. S. 655; Rex v. Lord Ossulston, 2 Strange, 1107; Cross v. North Carolina, 132 U. S. 131, 10 Sup. Ct. 47;In re Debs, 158 U. S. 564,15 Sup. Ct. 1039;State v. Woodfin, 5 Ired. 199;Yates v. Lansing, 9 Johns. 395;State v. Williams, 2 Speers, 26;Foster v. Com., 8 Watts & S. 77.

In our opinion, the law is not open to constitutional objection, and the record does not exhibit a case in which, on any ground, it can be held that the supreme court of the District, sitting as a criminal court, had no jurisdiction to render judgment.

Writ denied.

Mr. Justice HARLAN concurred in the resuit.

> FN1 That any person summoned as a witness by the authority of either house of congress to give testimony or to produce papers upon any matter before either house, or any committee of either house of congress, who shall wilfully make default, or who, appearing, shall refuse to answer any question pertinent to the matter of inquiry in consideration before the house or committee by which he shall be examined, shall in addition to the pains and penalties now existing, be liable to indictment as and for a misdemeanor, in any court of the United States having jurisdiction thereof, and on conviction, shall pay a fine not exceeding one thousand dollars and not less than one hundred dollars, and suffer imprisonment in the common jail not less than one month nor more than twelve months.
>
> Sec. 2. That no person examined and testifying before either house of congress, or any committee of either house, shall be held to answer criminally in any court of justice, or subject to any penalty or forfeiture for any fact or act touching which he shall be required to testify before either house of congress or any committee of either house as to which he shall have testified whether before or after the date of this act, and that no statement made or paper produced by any witness before either house of congress or before any committee of either house, shall be competent testimony in any criminal proceeding against such witness in any court of justice; and no witness shall hereafter be allowed to refuse to testify to any fact or to produce any paper touching which he shall be examined by either house of congress, or any committee of either house, for the reason that his testimony touching such fact or the production of such paper may tend

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to disgrace him or otherwise render him infamous; provided, that nothing in this act shall be construed to exempt any witness from prosecution and punishment for perjury committed by him in testifying as aforesaid.

Sec. 3. That when a witness shall fail to testify, as provided in the previous sections of this act, and the facts shall be reported to the house, it shall be the duty of the speaker of the house or the president of the senate to certify the fact under the seal of the house or senate to the district attorney for the District of Columbia, whose duty it shall be to bring the matter before the grand jury for their action.

FN2 That the testimony of a witness examined and testifying before either house of congress, or any committee of either house of congress, shall not be used as evidence in any criminal proceeding against such witness in any court of justice: provided, however, that no official paper or record, produced by such witness on such examination, shall be held or taken to be included within the privilege of said evidence so to protect such witness from any criminal proceeding as aforesaid; and no witness shall hereafter be allowed to refuse to testify to any fact, or to produce any paper touching which he shall be examined by either house of congress, or any committee of either house, for the reason that his testimony touching such fact, or the production of such paper, may tend to disgrace him or otherwise render him infamous: provided, that nothing in this act shall be construed to exempt any witness from prosecution and punishment for perjury committed by him in testifying as aforesaid.

U.S. 1897
In re Chapman
166 U.S. 661, 17 S.Ct. 677, 41 L.Ed. 1154

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2a. Powell v McCormack, 395 U.S. 486 (1969).

395 U.S. 486, 89 S.Ct. 1944, 23 L.Ed.2d 491
(Cite as: 395 U.S. 486, 89 S.Ct. 1944)

Powell v. McCormack,
U.S.Dist.Col. 1969.

Supreme Court of the United States
Adam Clayton POWELL, Jr., et al., Petitioners,
v.
John W. McCORMACK et al.
No. 138.

Argued April 21, 1969.
Decided June 16, 1969.

Action for declaratory and other relief based on claimed unconstitutionality of resolution excluding member-elect from seat in House of Representatives. The United States District Court for the District of Columbia, 266 F.Supp. 354, dismissed the complaint, and plaintiffs appealed. The United States District Court for the District of Columbia Circuit, 129 U.S.App.D.C. 354, 395 F.2d 577, affirmed, and plaintiffs obtained certiorari. The Supreme Court, Mr. Chief Justice Warren, held that the case was not rendered moot by plaintiff's being seated in the subsequent session of Congress, that the federal courts had subject matter jurisdiction and that the action did not present a nonjusticiable political question, although defendant members of Congress were protected by Speech or Debate Clause, and that House of Representatives was without power to exclude plaintiff who had been duly elected by voters of his district and who was not ineligible to serve under any provision of the Constitution.

Judgment affirmed in part and reversed in part and remanded with instructions.

Mr. Justice Stewart dissented.

West Headnotes

[1] Federal Courts 170B ⚿12.1

170B Federal Courts
170BI Jurisdiction and Powers in General
170BI(A) In General
170Bk12 Case or Controversy Requirement
170Bk12.1 k. In General. Most Cited Cases
(Formerly 170Bk12, 106k2811)

Supreme Court lacks jurisdiction to consider merits of moot case, since judicial power extends only to cases or controversies. U.S.C.A.Const. art. 3, § 1 et seq.

[2] Declaratory Judgment 118A ⚿203

118A Declaratory Judgment
118AII Subjects of Declaratory Relief
118AII(K) Public Officers and Agencies
118Ak203 k. Federal Officers and Boards. Most Cited Cases

Action involving question of propriety of plaintiff's exclusion from seat in 90th Congress was not rendered moot by his being seated in 91st Congress, where there was viable claim for back salary, even though primary and principal relief sought may have been plaintiff's seating in 90th Congress and plaintiff might properly have sued in Court of Claims. U.S.C.A.Const. art. 3, § 1 et seq.

[3] Federal Courts 170B ⚿12.1

170B Federal Courts
170BI Jurisdiction and Powers in General
170BI(A) In General
170Bk12 Case or Controversy Requirement
170Bk12.1 k. In General. Most Cited Cases
(Formerly 13k6)

Case is moot when issues presented are no longer " live" or parties lack legal cognizable interest in outcome.

[4] Federal Courts 170B ⚿12.1

170B Federal Courts

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170BI Jurisdiction and Powers in General
170BI(A) In General
170Bk12 Case or Controversy Requirement
170Bk12.1 k. In General. Most Cited Cases
(Formerly 170Bk12, 106k281)
Where one of several issues presented becomes moot, remaining live issues supply constitutional requirement of case or controversy. U.S.C.A.Const. art. 3, § 1 et seq.

[5] Declaratory Judgment 118A ⚿385

118A Declaratory Judgment
118AIII Proceedings
118AIII(G) Judgment
118Ak385 k. Declaratory Relief. Most Cited Cases
Court may grant declaratory relief even though it chooses not to issue injunction or mandamus.

[6] Declaratory Judgment 118A ⚿391

118A Declaratory Judgment
118AIII Proceedings
118AIII(G) Judgment
118Ak391 k. Supplemental Relief. Most Cited Cases
Declaratory judgment can be used as predicate to further relief, including injunction. 28 U.S.C.A. § 2202.

[7] Federal Civil Procedure 170A ⚿1741

170A Federal Civil Procedure
170AXI Dismissal
170AXI(B) Involuntary Dismissal
170AXI(B)2 Grounds in General
170Ak1741 k. In General. Most Cited Cases
Where one claim has become moot and pleadings are insufficient to determine whether plaintiff is entitled to another remedy, action should be dismissed as moot.

[8] United States 393 ⚿12

393 United States
393I Government in General
393k7 Congress
393k12 k. Rights and Privileges of Senators and Representatives. Most Cited Cases
Protection of Speech or Debate Clause extends not only to words spoken in debate but to committee reports, resolutions, and act of voting, and to things generally done in session of house by one of its members in relation to business before it. U.S.C.A.Const. art. 1, § 6.

[9] United States 393 ⚿12

393 United States
393I Government in General
393k7 Congress
393k12 k. Rights and Privileges of Senators and Representatives. Most Cited Cases
Speech or Debate Clause provides not only defense on merits but also protects legislator from burden of defending himself. U.S.C.A.Const. art. 1, § 6.

[10] Constitutional Law 92 ⚿2470

92 Constitutional Law
92XX Separation of Powers
92XX(C) Judicial Powers and Functions
92XX(C)2 Encroachment on Legislature
92k2470 k. In General. Most Cited Cases
(Formerly 92k70.1(1), 92k70(1))
Legislative immunity does not bar all judicial review of legislative acts.

[11] Constitutional Law 92 ⚿2500

92 Constitutional Law
92XX Separation of Powers
92XX(C) Judicial Powers and Functions
92XX(C)2 Encroachment on Legislature
92k2499 Particular Issues and Applications
92k2500 k. In General. Most Cited Cases
(Formerly 92k70.1(12), 92k70(1))
That House of Representatives employees are acting pursuant to express orders of House does not bar judicial review of constitutionality of underlying legislative decision. U.S.C.A.Const. art. 1, § 6.

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[12] United States 393 ⚿12

393 United States
393I Government in General
393k7 Congress
393k12 k. Rights and Privileges of Senators and Representatives. Most Cited Cases
Purpose of protection afforded legislators by Speech or Debate Clause is not to forestall judicial review of legislative action but to insure that legislators are not distracted from or hindered in performance of their legislative tasks by being called into court to defend their actions. U.S.C.A.Const. art. 1, § 6.

[13] United States 393 ⚿12

393 United States
393I Government in General
393k7 Congress
393k12 k. Rights and Privileges of Senators and Representatives. Most Cited Cases
A Congressman is not by virtue of Speech or Debate Clause absolved of responsibility of filing motion to dismiss, and trial court must determine applicability of clause to plaintiff's action. U.S.C.A.Const. art. 1, § 6.

[14] United States 393 ⚿12

393 United States
393I Government in General
393k7 Congress
393k12 k. Rights and Privileges of Senators and Representatives. Most Cited Cases
Speech and Debate Clause, while it protected defendant Congressmen with respect to action by plaintiff who claimed to have been improperly excluded from his seat in House of Representatives, did not bar action against House employees who acted pursuant to House orders, and did not bar judicial review of propriety of decision to exclude plaintiff. U.S.C.A.Const. art. 1, § 6.

[15] Constitutional Law 92 ⚿2453

92 Constitutional Law
92XX Separation of Powers
92XX(C) Judicial Powers and Functions
92XX(C)1 In General
92k2453 k. Determination of Constitutionality of Actions of Other Branches in General. Most Cited Cases
(Formerly 92k67)
It is province and duty of judicial department to determine in cases regularly brought before them, whether powers of any branch of government, and even those of legislature in enactment of laws, have been exercised in conformity to Constitution.

[16] United States 393 ⚿14

393 United States
393I Government in General
393k7 Congress
393k14 k. Determination as to Election and Qualifications of Members. Most Cited Cases
There was "exclusion" from Congress where plaintiff was not administered oath of office and was prevented from taking his seat; if he had been allowed to take oath and subsequently been required to surrender seat, action would have constituted " expulsion".

[17] United States 393 ⚿14

393 United States
393I Government in General
393k7 Congress
393k14 k. Determination as to Election and Qualifications of Members. Most Cited Cases
Action of House of Representatives in refusing member-elect a seat must be treated as an exclusion proceeding, and its propriety measured against House's authority to exclude, rather than as an expulsion, although action was taken by more than the two-thirds vote necessary to expel, where Speaker had ruled that resolution contemplated exclusion proceeding and it was not established that two-thirds would have voted for expulsion. U.S.C.A.Const. art. 1, § 5.

[18] Federal Courts 170B ⚿161

170B Federal Courts
170BIII Federal Question Jurisdiction
170BIII(A) In General
170Bk161 k. Federal Question

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Jurisdiction in General. Most Cited Cases
(Formerly 106k281)
There is significant difference between determining whether federal court has jurisdiction over subject matter and determining whether cause over which court has subject matter jurisdiction is justiciable; doctrine of separation of powers is more properly considered in determining whether cause is justiciable.

[19] Federal Courts 170B ⇐172

170B Federal Courts
170BIII Federal Question Jurisdiction
170BIII(B) Cases Arising Under the Constitution
170Bk172 k. Particular Constitutional Cases and Questions. Most Cited Cases
(Formerly 170Bk161, 106k281)
Federal district court had jurisdiction over subject matter of action to determine propriety of member-elect's exclusion from seat in House of Representatives.

[20] Federal Courts 170B ⇐161

170B Federal Courts
170BIII Federal Question Jurisdiction
170BIII(A) In General
170Bk161 k. Federal Question Jurisdiction in General. Most Cited Cases
(Formerly 106k281)
Federal district court lacks jurisdiction over subject matter (1) if cause does not arise under Federal Constitution, laws or treaties or fall within enumerated category; or (2) if it is not a case or controversy; or (3) if cause is not one described by any jurisdictional statute. U.S.C.A.Const. art. 3, § 1 et seq.

[21] Federal Courts 170B ⇐13.20

170B Federal Courts
170BI Jurisdiction and Powers in General
170BI(A) In General
170Bk12 Case or Controversy Requirement
170Bk13.20 k. Elections and Officers. Most Cited Cases
(Formerly 170Bk161, 106k281)
Action attacking propriety of member-elect's exclusion from seat in Congress, presenting no nonjusticiable political question, was a "case or controversy" within federal jurisdiction. U.S.C.A.Const. art. 3, § 2.

[22] Federal Courts 170B ⇐172

170B Federal Courts
170BIII Federal Question Jurisdiction
170BIII(B) Cases Arising Under the Constitution
170Bk172 k. Particular Constitutional Cases and Questions. Most Cited Cases
(Formerly 170Bk161, 106k282(1))
Action attacking propriety of member-elect's exclusion from seat in Congress was one "arising under" the Constitution, within federal jurisdiction. U.S.C.A.Const. art. 3, § 2.

[23] Federal Courts 170B ⇐171

170B Federal Courts
170BIII Federal Question Jurisdiction
170BIII(B) Cases Arising Under the Constitution
170Bk171 k. Constitutional Cases in General. Most Cited Cases
(Formerly 106k282(2))
Cases depending directly on construction of Constitution are authorized by statute conferring federal jurisdiction in action wherein matter in controversy arises under Constitution. 28 U.S.C.A. § 1331(a).

[24] Federal Courts 170B ⇐172

170B Federal Courts
170BIII Federal Question Jurisdiction
170BIII(B) Cases Arising Under the Constitution
170Bk172 k. Particular Constitutional Cases and Questions. Most Cited Cases
(Formerly 170Bk161, 106k282(1))
Action attacking propriety of member-elect's exclusion from seat in Congress was within federal jurisdiction under statute conferring jurisdiction in civil action wherein matter in controversy arises

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under Constitution. 28 U.S.C.A. §§ 1331(a), 1344.

[25] Federal Courts 170B ⚿12.1

170B Federal Courts
170BI Jurisdiction and Powers in General
170BI(A) In General
170Bk12 Case or Controversy Requirement
170Bk12.1 k. In General. Most Cited Cases
(Formerly 13k1)
In determining whether claim is justiciable, court must determine whether duty asserted can be judicially identified and its breach judicially determined, and whether protection for right asserted can be judicially molded.

[26] Declaratory Judgment 118A ⚿64

118A Declaratory Judgment
118AI Nature and Grounds in General
118AI(D) Actual or Justiciable Controversy
118Ak64 k. Adverse Interests or Contentions. Most Cited Cases
Availability of declaratory relief depends on whether there is live dispute between parties.

[27] Declaratory Judgment 118A ⚿41

118A Declaratory Judgment
118AI Nature and Grounds in General
118AI(C) Other Remedies
118Ak41 k. Existence and Effect in General. Most Cited Cases
Request for declaratory relief may be considered independently of whether other forms of relief are appropriate.

[28] Declaratory Judgment 118A ⚿203

118A Declaratory Judgment
118AII Subjects of Declaratory Relief
118AII(K) Public Officers and Agencies
118Ak203 k. Federal Officers and Boards. Most Cited Cases
Action for, inter alia, declaration of member-elect's right to seat in Congress was justiciable in terms of general criteria of justiciability, regardless of appropriateness of coercive relief. 28 U.S.C.A. § 2201.

[29] Constitutional Law 92 ⚿2580

92 Constitutional Law
92XX Separation of Powers
92XX(C) Judicial Powers and Functions
92XX(C)5 Political Questions
92k2580 k. In General. Most Cited Cases
(Formerly 92k68(1))
Federal courts will not adjudicate political questions.

[30] Courts 106 ⚿92

106 Courts
106II Establishment, Organization, and Procedure
106II(G) Rules of Decision
106k88 Previous Decisions as Controlling or as Precedents
106k92 k. Dicta. Most Cited Cases
Statement, in opinion on ruling that Senate had power to issue arrest warrant to summon witness to give testimony concerning senatorial election, that Senate could render judgment beyond authority of any tribunal to review, was dictum. U.S.C.A.Const. art. 1, § 5.

[31] United States 393 ⚿14

393 United States
393I Government in General
393k7 Congress
393k14 k. Determination as to Election and Qualifications of Members. Most Cited Cases
Neither house of Congress has authority to exclude any person, duly elected by his constituents, who meets all requirements for membership expressly prescribed in Constitution. U.S.C.A.Const. art. 1, § 3, cl. 3; § 5, cl. 1.

[32] United States 393 ⚿14

393 United States
393I Government in General
393k7 Congress
393k14 k. Determination as to Election

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and Qualifications of Members. Most Cited Cases
Congress' precedents with respect to exclusion of members-elect would not be given controlling weight in determining extent of authority to exclude, particularly in view of Congress' own doubts in those cases where it did exclude.

[33] United States 393 ⚿14

393 United States
393I Government in General
393k7 Congress
393k14 k. Determination as to Election and Qualifications of Members. Most Cited Cases
Constitution does not vest in Congress a discretionary power to deny membership by majority vote. U.S.C.A.Const. art. 1, § 3, cl. 3; § 5, cl. 1.

[34] Constitutional Law 92 ⚿2580

92 Constitutional Law
92XX Separation of Powers
92XX(C) Judicial Powers and Functions
92XX(C)5 Political Questions
92k2580 k. In General. Most Cited Cases
(Formerly 92k68(1))
"Textual commitment" formulation of political question doctrine did not bar federal courts from adjudicating claims that exclusion of member-elect from seat in Congress was improper, in view of determination that Congress could judge only qualifications expressly set forth in Constitution. U.S.C.A.Const. art. 1, § 5.

[35] Constitutional Law 92 ⚿2580

92 Constitutional Law
92XX Separation of Powers
92XX(C) Judicial Powers and Functions
92XX(C)5 Political Questions
92k2580 k. In General. Most Cited Cases
(Formerly 92k68(1))
Determination of claim that House of Representatives did not have authority to exclude member-elect on other than standard constitutional grounds fell within traditional role accorded courts to interpret law, and did not present political question as involving lack of respect due coordinate branch of government or initial policy determination for nonjudicial discretion. U.S.C.A.Const. art. 1, § 5.

[36] Constitutional Law 92 ⚿2451

92 Constitutional Law
92XX Separation of Powers
92XX(C) Judicial Powers and Functions
92XX(C)1 In General
92k2451 k. Interpretation of Constitution in General. Most Cited Cases
(Formerly 92k67)
Federal courts must on occasion interpret Constitution in a manner at variance with construction given by another branch.

[37] Constitutional Law 92 ⚿2580

92 Constitutional Law
92XX Separation of Powers
92XX(C) Judicial Powers and Functions
92XX(C)5 Political Questions
92k2580 k. In General. Most Cited Cases
(Formerly 92k68(1))
Action for declaration that House of Representatives did not have authority to exclude member-elect on grounds other than those expressed in Constitution was not barred by political question doctrine and was justiciable.

[38] United States 393 ⚿14

393 United States
393I Government in General
393k7 Congress
393k14 k. Determination as to Election and Qualifications of Members. Most Cited Cases
House of Representatives was without power to exclude from membership plaintiff who had been duly elected by voters of district and who was not ineligible to serve under any provision of Constitution. U.S.C.A.Const. art. 1, § 5.

**1947 *488 Arthur Kinoy, New York City, and

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Herbert O. Reid, Washington, D.C., for petitioners.
Bruce Bromley, New York City, for respondents.
*489 Mr. Chief Justice WARREN delivered the opinion of the Court.
In November 1966, petitioner Adam Clayton Powell, Jr., was duly elected from the 18th Congressional District of New York to serve in the United States House of Representatives for the 90th Congress. However, pursuant to a House resolution, he was not permitted to take his seat. Powell (and some of the voters of his district) then filed suit in Federal District Court, claiming that the House could exclude him only if it found he failed to meet the standing requirements of age, citizenship, and residence contained in Art. I, s 2, of the Constitution-requirements the House specifically found Powell met-and thus had excluded him unconstitutionally. The District Court dismissed petitioners' complaint 'for want of jurisdiction of the subject matter.'A panel of the Court of Appeals affirmed the dismissal, although on somewhat different grounds, each judge filing a separate opinion. We have determined that it was error to dismiss the complaint and that petitioner Powell is entitled to a declaratory judgment that he was unlawfully excluded from the 90th Congress.

I.

FACTS.

During the 89th Congress, a Special Subcommittee on Contracts of the Committee on House Administration conducted an investigation into the expenditures of the Committee on Education and Labor, of which petitioner *490 Adam Clayton Powell, Jr., was chairman. The Special Subcommittee issued a report concluding that Powell and certain staff employees had deceived the House authorities as to travel expenses. The report also indicated there was strong evidence that certain illegal salary payments had been made to Powell's wife at his direction. See H.R. Rep. No. 2349, 89th Cong., 2d Sess., 6-7 (1966). No formal action was taken during the 89th Congress. However, prior to the organization of the 90th Congress, the Democratic members-elect met in caucus and voted to remove Powell as chairman of the Committee on Education and Labor. See H.R. Rep. No. 2790th Cong., 1st Sess., 1-2 (1967).

When the 90th Congress met to organize in January 1967, Powell was asked to step aside while the oath was administered to the other members-elect. Following the administration of the oath to the remaining members, the House discussed the procedure to be followed in **1948 determining whether Powell was eligible to take his seat. After some debate, by a vote of 363 to 65 the House adopted House Resolution No. 1, which provided that the Speaker appoint a Select Committee to determine Powell's eligibility. 113 Cong. Rec. 26-27. Although the resolution prohibited Powell from taking his seat until the House acted on the Select Committee's report, it did provide that he should receive all the pay and allowances due a member during the period.

The Select Committee, composed of nine lawyer-members, issued an invitation to Powell to testify before the Committee. The invitation letter stated that the scope of the testimony and investigation would include Powell's qualifications as to age, citizenship, and residency; his involvement in a civil suit (in which he had been held in contempt); and '(m)atters of * * * alleged official misconduct since January 3, 1961.'See Hearings on *491 H.R. Res. No. 1 before Select Committee Pursuant to H.R. Res. No. 1, 90th Cong., 1st Sess., 5 (1967) (hereinafter Hearings). Powell appeared at the Committee hearing held on February 8, 1967. After the Committee denied in part Powell's request that certain adversary-type procedures be followed,[FN1] Powell testified. He would, however, give information relating only to his age, citizenship, and residency; upon the advice of counsel, he refused to answer other questions.

FN1. Powell requested that he be given (1) notice of the charges pending against him, including a bill of particulars as to any accuser; (2) the opportunity to confront any accuser, to attend all committee sessions where evidence was given, and the right to cross-examine all witnesses;

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(3) public hearings; (4) the right to have the Select Committee issue its process to summon witnesses for his defense; (5) and a transcript of every haring. Hearings on H.R.Res. No. 1 before Select Committee Pursuant to H.R.Res. No. 1 90th Cong., 1st Sess., 54 (1967).

The Select Committee noted that it had given Powell notice of the matters it would inquire into, that Powell had the right to attend all hearings (which would be public) with his counsel, and that the Committee would call witnesses upon Powell's written request and supply a transcript of the hearings. Id., at 59.

On February 10, 1967, the Select Committee issued another invitation to Powell. In the letter, the Select Committee informed Powell that its responsibility under the House Resolution extended to determining not only whether he met the standing qualifications of Art. I, s 2, but also to 'inquir(ing) into the question of whether you should be punished or expelled pursuant to the powers granted * * * the House under Article I, Section 5, * * * of the Constitution. In other words, the Select Committee is of the opinion that at the conclusion of the present inquiry, it has authority to report back to the House recommendations with respect to * * * seating, expulsion or other punishment.'See Hearings 110. Powell did *492 not appear at the next hearing, held February 14, 1967. However, his attorneys were present, and they informed the Committee that Powell would not testify about matters other than his eligibility under the standing qualifications of Art. I, s 2. Powell's attorneys reasserted Powell's contention that the standing qualifications were the exclusive requirements for membership, and they further urged that punishment or expulsion was not possible until a member had been seated. See Hearings 111-113.

The Committee held one further hearing at which neither Powell nor his attorneys were present. Then, on February 23, 1967, the Committee issued its report, finding that Powell met the standing qualifications of Art. I, s 2.H.R.Rep. No. 27, 90th Cong., 1st Sess., 31 (1967). However, the Committee further reported that Powell had asserted an unwarranted privilege and immunity from the processes of the courts of New York; that he had wrongfully diverted House funds for the use of others **1949 and himself; and that he had made false reports on expenditures of foreign currency to the Committee on House Administration. Id., at 31-32. The Committee recommended that Powell be sworn and seated as a member of the 90th Congress but that he be censured by the House, fined $40,000 and be deprived of his seniority. Id., at 33.

The report was presented to the House on March 1, 1967, and the House debated the Select Committee's proposed resolution. At the conclusion of the debate, by a vote of 222 of 202 the House rejected a motion to bring the resolution to a vote. An amendment to the resolution was then offered; it called for the exclusion of Powell and a declaration that his seat was vacant. The Speaker ruled that a majority vote of the House would be sufficient to pass the resolution if it were so *493 amended 113 Cong.Rec. 5020. After further debate, the amendment was adopted by a vote of 248 to 176. Then the House adopted by a vote of 307 to 116 House Resolution No. 278 in its amended form, thereby excluding Powell and directing that the Speaker notify the Governor of New York that the seat was vacant.

Powell and 13 voters of the 18th Congressional District of New York subsequently instituted this suit in the United States District Court for the District of Columbia. Five members of the House of Representatives were named as defendants individually and 'as representatives of a class of citizens who are presently serving * * * as members of the House of Representatives.'John W. McCormack was named in his official capacity as Speaker, and the Clerk of the House of Representatives, the Sergeant at Arms and the Doorkeeper were named individually and in their official capacities. The complaint alleged that House Resolution No. 278 violated the Constitution, specifically Art. I, s 2, cl. 1, because the resolution was inconsistent with the mandate that the members of the House shall be elected by the people of each State, and Art. I, s 2, cl. 2, which, petitioners alleged, sets forth the exclusive qualifications for membership.[FN2] The complaint

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further alleged that the Clerk of the House threatened to refuse to perform the service for Powell to which a duly elected Congressman is entitled, that the Sergeant at Arms refused to pay Powell his salary, and that the Doorkeeper threatened to deny Powell admission to the House chamber.

FN2. The complaint also attacked the House Resolution as a bill of attainder, an ex post facto low, and as cruel and unusual punishment. Further, petitioners charged that the hearing procedures adopted by the Select Committee violated the Due Process Clause of the Fifth Amendment.

*494 Petitioners asked that ta three-judge court be convened.[FN3] Further, they requested that the District Court grant a permanent injunction restraining respondents from executing the House Resolution, and enjoining the Speaker from refusing to administer the oath, the Clerk from refusing to perform the duties due a Representative, the Sergeant at Arms from refusing to pay Powell his salary, and the Doorkeeper from refusing to admit Powell to the Chamber.[FN4] The complaint also requested a declaratory judgment that Powell's exclusion was unconstitutional.

FN3. The District Court refused to convene a three-judge court and the Court of Appeals affirmed. Petitioners did not press this issue in their petition for writ of certiorari, apparently recognizing the validity of the Court of Appeals' ruling. See Stamler v. Willis, 393 U.S. 217, 89 S.Ct. 395, 21 L.Ed.2d 356 (1968).

FN4. Petitioners also requested that a writ of mandamus issue ordering that the named officials perform the same acts.

The District Court granted respondents' motion to dismiss the complaint 'for want of jurisdiction of the subject matter.' **1950 Powell v. McCormack, 266 F. Supp. 354 (D.C.D.C.1967).[FN5] The Court of Appeals for the District of Columbia Circuit affirmed on somewhat different grounds, with each judge of the panel filing a separate opinion. Powell v. McCormack, 129 U.S.App.D.C. 354, 395 F.2d 577 (1968). We granted certiorari. 393 U.S. 949, 89 S.Ct. 371, 21 L.Ed.2d 361 (1968). While the case was pending on our docket, the 90th Congress officially terminated and the 91st Congress was seated. In November 1968, Powell was again elected as the representative of the 18th Congressional District of New York, and he was seated by the 91st Congress. The resolution seating Powell also *495 fined him $25,000. See H.R.Res. No. 2, 91st Cong., 1st Sess., 15 Cong.Rec. H21 (daily ed., January 3, 1969). Respondents then filed a suggestion of mootness. We postponed further consideration of this suggestion to a hearing on the merits. 393 U.S. 1060, 89 S.Ct. 713, 21 L.Ed.2d 704 (1969).

FN5. The District Court entered its order April 7, 1967, and a notice of appeal was filed the same day. On April 11, 1967, Powell was re-elected to the House of Representatives in a special election called to fill his seat. The formal certification of election was received by the House on May 1, 1967, but Powell did not again present himself to the House or ask to be given the oath of office.

Respondents press upon us a variety of arguments to support the court below; they will be considered in the following order. (1) Events occurring subsequent to the grant of certiorari have rendered this litigation moot. (2) The Speech or Debate Clause of the Constitution, Art. I, s 6, insulates respondents' action from judicial review. (3) The decision to exclude petitioner Powell is supported by the power granted to the House of Representatives to expel a member. (4) This Court lacks subject matter jurisdiction over petitioners' action. (5) Even if subject matter jurisdiction is present, this litigation is not justiciable eitehr under the general criteria established by this Court or because a political question is involved.

II.

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MOOTNESS.

[1][2] After certiorari was granted, respondents filed a memorandum suggesting that two events which occurred subsequent to our grant of certiorari require that the case be dismissed as moot. On January 3, 1969 the House of Representatives of the 90th Congress officially terminated, and petitioner Powell was seated as a member of the 91st Congress. 115 Cong.Rec. H22 (daily ed., January 3, 1969). Respondents insist that the gravamen of petitioners' complaint was the failure of the 90th Congress to seat Petitioner Powell and that, since the House of Representatives is not a continuing body[FN6]*496 and Powell has now been seated, his claims are moot. Petitioners counter that three issues remain unresolved and thus this litigation presents a 'case or controversy' within the meaning of Art. III: [FN7] (1) whether Powell was unconstitutionally deprived of his seniority by his exclusion from the 90th Congress; (2) whether the resolution of the 91st Congress imposing as ' punishment'**1951 a $25,000 fine is a continuation of respondents' allegedly unconstitutional exclusion, see H.R.Res. No. 2, 91st Cong., 1st Sess., 115 Cong.Rec. H21 (daily ed., January 3, 1969); and (3) whether Powell is entitled to salary withheld after his exclusion from the 90th Congress. We conclude that Powell's claim for back salary remains viable even though he has been seated in the 91st Congress and thus find it unnecessary to determine whether the other issues have become moot.[FN8]

FN6. Respondents' authority for this assertion is a footnote contained in Gojack v. United States, 384 U.S. 702, 707, 86 S.Ct. 1689, 1693, 16 L.Ed.2d 870, n. 4. (1966): 'Neither the House of Representatives nor its committees are continuing bodies.'

FN7. The rule that this Court lacks jurisdiction to consider the merits of a moot case is a branch of the constitutional command that the judicial power extends only to cases or controversies. See Sibron v. New York, 392 U.S. 40, 57,88 S.Ct. 1889, 1899, 20 L.Ed.2d 917 (1968); R. Robertson & F. Kirkham, Jurisdiction of the Supreme Court of the United States ss 270-271 (R. Wolfson & P. Kurland ed. 1951); Diamond, Federal Jurisdiction To Decide Moot Cases, 94 U.Pa.L.Rev. 125 (1946); Note, Cases Moot on Appeal: A Limit on the Judicial Power, 103 U.Pa.L.Rev. 772 (1955).

FN8. Petitioners do not press their claim that respondent McCormack should be required to administer the oath to Powell, apparently conceding that the seating of Powell has rendered this specific claim moot. Where several forms of relief are requested and one of these requests subsequently becomes moot, the Court has still considered the remaining requests. See Standard Fashion Co. v. Magrane-Houston Co., 258 U.S. 346, 353, 42 S.Ct. 360, 361, 66 L.Ed. 653 (1922). Respondents also argue that the seating of petitioner Powell has mooted the claims of Powell's constituents. Since this case will be remanded, that issue as well as petitioners' other claims can be disposed of by the court below.

[3][4] Simply stated, a case is moot when the issues presented are no longer 'live' or the parties lack a legally cognizable interest in the outcome. See E. Borchard, Declaratory*497 Judgments 35-37 (2d ed. 1941). Where one of the several issues presented becomes moot, the remaining live issues supply the constitutional requirement of a case or controversy. See United Public Workers of America v. Mitchell, 330 U.S. 75, 86-94, 67 S.Ct. 556, 562, 566, 91 L.Ed. 754 (1947); 6A J. Moore, Federal Practice 57.13 (2d ed. 1966). Despite Powell's obvious and continuing interest in his withheld salary, respondents insist that Alejandrino v. Quezon, 271 U.S. 528, 46 S.Ct. 600, 70 L.Ed. 1071 (1926), leaves us no choice but to dismiss this litigation as moot. Alejandrino, a duly appointed Senator of the Philippine Islands, was suspended for one year by a resolution of the Philippine Senate and deprived of all 'prerogatives, privileges and

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emoluments' for the period of his suspension. The Supreme Court of the Philippines refused to enjoin the suspension. By the time the case reached this Court, the suspension had expired and the Court dismissed as moot Alejandrino's request that the suspension be enjoined. Then, sua sponte,[FN9] the Court considered whether the possibility that Alejandrino was entitled to back salary required it ' to retain the case for the purpose of determining whether he (Alejandrino) may not have a mandamus for this purpose.'Id., at 533, 46 S.Ct. 601. Characerizing the issue of Alejandrino's salary as a ' mere incident' to his claim that the suspension was improper, the Court noted that he had not briefed the salary issue and that his request for mandamus did not set out with sufficient clarity the official or set of officials against whom the mandamus should issue. Id., at 533-534, 46 S.Ct. at 601-602. The Court therefore refused to treat the salary claim and dismissed the entire action as moot.

FN9. Alejandrino's brief did not consider either the possibility that his request for injunctive relief had become moot or whether his salary claim required that the Court treat the propriety of his suspension. No brief was filed on behalf of respondents.

*498 Respondents believe that Powell's salary claim is also a 'mere incident' to his insistence that he was unconstitutionally excluded so that we should likewise dismiss this entire action as moot. This argument fails to grasp that the reason for the dismissal in Alejandrino was not that Alejandrino's deprivation of salary was insufficiently substantial to prevent the case from becoming moot, but rather that his failure to plead sufficient facts to establish his mandamus claim made it impossible for any court to resolve the mandamus request.[FN10] By **1952 contrast, petitioners' complaint names the official responsible for the payment of congressional salaries and asks for both mandamus and an injunction against that official.[FN11]

FN10. After discussing the insufficiency of Alejandrino's averments as to the officer responsible for his salary, the Court stated: 'Were that set out, the remedy of the Senator would seem to be by mandamus to compel such official in the discharge of his miniterial duty to pay him the salary due * * *.'271 U.S. at 534, 46 S.Ct., at 602. That the insufficiency of Alejandrino's averments was the reason for dismissal is further substantiated by a later passage: ' As we are not able to derive from the petition sufficient information upon which properly to afford such a remedy (mandamus), we must treat the whole cause as moot and act accordingly.'Id., at 535, 46 S.Ct., at 602.

FN11. Paragraph 18b of petitioners' complaint avers that 'Leake W. Johnson, as Sergeant-at-Arms of the House' is responsible for and refuses to pay Powell's salary and prays for an injunction restraining the Sergeant at Arms from implementing the House resolution depriving Powell of his salary as well as mandamus to order that the salary be paid.

[5][6][7] Furthermore, even if respondents are correct that petitioners' averments as to injunctive relief are not sufficiently definite, it does not follow that this litigation must be dismissed as moot. Petitioner Powell has not been paid his salary by virtue of an allegedly unconstitutional House resolution. That claim is still unresolved and hotly contested by clearly adverse parties. Declaratory relief has been requested, a form of relief not available *499 when Alejandrino was decided.[FN12] A court may grant declaratory relief even though it chooses not to issue an injunction or mandamus. See United Public Workers of America v. Mitchell, supra, at 93, 67 S.Ct. 556, 566; cf. United States v. California, 332 U.S. 19, 25-26, 67 S.Ct. 1658, 1661-1662, 91 L.Ed. 1889 (1947). A declaratory judgment can then be used as a predicate to further relief, including an injunction. 28 U.S.C. s 2202; see Vermont Structural Slate Co. v. Tatko Brothers Slate Co., 253 F.2d 29 (C.A.2d Cir. 1958); United States Lines Co. v. Shaughnessy, 195 F.2d 385 (C.A.2d Cir. 1952). Alejandrino stands only for the proposition that, where one claim has become moot and the pleadings are insufficient to determine

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whether the plaintiff is entitled to another remedy, the action should be dismissed as moot.[FN13] There is no suggestion that petitioners' averments as to declaratory relief are insufficient and Powell's allegedly unconstitutional deprivation of salary remains unresolved.

FN12. Federal courts were first empowered to grant declaratory judgments in 1934, see 48 Stat. 955, 10 years after Alejandrino filed his complaint.

FN13. It was expressly stated in Alejandrino that a properly pleaded mandamus action could be brought, 271 U.S., at 535, 46 S.Ct. at 602, impliedly holding that Alejandrino's salary claim had not been mooted by the expiration of his suspension.

Respondents further argue that Powell's 'wholly incidental and subordinate' demand for salary is insufficient to prevent this litigation from becoming moot. They suggest that the 'primary and principal relief' sought was the seating of petitioner Powell in the 90th Congress rendering his presumably secondary claims not worthy of judicial consideration.Bond v. Floyd, 385 U.S. 116, 87 S.Ct. 339, 17 L.Ed.2d 235 (1966), rejects respondents' theory that the mootness of a 'primary' claim requires a conclusion that all 'secondary' claims are moot. At the Bond oral argument it was suggested that the expiration of the session of the Georgia Legislature which excluded Bond had rendered *500 the case moot. We replied: 'The State has not pressed this argument, and it could not do so, because the State has stipulated that if Bond succeeds on this appeal he will receive back salary for the term from which he was excluded.'385 U.S., at 128, 87 S.Ct., at 345, n. 4. Bond is not controlling, argue respondents, because the legislative term from which Bond was excluded did not end until December 31, **1953 1966,[FN14] and our decision was rendered December 5; further, when Bond was decided, Bond had not as yet been seated while in this case Powell has been.[FN15] Respondents do not tell us, however, why these factual distinctions create a legally significant difference between Bond and this case. We relied in Bond on the outstanding salary claim, not the facts respondents stress, to hold that the case was not moot.

FN14. Respondents do not supply any substantiation for their assertion that the term of the Georgia Legislature did not expire until December 31. Presumably, they base their statement upon Ga.Code Ann. ss 2-1601, 2-1603 (Supp.1968).

FN15. Respondents also suggest that Bond is not applicable because the parties in Bond had stipulated that Bond would be entitled to back salary if his constitutional challenges were accepted, while there is no stipulation in this case. However, if the claim in Bond was moot, a stipulation by the parties could not confer jurisdiction. See, e.g., California v. San Pablo & Tulare R. Co., 149 U.S. 308, 314, 13 S.Ct. 876, 878, 37 L.Ed. 747 (1893).

Finally, respondents seem to argue that Powell's proper action to recover salary is a suit in the Court of Claims, so that, having brought the wrong action, a dismissal for mootness is appropriate. The short answer to this argument is that it confuses mootness with whether Powell has established a right to recover against the Sergeant at Arms, a question which it is inappropriate to treat at this stage of the litigation.[FN16]

FN16. Since the court below disposed of this case on grounds of justiciability, it did not pass upon whether Powell had brought an appropriate action to recover his salary. Where a court of appeals has misconceived the applicable law and therefore failed to pass upon a question, our general practice has been to remand the case to that court for consideration of the remaining issues. See, e.g., Utah Pie Co. v. Continental Baking Co., 386 U.S. 685, 704, 87 S.Ct. 1326, 1337, 18 L.Ed.2d 406 (1967); Bank of America National Trust & Savings

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Assn. v. Parnell, 352 U.S. 29, 34, 77 S.Ct. 119, 121, 1 L.Ed.2d 93 (1956). We believe that such action is appropriate for resolution of whether Powell in this litigation is entitled to mandamus against the Sergeant at Arms for salary withheld pursuant to the House resolution.

***501** III.

SPEECH OR DEBATE CLAUSE.

Respondents assert that the Speech or Debate Clause of the Constitution, Art. I, s 6,[FN17] is an absolute bar to petitioners' action. This Court has on four prior occasions-Dombrowski v. Eastland, 387 U.S. 82, 87 S.Ct. 1425, 18 L.Ed.2d 577 (1967); United States v. Johnson, 383 U.S. 169, 86 S.Ct. 749, 15 L.Ed.2d 681 (1966); Tenney v. Brandhove, 341 U.S. 367, 71 S.Ct. 783, 95 L.Ed. 1019 (1951); and Kilbourn v. Thompson, 103 U.S. 168, 26 L.Ed. 377 (1881)-been called upon to determine if allegedly unconstitutional action taken by legislators or legislative employees is insulated from judicial review by the Speech or Debate Clause. Both parties insist that their respective positions find support in these cases and tender for decision three distinct issues: (1) whether respondents in participating in the exclusion of petitioner Powell were 'acting in the sphere of legitimate legislative activity,'Tenney v. Brandhove, supra, at 376, 71 S.Ct. at 788; (2) assuming that respondents were so acting, whether the fact that petitioners seek neither damages from any of the respondents nor a criminal prosecution lifts the bar of the clause;[FN18] and (3) even if this ***502** action may not be maintained against a ****1954** Congressman, whether those respondents who are merely employees of the House may plead the bar of the clause. We find it necessary to treat only the last of these issues.

FN17.Article I, s 6, provides: 'for any Speech or Debate in either House, they (Senators and Representatives) shall not be questioned in any other Place.'

FN18. Petitioners ask the Court to draw a distinction between declaratory relief sought against members of Congress and either an action for damages or a criminal prosecution, emphasizing that our four previous cases concerned 'criminal or civil sanctions of a deterrent nature.'Brief for Petitioners 171.

[8][9] The Speech or Debate Clause, adopted by the Constitutional Convention without debate or opposition,[FN19] finds its roots in the conflict between Parliament and the Crown culminating in the Glorious Revolution of 1688 and the English Bill of Rights of 1689.[FN20] Drawing upon this history, we concluded in United States v. Johnson, supra, at 181, 86 S.Ct. at 755, that the purpose of this clause was 'to prevent intimidation (of legislators) by the executive and accountability before a possibly hostile judiciary.'Although the clause sprang from a fear of seditious libel actions instituted by the Crown to punish unfavorable speeches made in Parliament, [FN21] we have held that it would be a 'narrow view' to confine the protection of the Speech or Debate Clause to words spoken in debate. Committee reports, resolutions, and the act of voting are equally covered, as are ' things generally done in a session of the House by one of its members in relation to the business before it.'Kilbourn v. Thompson, supra, at 204. Furthermore, the clause not only provides a ***503** defense on the merits but also protects a legislator from the burden of defending himself.Dombrowski v. Eastland, supra, at 85, 87 S.Ct. at 1427; see Tenney v. Brandhove, supra, at 377, 71 S.Ct. at 788.

FN19. See 5 Debates on the Federal Constitution 406 (J. Elliot ed. 1876); 2 Records of the Federal Convention of 1787, p. 246 (M. Farrand rev. ed. 1966) (hereinafter cited as Farrand).

FN20. The English Bill of Rights contained a provision substantially identical to Art. I, s 6: 'That the Freedom of Speech, and Debates or Proceedings in Parliament, ought not to be impeached or questioned in any Court or Place out of

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Parliament.' 1 W. & M., Sess. 2, c. 2. The English and American colonial history is traced in some detail in Cella, The Doctrine of Legislative Privilege of Freedom of Speech and Debate: Its Past, Present and Future as a Bar to Criminal Prosecutions in the Courts, 2 Suffolk U.L.R.ev. 1, 3-16 (1968), and Yankwich, The Immunity of Congressional Speech-Its Origin, Meaning and Scope, 99 U.Pa.L.Rev. 960, 961-966 (1951).

FN21.United States v. Johnson, 383 U.S. 169, 182-183, 86 S.Ct. 749, 756-757 (1966).

Our cases make it clear that the legislative immunity created by the Speech or Debate Clause performs an important function in representative government. It insures that legislators are free to represent the interests of their constituents without fear that they will be later called to task in the courts for that representation. Thus, in Tenney v. Brandhove, supra, at 373, 71 S.Ct. at 786, the Court quoted the writings of James Wilson as illuminating the reason for legislative immunity: 'In order to enable and encourage a representative of the publick to discharge his publick trust with firmness and success, it is indispensably necessary, that he should enjoy the fullest liberty of speech, and that he should be protected from the resentment of every one, however powerful, to whom the exercise of that liberty may occasion offense.'[FN22]

FN22. 1 The Works of James Wilson 421 (R. McCloskey ed. 1967).

[10] Legislative immunity does not, of course, bar all judicial review of legislative acts. That issue was settled by implication as early as 1803, see Marbury v. Madison, 1 Cranch (5 U.S.) 137, 2 L.Ed. 60, and expressly in Kilbourn v. Thompson, the first of this Court's cases interpreting the reach of the Speech or Debate Clause. Challenged in Kilbourn was the constitutionality of a House Resolution ordering the arrest and imprisonment of a recalcitrant witness who had refused to respond to a subpoena issued by a House investigating committee. While holding that the Speech or Debate Clause barred Kilbourn's action for false imprisonment brought against several **1955 members of the House, the Court nevertheless reached the merits of Kilbourn's attack and decided that, since the House had no power to punish for contempt, Kilbourn's imprisonment *504 pursuant to the resolution was unconstitutional. It therefore allowed Kilbourn to bring his false imprisonment action against Thompson, the House's Sergeant at Arms, who had executed the warrant for Kilbourn's arrest.

The Court first articulated in Kilbourn and followed in Dombrowski v. Eastland,[FN23] the doctrine that, although an action against a Congressman may be barred by the Speech or Debate Clause, legislative employees who participated in the unconstitutional activity are responsible for their acts. Despite the fact that petitioners brought this suit against several House employees-the Sergeant at Arms, the Doorkeeper and the Clerk-as well as several Congressmen, respondents argue that Kilbourn and Dombrowski are distinguishable. Conceding that in Kilbourn the presence of the Sergeant at Arms and in Dombrowski the presence of a congressional subcommittee counsel as defendants in the litigation allowed judicial review of the challenged congressional action, respondents urge that both cases concerned an affirmative act performed by the employee outside the House having a direct effect upon a private citizen. Here, they continue, the relief sought relates to actions taken by House agents solely within the House. Alternatively, respondents insist that Kilbourn and Dombrowski prayed for damages while petitioner Powell asks that the Sergeant at Arms disburse funds, an assertedly greater interference with the legislative process. We reject the proffered distinctions.

FN23. In Dombrowski $500,000 in damages was sought against a Senator and the chief counsel of a Senate Subcommittee chaired by that Senator. Record in No. 118, O.T.1966, pp. 10-11. We affirmed the grant of summary judgment as to the Senator but reversed as to subcommittee counsel.

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[11][12][13][14][15] That House employees are acting pursuant to express orders of the House does not bar judicial review of the constitutionality of the underlying legislative decision *505 Kilbourn decisively settles this question, since the Sergeant at Arms was held liable for false imprisonment even though he did nothing more than execute the House Resolution that Kilbourn be arrested and imprisoned.[FN24] Respondents' suggestions thus ask us to distinguish between affirmative acts of House employees and situations in which the House orders its employees not to act or between actions for damages and claims for salary. We can find no basis in either the history of the Speech or Debate Clause or our cases for either distinction. The purpose of the protection afforded legislators is not to forestall judicial review of legislative action but to insure that legislators are not distracted from or hindered in the performance of their legislative tasks by being called into court to defend their actions A legislator is no more or no less hindered or distracted by litigation against a legislative employee calling into question the employee's affirmative action than he would be by a lawsuit questioning the employee's failure to act. Nor is the distraction or hindrance increased because the claim is for salary rather than damages, or because the litigation questions action taken by the employee within **1956 rather than without the House. Freedom of legislative activity and the purposes of the Speech or Debate Clause are fully protected if legislators are relieved of the burden of defending themselves.[FN25] In Kilbourn and Dombrowski *506 we thus dismissed the action against members of Congress but did not regard the Speech or Debate Clause as a bar to reviewing the merits of the challenged congressional action since congressional employees were also sued. Similarly, though this action may be dismissed against the Congressmen petitioners are entitled to maintain their action against House employees and to judicial review of the propriety of the decision to exclude petitioner Powell.[FN26] As was said in Kilbourn, in language which time has not dimmed:

'Especially is it competent and proper for this court to consider whether its (the legislature's) proceedings are in conformity with the Constitution and laws, because, living under a written constitution, no branch or department of the government is supreme; and it is the province and duty of the judicial department to determine in cases regularly brought before them, whether the powers of any branch of the government, and even those of the legislature in the enactment of laws, have been exercised in conformity to the Constitution; and if they have not, to treat their acts as null and void.'103 U.S., at 199.

FN24. The Court in Kilbourn quoted extensively from Stockdale v. Hansard, 9 Ad. & E. 1, 114, 112 Eng.Rep. 1112, 1156 (Q.B.1839), to refute the assertion that House agents were immune because they were executing orders of the House: '(I)f the Speaker, by authority of the House, order an illegal Act, though that authority shall exempt him from question, his order shall no more justify the person who executed it than King Charles's warrant for levying ship-money could justify his revenue officer.'Kilbourn eventually recovered $20,000 against Thompson. See Kilbourn v. Thompson, MacArth. & M. 401, 432 (Sup.Ct.D.C.1883).

FN25. A Congressman is not by virtue of the Speech or Debate Clause absolved of the responsibility of filing a motion to dismiss and the trial court must still determine the applicability of the clause to plaintiff's action. See Tenney v. Brandhove, 341 U.S. 367, 377, 71 S.Ct. 783, 788 (1951).

FN26. Given our disposition of this issue, we need not decide whether under the Speech or Debate Clause petitioners would be entitled to maintain this action solely against members of Congress where no agents participated in the challenged action and no other remedy was available. Cf. Kilbourn v. Thompson, 103 U.S. 168, 204-205 (1881). and no other remedy was available.

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IV.

EXCLUSION OR EXPULSION.

[16] The resolution excluding petitioner Powell was adopted by a vote in excess of two-thirds of the 434 Members of *507 Congress-307 to 116. 113 Cong.Rec. 5037-5038,Article I, s 5, grants the House authority to expel a member 'with the Concurrence of two thirds.'[FN27] Respondents assert that the House may expel a member for any reason whatsoever and that, since a two-thirds vote was obtained, the procedure by which Powell was denied his seat in the 90th Congress should be regarded as an expulsion, not an exclusion. Cautioning us not to exalt form over substance, respondents quote from the concurring opinion of Judge McGowan in the court below:

> FN27. Powell was 'excluded' from the 90th Congress, i.e., he was not administered the oath of office and was prevented from taking his seat. If he had been allowed to take the oath and subsequently had been required to surrender his seat, the House's action would have constituted an 'explusion'. Since we conclude that Powell was excluded from the 90th Congress, we express no view on what limitations may exist on Congress' power to expel or otherwise punish a member once he has been seated.

'Appellant Powell's cause of action for a judicially compelled seating thus boils down, in my view, to the narrow issue of whether a member found by his colleagues * * * to have engaged in official misconduct must, because of the accidents of timing, be formally admitted before he can be either investigated or expelled. The sponsor of the motion to exclude stated on the floor that he was proceeding on the theory that the power to expel included the power to exclude, provided a 2/3 vote was forthcoming. It was. Therefore, success for Mr. Powell on the **1957 merits would mean that the District Court must admonish the House that it is form, not substance, that should govern in great affairs, and accordingly command the House members to act out a charade.'129 U.S.App.D.C., at 383-384, 395 F.2d, at 606-607.

*508 Although respondents repeatedly urge this Court not to speculate as to the reasons for Powell's exclusion, their attempt to equate exclusion with expulsion would require a similar speculation that the House would have voted to expel Powell had it been faced with that question. Powell had not been seated at the time House Resolution No. 278 was debated and passed. After a motion to bring the Select Committee's proposed resolution to an immediate vote had been defeated, an amendment was offered which mandated Powell's exclusion.[FN28] Mr. Celler, chairman of the Select Committee, then posed a parliamentary inquiry to determine whether a two-thirds vote was necessary to pass the resolution if so amended 'in the sense that it might amount to an expulsion.'113 Cong.Rec. 5020. The Speaker replied that 'action by a majority vote would be in accordance with the rules.'Ibid. Had the amendment been regarded as an attempt to expel Powell, a two-thirds vote would have been constitutionally required. The Speaker ruled that the House was voting to exclude Powell, and we will not speculate what the result might have been if Powell had been seated and expulsion proceedings subsequently instituted.

> FN28. House Resolution No. 278, as amended and adopted, provided: 'That said Adam Clayton Powell * * * be and the same hereby is excluded from membership in the 90th Congress * * *.'113 Cong.Rec. 5020. (Emphasis added.)

Nor is the distinction between exclusion and expulsion merely one of form. The misconduct for which Powell was charged occurred prior to the convening of the 90th Congress. On several occasions the House has debated whether a member can be expelled for actions taken during a prior Congress and the House's own manual of procedure applicable in the 90th Congress states that 'both Houses have distrusted their power to punish in such cases.'Rules of the House of Representatives,

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H.R.Doc. No. 529, 89th Cong., 2d Sess., 25 (1967); *509 see G. Galloway, History of the House of Representatives 32 (1961). The House rules manual reflects positions taken by prior Congresses. For example, the report of the Select Committee appointed to consider the expulsion of John W. Langley states unequivocally that the House will not expel a member for misconduct committed during an earlier Congress:

'(I)t must be said that with practical uniformity the precedents in such cases are to the effect that the House will not expel a Member for reprehensible action prior to his election as a Member, not even for conviction for an offense. On May 23, 1884, Speaker Carlisle decided that the House had no right to punish a Member for any offense alleged to have been committed previous to the time when he was elected a Member, and added, 'That has been so frequently decided in the House that it is no longer a matter of dispute. ""'H.R.Rep. No. 30, 69th Cong., 1st Sess., 1-2 (1925).[FN29]

FN29. Other Congresses have expressed an identical view. The Report of the Judiciary Committee concerning the proposed expulsion of William S. King and John G. Schumaker informed the House:

'Your committee are of opinion that the House of Representatives has no authority to take jurisdiction of violations of law or offenses committed against a previous Congress. This is purely a legislative body, and entirely unsuited for the trial of crimes. The fifth section of the first article of the Constitution authorizes 'each house to determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.'This power is evidently given to enable each house to exercise its constitutional function of legislation unobstructed. It cannot vest in Congress a jurisdiction to try a member for an offense committed before his election; for such offense a member, like any other citizen, is amenable to the courts alone.'H.R.Rep.No.815, 44th Cong., 1st Sess., 2 (1876).

See also 15 Cong.Rec. 4434 (1884) (ruling of the Speaker); H.R.Rep.No.81, 42d Cong., 3d Sess., 8 (1873) (expulsion of James Brooks and Oakes Ames); H.R.Rep.No.179, 35th Cong., 1st Sess., 4-5 (1858) (expulsion of Orsamus B. Matteson).

**1958 *510 Members of the House having expressed a belief that such strictures apply to its own power to expel, we will not assume that two-thirds of its members would have expelled Powell for his prior conduct had the Speaker announced that House Resolution No. 278 was for expulsion rather than exclusion.[FN30]

FN30. We express no view as to whether such a ruling would have been proper. A further distinction between expulsion and exclusion inheres in the fact that a member whose expulsion is contemplated may as a matter of right address the House and participate fully in debate while a member-elect apparently does not have a similar right. In prior cases the member whose expulsion was under debate has been allowed to make a long and often impassioned defense. See Cong. Globe, 42d Cong., 3d Sess., 1723 (1873) (expulsion of Oakes Ames); Cong. Globe, 41st Cong., 2d Sess., 1524-1525, 1544 (1870) (expulsion of B. F. Whittermore); Cong. Globe, 34th Cong., 3d Sess., 925-926 (1857) (expulsion of William A. Gilbert); Cong. Globe, 34th Cong., 3d Sess., 947-951 (1857) (expulsion of William W. Welch); 9 Annals of Cong. 2966 (1799) (expulsion of Matthew Lyon). On at least one occasion the member has been allowed to cross-examine other members during the expulsion debate. 2 A. Hinds, Precedents of the House of Representatives s 1643 (1907).

[17] Finally, the proceedings which culminated in Powell's exclusion cast considerable doubt upon respondents' assumption that the two-thirds vote necessary to expel would have been mustered. These proceedings have been succinctly described by Congressman Eckhardt:

'The House voted 202 votes for the previous

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question[FN31] leading toward the adoption of the (Select) Committee report. It voted 222 votes against the previous question, opening the floor for the Curtis Amendment which ultimately excluded Powell.

FN31. A motion for the previous question is a debate-limiting device which, when carried, has the effect of terminating debate and of forcing a vote on the subject at hand. See Rules of the House of Representatives, H.R.Doc.No.529, 89th Cong., 2d Sess., ss 804-809 (1967); Cannon's Procedure in the House of Representatives, H.R.Doc.No.610, 87th Cong., 2d Sess., 277-281 (1963).

*511 'Upon adoption of the Curtis Amendment, the vote again fell short of two-thirds, being 248 yeas to 176 nays. Only on the final vote, adopting the Resolution as amended, was more than a two-thirds vote obtained, the vote being 307 yeas to 116 nays. On this last vote, as a practical matter, members who would not have denied Powell a seat if they were given the choice to punish him had to cast an aye vote or else record themselves as opposed to the only punishment that was likely to come before the House. Had the matter come up through the processes of expulsion, it appears that the two-thirds vote would have failed, and then members would have been able to apply a lesser penalty.'[FN32]

FN32. Eckhardt, The Adam Clayton Powell Case, 45 Texas L.Rev. 1205, 1209 (1967). The views of Congressman Eckhardt were echoed during the exclusion proceedings. Congressman Cleveland stated that, although he voted in favor of and supported the Select Committee's recommendation, if the exclusion amendment received a favorable vote on the motion for the previous question, then he would support the amendment 'on final passage.' 113 Cong.Rec. 5031. Congressman Gubser was even more explicit:
'I shall vote against the previous question on the Curtis amendment simply because I believe future and perfecting amendments should be allowed. But if the previous question is ordered, then I will be placed on the horns of an impossible dilemma.
'Mr. Speaker, I want to expel Adam Clayton Powell, by seating him first, but that will not be my choice when the Curtis amendment is before us. I will be forced to vote for exclusion, about which I have great constitutional doubts, or to vote for no punishment at all. Given this raw and isolated issue, the only alternative I can follow is to vote for the Curtis amendment. I shall do so, Mr. Speaker, with great reservation.'Ibid.

**1959 We need express no opinion as to the accuracy of Congressman Eckhardt's prediction that expulsion proceedings would have produced a different result. However, the House's own views of the extent of its power to expel *512 combined with the Congressman's analysis counsel that exclusion and expulsion are not fungible proceedings. The Speaker ruled that House Resolution No. 278 contemplated an exclusion proceeding. We must reject respondents' suggestion that we overrule the Speaker and hold that, although the House manifested an intent to exclude Powell, its action should be tested by whatever standards may govern an expulsion.

V.

SUBJECT MATTER JURISDICTION.

[18][19] As we pointed out in Baker v. Carr, 369 U.S. 186, 198, 82 S.Ct. 691, 699, 7 L.Ed.2d 663 (1962), there is a significant difference between determining whether a federal court has ' jurisdiction of the subject matter' and determining whether a cause over which a court has subject matter jurisdiction is 'justiciable.' The District Court determined that 'to decide this case on the merits * * * would constitute a clear violation of the doctrine of separation of powers' and then dismissed the complaint 'for want of jurisdiction of the subject matter.'Powell v. McCormack, 266 F.Supp.

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354, 359, 360 (D.C.D.C.1967). However, as the Court of Appeals correctly recognized, the doctrine of separation of powers is more properly considered in determining whether the case is 'justiciable.' We agree with the unanimous conclusion of the Court of Appeals that the District Court had jurisdiction over the subject matter of this case. [FN33] However, for reasons set forth in Part VI, infra, we disagree with the Court of Appeals' conclusion that this case is not justiciable.

FN33. Although each judge of the panel wrote a separate opinion, all were clear in stating that the District Court possessed subject matter jurisdiction.Powell v. McCormack, 129 U.S.App.D.C. 354, 368, 384, 385, 395 F.2d 577, 591, 607, 608 (1968).

[20][21] In Baker v. Carr, supra, we noted that a federal district court lacks jurisdiction over the subject matter (1) if the *513 cause does not 'arise under' the Federal Constitution, laws, or treaties (or fall within one of the other enumerated categories of Art. III); or (2) if it is not a 'case or controversy' within the meaning of that phrase in Art. III; or (3) if the cause is not one described by any jurisdictional statute. And, as in Baker v. Carr, supra, our determination (see Part VI, B(1) infra) that this cause presents no non-justiciable 'political question' disposes of respondents' contentions[FN34] that this cause is not a 'case or controversy.'[FN35]

FN34. We have determined that the case is not moot. See Part II, supra.

FN35. Indeed, the thrust of respondents' argument on this jurisdictional issue is similar to their contentions that this case presents a nonjusticiable 'political question.' They urge that it would have been 'unthinkable' to the Framers of the Constitution for courts to review the decision of a legislature to exclude a member. However, we have previously determined that a claim alleging that a legislature has abridged an individual's constitutional rights by refusing to seat an elected representative constitutes a 'case or controversy' over which federal courts have jurisdiction. See Bond v. Floyd, 385 U.S. 116, 131, 87 S.Ct. 339, 347, 17 L.Ed.2d 235 (1966). To the extent the expectations of the Framers are discernible and relevant to this case, they must therefore relate to the special problem of review by federal courts of actions of the federal legislature. This is of course a problem of separation of powers and is to be considered in determining justiciability. See Baker v. Carr, 369 U.S. 186, 210, 82 S.Ct. 691, 706 (1962).

**1960 Respondents first contend that this is not a case 'arising under' the Constitution within the meaning of Art. III. They emphasize that Art. I, s 5, assigns to each House of Congress the power to judge the elections and qualifications of its own members and to punish its members for disorderly behavior. Respondents also note that under Art. I, s 3, the Senate has the 'sole power' to try all impeachments. Respondents argue that these delegations (to 'judge,' to 'punish,' and to 'try') to the Legislative Branch are explicit grants of ' judicial power' to the Congress and constitute specific exceptions *514 to the general mandate of Art. III that the 'judicial power' shall be vested in the federal courts. Thus, respondents maintain, the ' power conferred on the courts by article III does not authorize this Court to do anything more than declare its lack of jurisdiction to proceed.'[FN36]

FN36. Brief for Respondents 39.

[22] We reject this contention.Article III, s 1, provides that the 'judicial Power * * * shall be vested in one supreme Court, and in such inferior Courts as the Congress may * * * establish.'Further, s 2 mandates that the 'judicial Power shall extend to all Cases * * * arising under this Constitution * * *.' It has long been held that a suit 'arises under' the Constitution if a petitioner's claim 'will be sustained if the Constitution * * * (is) given one construction and will be defeated if (it is) given another.'[FN37]Bell v. Hood, 327 U.S. 678, 685, 66

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S.Ct. 773, 777, 90 L.Ed. 939 (1946). See King County v. Seattle School District No. 1, 263 U.S. 361, 363-364, 44 S.Ct. 127, 127-128, 68 L.Ed. 339 (1923). Cf. Osborn v. Bank of the United States, 9 Wheat. 738, 6 L.Ed. 204 (1824). See generally C. Wright, Federal Courts 48-52 (1963). Thus, this case clearly is one 'arising under' the Constitution as the Court has interpreted that phrase. Any bar to federal courts reviewing the judgments made by the House or Senate in excluding a member arises from the allocation of powers between the two branches of the Federal Government (a question of justiciability), and not from the petitioners' failure to state a claim based on federal law.

FN37. Petitioners' complaint is predicated, inter alia, on several sections of Article I, Article III, and several amendments to the Constitution. Respondents do not challenge the substantiality of these claims.

Respondents next contend that the Court of Appeals erred in ruling that petitioners' suit is authorized by a jurisdictional statute, i.e., 28 U.S.C. s 1331(a)*515 Section 1331(a) provides that district courts shall have jurisdiction in 'all civil actions wherein the matter in controversy * * * arises under the Constitution * * *.' Respondents urge that even though a case may 'arise under the Constitution' for purposes of Art. III, it does not necessarily ' arise under the Constitution' for purposes of s 1331(a). Although they recognize there is little legislative history concerning the enactment of s 1331(a), respondents argue that the history of the period when the section was first enacted indicates that the drafters did not intend to include suits questioning the exclusion of Congressmen in this grant of 'federal question' jurisdiction.

Respondents claim that the passage of the Force Act FN38 in 1870 lends support to their interpretation of the intended **1961 scope of s 1331. The Force Act gives the district courts jurisdiction over 'any civil action to recover possession of any office * * * wherein it appears that the sole question * * * arises out of denial of the right to vote * * * on account of race, color or previous condition of servitude.' However, the Act specifically excludes suits concerning the office of Congressman. Respondents maintain that this exclusion demonstrates Congress' intention to prohibit federal courts from entertaining suits regarding the seating of Congressmen.

FN38. Act of May 31, 1870, s 23, 16 Stat. 146. The statute is now 28 U.S.C. s 1344.

[23] We have noted that the grant of jurisdiction in s 1331(a), while made in the language used in Art. III, is not in all respects co-extensive with the potential for federal jurisdiction found in Art. III. See Zwickler v. Koota, 389 U.S. 241, 246, 88 S.Ct. 391, 394, 19 L.Ed.2d 444, n. 8 (1967). Nevertheless, it has generally been recognized that the intent of the drafters was to provide a broad jurisdictional grant to the federal courts. See, e.g., Mishkin, The Federal 'Question' in the District Courts, 53 Col.L.Rev.*516 157, 160 (1953); Chadbourn & Levin, Original Jurisdiction of Federal Questions, 90 U.Pa.L.Rev. 639, 644-645 (1942). And, as noted above, the resolution of this case depends directly on construction of the Constitution. The Court has consistently held such suits are authorized by the statute.Bell v. Hood, supra;King County v. Seattle School District No. 1, supra.See, e.g., Gully v. First Nat. Bank in Meridian, 299 U.S. 109, 112, 57 S.Ct. 96, 97, 81 L.Ed. 70 (1936); The Fair v. Kohler Die & Specialty Co., 228 U.S. 22, 25, 33 S.Ct. 410, 411, 57 L.Ed. 716 (1913).

[24] As respondents recognize, there is nothing in the wording or legislative history of s 1331 or in the decisions of this Court which would indicate that there is any basis for the interpretation they would give that section. Nor do we think the passage of the Force Act indicates that s 1331 does not confer jurisdiction in this case. The Force Act is limited to election challenges where a denial of the right to vote in violation of the Fifteenth Amendment is alleged. See 28 U.S.C. s 1344. Further, the Act was passed five years before the original version of s 1331 was enacted. While it might be inferred that Congress intended to give each House the exclusive power to decide congressional election challenges, FN39 there is absolutely no indication that the

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passage of this Act evidences an intention to impose other restrictions on the broad grant of jurisdiction in s 1331.

FN39. See Cong.Globe, 41st Cong., 2d Sess., 3872 (1870).

VI.

JUSTICIABILITY.

Having concluded that the Court of Appeals correctly ruled that the District Court had jurisdiction over the subject matter, we turn to the question whether the case is justiciable. Two determinations must be made in this regard. First, we must decide whether the claim *517 presented and the relief sought are of the type which admit of judicial resolution. Second, we must determine whether the structure of the Federal Government renders the issue presented a 'political question' -that is, a question which is not justiciable in federal court because of the separation of powers provided by the Constitution.

A. General Considerations.

[25] In deciding generally whether a claim is justiciable, a court must determine whether 'the duty asserted can be judicially identified and its breach judicially determined, and whether protection for the right asserted can be judicially molded.'**1962Baker v. Carr, supra, at 198, 82 S.Ct. at 700. Respondents do not seriously contend that the duty asserted and its alleged breach cannot be judicially determined. If petitioners are correct, the House had a duty to seat Powell once it determined he met the standing requirements set forth in the Constitution. It is undisputed that he met those requirements and that he was nevertheless excluded.

Respondents do maintain, however, that this case is not justiciable because, they assert, it is impossible for a federal court to 'mold effective relief for resolving this case.'Respondents emphasize that petitioners asked for coercive relief against the officers of the House, and, they contend, federal courts cannot issue mandamus or injunctions compelling officers or employees of the House to perform specific official acts. Respondents rely primarily on the Speech or Debate Clause to support this contention.

[26][27][28] We need express no opinion about the appropriateness of coercive relief in this case, for petitioners sought a declaratory judgment, a form of relief the District Court could have issued. The Declaratory Judgment Act, 28 U.S.C. s 2201, provides that a district court may 'declare the rights * * * of any interested party * * * whether or not further relief is or could be sought.'The *518 availability of declaratory relief depends on whether there is a live dispute between the parties, Golden v. Zwickler, 394 U.S. 103, 89 S.Ct. 956, 22 L.Ed.2d 113 (1969), and a request for declaratory relief may be considered independently of whether other forms of relief are appropriate. See United Public Workers of America v. Mitchell, 330 U.S. 75, 93, 67 S.Ct. 556, 566, 91 L.Ed. 754 (1947); 6A J. Moore, Federal Practice 57.08(3) (2d ed. 1966); cf. United States v. California, 332 U.S. 19, 25-26, 67 S.Ct. 1658, 1661-1662, 91 L.Ed. 1889 (1947). We thus conclude that in terms of the general criteria of justiciability, this case is justiciable.

B. Political Question Doctrine.

1. Textually Demonstrable Constitutional Commitment.

[29] Respondents maintain that even if this case is otherwise justiciable, it presents only a political question. It is well established that the federal courts will not adjudicate political questions. See, e.g., Coleman v. Miller, 307 U.S. 433, 59 S.Ct. 972, 83 L.Ed. 1385 (1939); Oetjen v. Central Leather Co., 246 U.S. 297, 38 S.Ct. 309, 62 L.Ed. 726 (1918). In Baker v. Carr, supra, we noted that political questions are not justiciable primarily because of the separation of powers within the Federal Government. After reviewing our decisions in this area, we concluded that on the surface of any case held to involve a political question was at least

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one of the following formulations:
'a textually demonstrable constitutional commitment of the issue to a co-ordinate political department; or a lack of judicially discoverable and manageable standards for resolving it; or the impossibility of deciding without an initial policy determination of a kind clearly for nonjudicial discretion; or the impossibility of a court's undertaking independent resolution without expressing lack of the respect due co-ordinate branches of government; or an unusual need for unquestioning adherence to a political decision already made; or the potentiality ***519** of embarrassment from multifarious pronouncements by various departments on one question.'369 U.S., at 217, 82 S.Ct., at 710.

[30] Respondents' first contention is that this case presents a political question because under Art. I, s 5, there has been a 'textually demonstrable constitutional commitment' to the House of the ' adjudicatory power' to determine Powell's qualifications. Thus it is argued that the House, and the House ****1963** alone, has power to determine who is qualified to be a member.[FN40]

FN40. Respondents rely on Barry v. United States ex rel. Cunningham, 279 U.S. 597, 49 S.Ct. 452, 73 L.Ed. 867 (1929). Barry involved the power of the Senate to issue an arrest warrant to summon a witness to give testimony concerning a senatorial election. The Court ruled that issuance of the warrant was constitutional, relying on the power of the Senate under Art. I, s 5, to be the judge of the elections of its members. Respondents particularly rely on language the Court used in discussing the power conferred by Art. I, s 5. The Court noted that under s 5 the Senate could 'render a judgment which is beyond the authority of any other tribunal to review.'Id., at 613, 49 S.Ct. at 455.

Barry provides no support for respondents' argument that this case is not justiciable, however.First, in Barry the Court reached the merits of the controversy, thus indicating that actions allegedly taken pursuant to Art. I, s 5, are not automatically immune from judicial review. Second, the quoted statement is dictum; and, later in the same opinion, the Court noted that the Senate may exercise its power subject 'to the restraints imposed by or found in the implications of the Constitution.'Id., at 614, 49 S.Ct. at 455. Third, of course, the statement in Barry leaves open the particular question that must first be resolved in this case: the existence and scope of the textual commitment to the House to judge the qualifications of members.

In order to determine whether there has been a textual commitment to a coordinate department of the Government, we must interpret the Constitution. In other words, we must first determine what power the Constitution confers upon the House through Art. I, s 5, before we can determine to what extent, if any, the exercise of that power is subject to judicial review. Respondents***520** maintain that the House has broad power under s 5, and, they argue, the House may determine which are the qualifications necessary for membership. On the other hand, petitioners allege that the Constitution provides that an elected representative may be denied his seat only if the House finds he does not meet one of the standing qualifications expressly prescribed by the Constitution.

If examination of s 5 disclosed that the Constitution gives the House judicially unreviewable power to set qualifications for membership and to judge whether prospective members meet those qualifications, further review of the House determination might well be barred by the political question doctrine. On the other hand, if the Constitution gives the House power to judge only whether elected members possess the three standing qualifications set forth in the Constitution,[FN41] further consideration would be necessary to determine whether any of the other formulations of the political question doctrine are ***521** ' inextricable from the case at bar.'[FN42]Baker v. Carr, supra, at 217, 82 S.Ct. at 710.

FN41. In addition to the three

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qualifications set forth in Art. I, s 2, Art. I, s 3, cl. 7, authorizes the disqualification of any person convicted in an impeachment proceeding from 'any Office of honor, Trust or Profit under the United States'; Art. I, s 6, cl. 2, provides that 'no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office'; and s 3 of the 14th Amendment disqualifies any person 'who, having previously taken an oath * * * to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof.'It has been argued that each of these provisions, as well as the Guarantee Clause of Article IV and the oath requirement of Art. VI, cl. 3, is no less a ' qualification' within the meaning of Art. I, s 5, than those set forth in Art. I, s 2. Dionisopoulos, A Commentary on the Constitutional Issues in the Powell and Related Cases, 17 J.Pub.L. 103, 111-115 (1968). We need not reach this question, however, since both sides agree that Powell was not ineligible under any of these provisions.

FN42. Consistent with this interpretation, federal courts might still be barred by the political question doctrine from reviewing the House's factual determination that a member did not meet one of the standing qualifications. This is an issue not presented in this case and we express no view as to its resolution.

**1964 In other words, whether there is a 'textually demonstrable constitutional commitment of the issue to a coordinate political department' of government and what is the scope of such commitment are questions we must resolve for the first time in this case.[FN43] For, as we pointed out in Baker v. Carr, supra,'(d)eciding whether a matter has in any measure been committed by the Constitution to another branch of government, or whether the action of that branch exceeds whatever authority has been committed, is itself a delicate exercise in constitutional interpretation, and is a responsibility of this Court as ultimate interpreter of the Constitution.'Id., at 211, 82 S.Ct. at 706.

FN43. Indeed, the force of respondents' other arguments that this case presents a political question depends in great measure on the resolution of the textual commitment question. See Part VI, B(2), infra.

[31] In order to determine the scope of any 'textual commitment' under Art. I, s 5, we necessarily must determine the meaning of the phrase to 'be the Judge of the Qualifications of its own Members.' Petitioners argue that the records of the debates during the Constitutional Convention; available commentary from the post-Convention, pre-ratification period; and early congressional applications of Art. I, s 5, support their construction of the section. Respondents insist, however, that a careful examination of the pre-Convention practices of the English Parliament and American colonial assemblies demonstrates that by 1787, a legislature's power to judge the qualifications of its members was generally understood*522 to encompass exclusion or expulsion on the ground that an individual's character or past conduct rendered him unfit to serve. When the Constitution and the debates over its adoption are thus viewed in historical perspective, argue respondents, it becomes clear that the 'qualifications' expressly set forth in the Constitution were not meant to limit the long-recognized legislative power to exclude or expel at will, but merely to establish 'standing incapacities,' which could be altered only by a constitutional amendment. Our examination of the relevant historical materials leads us to the conclusion that petitioners are correct and that the Constitution leaves the House[FN44] without authority to exclude any person, duly elected by his constituents, who meets all the requirements for membership expressly prescribed in the Constitution.

FN44. Since Art. I, s 5, cl. 1, applies to both Houses of Congress, the scope of the

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Senate's power to judge the qualifications of its members necessarily is identical to the scope of the House's power, with the exception, of course, that Art. I, s 3, cl. 3, establishes different age and citizenship requirements for membership in the Senate.

a. The Pre-Convention Precedents.

Since our rejection of respondents' interpretation of s 5 results in significant measure from a disagreement with their historical analysis, we must consider the relevant historical antecedents in considerable detail. As do respondents, we begin with the English and colonial precedents.

The earliest English exclusion precedent appears to be a declaration by the House of Commons in 1553 'that Alex. Nowell, being Prebendary (i.e., a clergyman) in Westminster, and thereby having voice in the Convocation House, cannot be a member of this House * * *.' J. Tanner, Tudor Constitutional Documents: A.D. 1485-1603, p. 596 (2d ed. 1930). This decision, however, was *523 consistent with a long-established tradition that clergy who participated in their own representative assemblies or convocations were ineligible for membership in the House of Commons.[FN45] See 1 E. Porritt, **1965 The Unreformed House of Commons 125 (1963); T. Taswell-Langmead's English Constitutional History 142-143 (11th ed. T. Plucknett 1960). The traditional ineligibility of clergymen was recognized as a standing incapacity.[FN46] See 1 W. Blackstone's Commentaries *175. Nowell's exclusion, therefore, is irrelevant to the present case, for petitioners concede-and we agree-that if Powell had not met one of the standing qualifications set forth in the Constitution, he could have been excluded under Art. I, s 5. The earliest colonial exclusions also fail to support respondents' theory.[FN47]

FN45. Since the reign of Henry IV (1399-1413), no clergyman had sat in the House of Commons. 1 E. Porritt, The Unreformed House of Commons 125 (1963).

FN46. Because the British do not have a written constitution, standing incapacities or disqualifications for membership in Parliament are derived from 'the custom and law of parliament.' 1 W. Blackstone's Commentaries *162; see id., at *175. The groups thus disqualified as of 1770 included aliens; minors; judges who sat in the House of Lords; clergy who were represented in their own convocation; persons 'attainted of treason or felony'; sheriffs, mayors, and bailiffs as representatives for their own jurisdictions; and certain taxing officials and officers of the Crown. Id., at *175-176. Not until the exclusion of John Wilkes, discussed infra, did Blackstone subscribe to the theory that, in addition, the Commons could declare ineligible an individual 'in particular (unspecified) circumstances * * * for that parliament' if it deemed him unfit to serve on grounds not encompassed by the recognized standing incapacities. As we explain, infra, this position was subsequently repudiated by the House in 1782. A Clerk of the House of Commons later referred to cases in which this theory was relied upon 'as examples of an excess of * * * jurisdiction by the Commons; for one house of Parliament cannot create a disability unknown to the law.'T. May's Parliamentary Practice 67 (13th ed. T. Webster 1924).

FN47. In 1619, the Virginia House of Burgesses challenged the eligibility of certain delegates on the ground that they did not hold their plantations under proper patents from the Virginia Company in England. See generally 7 The Federal and State Constitutions, Colonia Charters, and Other Organic Laws 3783-3810 (F. Thorpe ed. 1909) (hereinafter cited as Thorpe). One of them, a Captain Warde, was admitted on condition that he obtain the necessary patent. The others, representatives from Martin's Brandon plantation, were excluded on the ground that the owner of the plantation had

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claimed that his patent exempted him from the colony's laws. See Journals of the House of Burgesses of Virginia: 1619-1658/59, pp. 4-5 (1915); M. Clarke, Parliamentary Privilege in the American Colonies 133-134 (1943). The questions presented by these two cases, therefore, seem to be jurisdictional in nature; that is, an attempt was made to gain representation for plantations over which the assembly may have had no power to act. Thus viewed these cases are analogous to the exclusions for failure to comply with standing qualifications. They certainly are not precedents which support the view that a legislative body could exclude members for mere character defects or prior misconduct disapproved by the assembly. See generally Clarke, supra, at 132-204; J. Greene, The Quest for Power: The Lower Houses of Assembly in the Southern Royal Colonies: 1689-1776, pp. 171-204 (1963).

*524 Respondents' remaining 16th and 17th century English precedents all are cases of expulsion, although some were for misdeeds not encompassed within recognized standing incapacities existing either at the time of the expulsions or at the time the Constitution was drafted in 1787.[FN48] Although these early expulsion orders occasionally contained statements suggesting that the individual expelled was thereafter ineligible for re-election, at least for **1966 the duration of the Parliament from which he was expelled,[FN49]*525 there is no indication that any were re-elected and thereafter excluded. Respondents' colonial precedents during this period follow a similar pattern.[FN50]

FN48. For example, in 1585 the Commons expelled a Doctor Parry for unspecified misbehavior. A Compleat Journal of the Votes, Speeches and Debates of the House of Lords and House of Commons Throughout the Whole Reign of Queen Elizabeth, of Glorious Memory 352 (S. D'Ewes ed. 1708); and in 1628 Sir Edmund Sawyer was expelled because he had sought to induce a witness to suppress evidence against Sir Edmund in testimony before the House. 1 H.C.Jour. 917.

FN49. In expelling Sir Edmund Sawyer in 1628, the Commons declared 'him to be unworthy ever to serve as a Member of this House.'Ibid. Almost identical language was used in the expulsion of H. Benson in 1941.2 id., at 301. But by 1642, the formula had been changed to 'disabled to serve any longer in this Parliament as a Member of this House. * * *'Id., at 703. (Emphasis added.) By the 18th century it was apparently well established that an expulsion by the House of Commons could last no longer than the duration of the Parliament from which the member was expelled. See 1 W. Blackstone's Commentaries *176.

FN50. For example, in 1652, the Virginia House of Burgesses expelled two members for prior conduct disapproved by the assembly, Journals of the House of Burgesses, supra, at 85; and in 1683, Rhode Island expelled a member 'from acting in this present Assembly' for refusing to answer a court summons. 1 S. Arnold, History of the State of Rhode Island and Providence Plantations 289 (1859). See generally Clarke, supra, at 173-204.

Apparently the re-election of an expelled member first occurred in 1712. The House of Commons had expelled Robert Walpole for receiving kickbacks for contracts relating to 'foraging the Troops,' 17 H.C.Jur. 28, and committed him to the Tower. Nevertheless, two months later he was re-elected. The House thereupon resolved '(t)hat Robert Walpole, Esquire, having been, this Session of Parliament, committed a Prisoner to the Tower of London, and expelled (from) this House, * * * is, incapable of being elected a Member to serve in this present Parliament * * *.'Id., at 128.(Second emphasis added.) A new election was ordered, and Walpole was not re-elected. At least two similar exclusions after an initial expulsion were effected in the American colonies during the first half of the

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18th century.[FN51]

FN51. In 1726, the Massachusetts House of Representatives excluded Gershom Woodle, who had been expelled on three previous occasions as 'unworthy to be a Member.' 7 Journals of the House of Representatives of Massachusetts 1726-1727, pp. 4-5, 15, 68-69 (1926). In 1758, North Carolina expelled Francis Brown for perjury. He was re-elected twice in 1760 and excluded on both occasions; however, when he was elected at the 1761 general elections, he was allowed to take his seat. 5 Colonial Records of North Carolina 1057-1058 (1887); 6 id., at 374, 474, 662-663, 672-673 (1888). There may have been similar exclusions of two men elected in 1710 to the New Jersey Assembly. See Clarke, supra, at 197-198.

*526 Respondents urge that the Walpole case provides strong support for their conclusion that the pre-Convention English and colonial practice was that members-elect could be excluded for their prior misdeeds at the sole discretion of the legislative body to which they had been elected. However, this conclusion overlooks an important limiting characteristic of the Walpole case and of both the colonial exclusion cases on which respondents rely: the excluded member had been previously expelled. Moreover, Walpole was excluded only for the remainder of the Parliament from which he had been expelled.'The theory seems to have been that expulsion lasted as long as the parliament * * *.' Taswell-Langmead, supra, at 584, n. 99. Accord, 1 W. Blackstone's Commentaries *176. Thus, Walpole's exclusion justifies only the proposition that an expulsion lasted for the remainder of the particular Parliament, and the expelled member was therefore subject to subsequent exclusion if reelected prior to the next general election. The two colonial cases arguably support a somewhat broader principle, i.e., that the assembly could permanently expel. Apparently the colonies did not consistently adhere to the theory that an expulsion lasted only until the election of **1967 a new assembly. M. Clarke, Parliamentary Privilege in the American Colonies 196-202 (1943).[FN52] Clearly, however, none of these cases supports respondents' contention that by the 18th century the English Parliament *527 and colonial assemblies had assumed absolute discretion to exclude any member-elect they deemed unfit to serve. Rather, they seem to demonstrate that a member could be excluded only if he had first been expelled.

FN52. Significantly, the occasional assumption of this broader expulsion power did not go unchallenged, Clarke, supra, at 196-202; and it was not supported by the only parliamentary precedent, the Walpole case.

Even if these cases could be construed to support respondents' contention, their precedential value was nullified prior to the Constitutional Convention. By 1782, after a long struggle, the arbitrary exercise of the power to exclude was unequivocally repudiated by a House of Commons resolution which ended the most notorious English election dispute of the 18th century-the John Wilkes case. While serving as a member of Parliament in 1763, Wilkes published an attack on a recent peace treaty with France, calling it a product of bribery and condemning the Crown's ministers as "the tools of despotism and corruption."R. Postgate, That Devil Wilkes 53 (1929). Wilkes and others who were involved with the publication in which the attack appeared were arrested.[FN53] Prior to Wilkes' trial, the House of Commons expelled him for publishing 'a false, scandalous, and seditious libel.' 15 Parl.Hist.Eng. 1393 (1764). Wilkes then fled to France and was subsequently sentenced to exile. 9 L. Gipson, The British Empire Before the American Revolution 37 (1956).

FN53. Pursuant to a general warrant, Wilkes was arrested, his home ransacked, and his private papers seized. In his later election campaigns, Wilkes denounced the use of general warrants, asserting that he was fighting for liberty itself. See 11 L. Gipson, the British Empire Before the

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American Revolution 213-214 (1965).

Wilkes returned to England in 1768, the same year in which the Parliament from which he had been expelled was dissolved. He was elected to the next Parliament, and he then surrendered himself to the Court of King's Bench. Wilkes was convicted of seditious libel and sentenced to 22 months' imprisonment. The new Parliament*528 declared him ineligible for membership and ordered that he be 'expelled this House.' 16 Parl.Hist.Eng. 545 (1769). Although Wilkes was re-elected to fill the vacant seat three times, each time the same Parliament declared him ineligible and refused to seat him. See 1 Gipson, supra, at 207-215.[FN54]

FN54. The issue before the Commons was clear: Could the Commons 'put in any disqualification, that is not put in by the law of the land.' 1 H. Cavendish's Debates 384 (J. Wright ed. 1841). The affirmative answer was somewhat less than resounding. After Wilkes' third re-election, the motion to seat his opponent carried 197 to 143.

Wilkes was released from prison in 1770 and was again elected to Parliament in 1774. For the next several years, he unsuccessfully campaigned to have the resolutions expelling him and declaring him incapable of re-election expunged from the record. Finally, in 1782, the House of Commons voted to expunge them, resolving that the prior House actions were 'subversive of the rights of the whole body of electors of this kingdom.' 22 Parl.Hist.Eng. 1411 (1782).

With the successful resolution of Wilkes' long and bitter struggle for the right of the British electorate to be represented by men of their own choice, it is evident that, on the eve of the Constitutional Convention, English precedent stood for the proposition that 'the law of the land had regulated the qualifications **1968 of members to serve in parliament' and those qualifications were 'not occasional but fixed.' 16 Parl.Hist.Eng. 589, 590 (1769). Certainly English practice did not support, nor had it ever supported, respondents' assertion that the power to judge qualifications was generally understood to encompass the right to exclude members-elect for general misconduct not within standing qualifications. With the repudiation in 1782 of the only two precedents *529 for excluding a member-elect who had been previously expelled, [FN55] it appears that the House of Commons also repudiated any 'control over the eligibility of candidates, except in the administration of the laws which define their (standing) qualifications.'T. May's Parliamentary Practice 66 (13th ed. T. Webster 1924). See Taswell-Langmead, supra, at 585.[FN56]

FN55. The validity of the House's action against Wilkes rested to a large extent on the validity of the Walpole precedent. Taswell-Langmead's, supra, at 585. Thus, the House of Commons resolution expunging, as subversive to the rights of the whole electorate, the action taken against Wilkes was also a tacit repudiation of the similar action taken against Walpole in 1712.

FN56. English law is apparently the same today. See T. May's Parliamentary Practice 105-108 (17th ed. B. Cocks 1964).

The resolution of the Wilkes case similarly undermined the precedential value of the earlier colonial exclusions, for the principles upon which they had been based were repudiated by the very body the colonial assemblies sought to imitate and whose precedents they generally followed. See Clarke, supra, at 54, 59-60, 196. Thus, in 1784 the Council of Censors of the Pennsylvania Assembly [FN57] denounced the prior expulsion of an unnamed assemblyman, ruling that his expulsion had not been effected in conformity with the recently enacted Pennsylvania Constitution.[FN58] In the course **1969 of its report, the *530 Council denounced by name the Parliamentary exclusions of both Walpole and Wilkes, stating that they 'reflected dishonor on none but the authors of these violences. 'Pennsylvania Convention Proceedings: 1776 and 1790, p. 89 (1825).

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FN57. The Council of Censors was established by the 1776 Pennsylvania Constitution. It was an elected body that was specifically charged with the duty 'to enquire whether the constitution has been preserved inviolate in every part; and whether the legislative and executive branches of government have performed their duty as guardians of the people, or assumed to themselves, or exercised other or greater powers than they are intitled to by the constitution.'Pa.Const. of 1776, s 47, 5 Thorpe 3091. See Pennsylvania Convention Proceedings: 1776 and 1790, Introduction, iv (1825).

FN58. In discussing the case, respondents characterize the earlier action as an exclusion. The Council of Censors, however, stated that the general assembly had resolved that the member 'is expelled from his seat.' Pennsylvania Convention Procedings, supra, at 89. The account of the dissenting committee members suggests that the term expulsion was properly used. They note that in February 1783 the assembly received a letter from the Comptroller General charging the assemblyman with fraud. Not until September 9, 1783, did the assembly vote to expel him. Presumably, he held his seat until that time. But, even if he had been excluded, arguably he was excluded for not meeting a standing incapacity, since the Pennsylvania Constitution of 1776 required assemblymen to be 'most noted for wisdom and virtue.'Pa.Const. of 1776, s 7, 5 Thorpe 3084. (Emphasis added.) In fact, the dissenting members of the Committee argued that the expelled member was ineligible under this very provision. Pennsylvania Convention Proceedings, supra, at 89.

Respondents cite one other exclusion during the period between the Declaration of Independence and the Constitutional Convention 11 years later. In 1780 the Virginia Assembly excluded John Breckenridge because he was a minor. Minority, of course, was a traditional standing incapacity, and Charles been correct in concluding that this exclusion been correct in concluding that this exlcusion was probably based upon an interpretation of the state constitutional requirement that members must be duly qualified according to law.Va.Const., 7 Thorpe 3816. See C. Warren, The Making of the Constitution 423, n. 1 (1928). Respondents, based upon their misinterpretation of the Pennsylvania case just discussed, criticize Charles Warren for concluding that there had been only one exclusion during this period. Our research, however, has disclosed no other cases.

Wilkes' struggle and his ultimate victory had a significant impact in the American colonies. His advocacy of libertarian causes[FN59] and his pursuit of the right to be ***531** seated in Parliament became a cause ce lebre for the colonists.'(T)he cry of ' Wilkes and Liberty' echoed loudly across the Atlantic Ocean as wide publicity was given to every step of Wolkes's public career in the colonial press * * *. The reaction in America took on significant proportions. Colonials tended to identify their cause with that of Wilkes. They saw him as a popular hero and a martyr to the struggle for liberty. * * * They named towns, counties, and even children in his honour.' 11 Gipson, supra, at 222.[FN60] It is within this historical context that we must examine the Convention debates in 1787, just five years after Wilkes' final victory.

FN59. Wilkes had established a reputation both in England and the Colonies as a champion of free elections, freedom from arbitrary arrest and seizure, and freedom of the press. See 11 Gipson, supra, at 191-222.

FN60. See R. Postgate, That Devil Wilkes 171-172, 173-174 (1929). During the House of Commons debates in 1781, a member remarked that expelling Wilkes had been 'one of the great causes which had separated * * * (England) from America.' 22 Parl.Hist.Eng. 100-101 (1781).

The writings of the pamphleteer 'Junius'

The writings of the pamphleteer 'Junius' were

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widely reprinted in colonial newspapers and lent considerable support to the revolutionary cause. See 3 Dictionary of American History 190 (1940). Letter XVIII of the 'Letters of Junius' bitterly attacked the exclusion of Wilkes. This letter, addressed to Blackstone, asserted:
'You cannot but know, sir, that what was Mr. Wilkes's case yesterday may be yours or mine to-morrow, and that, consequently the common right of every subject of the realm is invaded by it. * * * If the expulsion of a member, not under any legal disability, of itself creates in him an incapacity to be elected, I see a ready way marked out, by which the majority may, at any time, remove the honestest and ablest men who happen to be in opposition to them. To say that they will not make this extravagant use of their power would be a language unfit for a man so learned in the laws as you are. By your doctrine, sir, they have the power: and laws, you know, are intended to guard against what men may do, not to trust to what they will do.' 1 Letters of Junius, Letter XVIII, p. 118 (1821).

*532 b. Convention Debates.

Relying heavily on Charles Warren's analysis[FN61] of the Convention debates, petitioners argue that the proceedings manifest the Framers' unequivocal intention to deny either branch of Congress the authority to add to or otherwise vary the membership qualifications expressly set forth in the Constitution. We do not completely agree, for the debates are subject to other interpretations. However, we have concluded that the records of the debates, viewed in the context of the bitter struggle for the right to freely choose representatives which had recently concluded in England and in light of the distinction the Framers made between the power to expel and the power to exclude, indicate that petitioners' ultimate conclusion is correct.

FN61. See Warren, supra, at 399-426.

The Convention opened in late May 1787. By the end of July, the delegates adopted, with a minimum of debate, age requirements for membership in both the Senate and the House. The Convention then appointed a Committee of Detail to draft a constitution incorporating these and other resolutions adopted during the preceding months. Two days after the **1970 Committee was appointed, George Mason, of Virginia, moved that the Committee consider a clause "requiring certain qualifications of landed property & citizenship" and disqualifying from membership in Congress persons who had unsettled accounts or who were indebted to the United States. 2 Farrand 121. A vigorous debate ensued. Charles Pinckney and General Charles C. Pinckney, both of South Carolina, moved to extend these incapacities to both the judicial and executive branches of the new government. But John Dickinson, of Delaware, opposed the inclusion of any statement of qualifications in the Constitution. He argued that it would be 'impossible*533 to make a compleat one, and a partial one would by implication tie up the hands of the Legislature from supplying the omissions.'Id., at 123.[FN62] Dickinson's argument was rejected; and, after eliminating the disqualification of debtors and the limitation to ' landed' property, the Convention adopted Mason's proposal to instruct the Committee of Detail to draft a property qualification. Id., at 116-117.

FN62. Dickinson also said that a built-in veneration for wealth would be inconsistent with the republican ideal that merit alone should determine who holds the public trust. 2 Farrand 123.

The Committee reported in early August, proposing no change in the age requirement; however, it did recommend adding citizenship and residency requirements for membership. After first debating what the precise requirements should be, on August 8, 1787, the delegates unanimously adopted the three qualifications embodied in Art. I, s 2. Id., at 213.[FN63]

FN63. On August 10, a delegate moved to reconsider the citizenship qualification. The delegate proposed to substitute a three-year requirement for the seven-year requirement already agreed upon. The motion passed. Id., at 251. However,

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when this proposal was considered on August 13, it was rejected. Id., at 265-266. infra.

On August 10, the Convention considered the Committee of Detail's proposal that the 'Legislature of the United States shall have authority to establish such uniform qualifications of the members of each House, with regard to property, as to the said Legislature shall seem expedient.'Id., at 179. The debate on this proposal discloses much about the views of the Framers on the issue of qualifications. For example, James Madison urged its rejection, stating that the proposal would vest
'an improper & dangerous power in the Legislature. The qualifications of electors and elected were fundamental articles in a Republican Govt. and ought to be fixed by the Constitution. If the Legislature *534 could regulate those of either, it can by degrees subvert the Constitution. A Republic may be converted into an aristocracy or oligarchy as well by limiting the number capable of being elected, as the number authorised to elect. * * * It was a power also, which might be made subservient to the views of one faction agst. another. Qualifications founded on artificial distinctions may be devised, by the stronger in order to keep out partizans of (a weaker) faction.'Id., at 249-250.[FN64]

FN64. Charles Pinckney proposed that the President, judges, and legislators of the United States be required to swear that they possessed a specified amount of unincumbered property. Benjamin Franklin expressed his strong opposition, observing that '(s)ome of the greatest rogues he was ever acquainted with, were the richest rogues.'Id., at 249. He voiced the fear that a property requirement would 'discourage the common people from removing to this Country.'Ibid. Thereafter, 'the Motion of Mr. Pinkney (sic) was rejected Motion of Mr. Pinkney (sic) was rejected by so general a no, that the States were not called.'Ibid. (Emphasis in original.)

**1971 Significantly, Madison's argument was not aimed at the imposition of a property qualification as such, but rather at the delegation to the Congress of the discretionary power to establish any qualifications. The parallel between Madison's arguments and those made in Wilkes' behalf is striking.[FN65]

FN65.'That the right of the electors to be represented by men of their own choice, was so essential for the preservation of all their other rights, that it ought to be considered as one of the most sacred parts of our constitution. * * * That the law of the land had regulated the qualifications of members to serve in parliament, and that the freeholders * * * had an indisputable right to return whom they thought proper, provided he was not disqualified by any of those known laws. * * * They are not occasional but fixed: to rule and govern the question as it shall arise; not to start up on a sudden, and shift from side to side, as the caprice of the day or the fluctuation of party shall direct.' 16 Parl.Hist.Eng. 589-590 (1769).

*535 In view of what followed Madison's speech, it appears that on this critical day the Framers were facing and then rejecting the possibility that the legislature would have power to usurp the ' indisputable right (of the people) to return whom they thought proper'[FN66] to the legislature. Oliver Ellsworth, of Connecticut, noted that a legislative power to establish property qualifications was exceptional and 'dangerous because it would be much more liable to abuse.'Id., at 250. Gouverneur Morris then moved to strike 'with regard to property ' from the Committee's proposal. His intention was 'to leave the Legislature entirely at large.'Ibid. Hugh Williamson, of North Carolina, expressed concern that if a majority of the legislature should happen to be 'composed of any particular description of men, of lawyers for example, * * * the future elections might be secured to their own body.'Ibid.[FN67] Madison then referred to the British Parliament's assumption of the power to regulate the qualifications of both electors and the

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elected and noted that 'the abuse they had made of it was a lesson worthy of our attention. They had made the changes in both cases subservient to their own views, or to the views of political or Religious parties.'Ibid.[FN68] Shortly thereafter, *536 the Convention rejected both Gouverneur Morris' motion and the Committee's proposal. Later the same day, the Convention adopted without debate the provision authorizing each House to be 'the judge of the * * * qualifications of its own members. 'Id., at 254.

FN66.Id., at 589.

FN67. Wilkes had made essentially the same argument in one of his early attempts to have the resolutions denying him a seat expunged:
'This usurpation, if acquiesced under, would be attended with the most alarming consequences. If you can reject those disagreeable to a majority, and expel whom you please, the House of Commons will be self-created and self-existing. You may expel til you approve, and thus in effect you nominate. The original idea of this House being the representative of the Commons of the realm will be lost.' 18 Parl.Hist.Eng. 367 (1775).

FN68. Charles Warren concluded that ' Madison's reference was undoubtedly to the famous election case of John Wilkes * * *.' Warren, supra, at 420, n. 1. It is also possible, however, that he was referring to the Parliamentary Test Act, 30 Car. 2, Stat. 2, c. 1 (1678), which had excluded Catholics as a group from serving in Parliament.

One other decision made the same day is very important to determining the meaning of Art. I, s 5. When the delegates reached the Committee of Detail's proposal to empower each House to expel its members, Madison 'observed that the right of expulsion * * * was too important to be exercised by a bare majority of a quorum: and in emergencies (one) faction might be dangerously abused.'Id., at 254. He therefore moved that 'with the concurrence of two-thirds' be inserted. With the exception of one State, whose delegation was divided,**1972 the motion was unanimously approved without debate, although Gouverneur Morris noted his opposition. The importance of this decision cannot be over-emphasized. None of the parties to this suit disputes that prior to 1787 the legislative powers to judge qualifications and to expel were exercised by a majority vote. Indeed, without exception, the English and colonial antecedents to Art. I, s 5, cls. 1 and 2, support this conclusion. Thus, the Convention's decision to increase the vote required to expel, because that power was 'too important to be exercised by a bare majority,' while at the same time not similarly restricting the power to judge qualifications, is compelling evidence that they considered the latter already limited by the standing qualifications previously adopted.[FN69]

FN69. Charles Warren, upon whose interpretation of these events petitioners rely, concluded that the Convention's decision to reject Gouverneur Morris' proposal and the more limited proposal of the Committee of Detail was an implicit adoption of Madison's position that the qualifications of the elected 'were fundamental articles in a Republican Govt. and ought to be fixed by the Constitution.' 2 Farrand 249-250. See Warren, supra, at 420-421. Certainly, Warren argued, ' (s)uch action would seem to make it clear that the Convention did not intend to grant to a single branch of Congress * * * the right to establish any qualifications for its members, other than those qualifications established by the Constitution itself * * *. For certainly it did not intend that a single branch of Congress should possess a power which the Convention had expressly refused to vest in the whole Congress.'Id., at 421. See 1 J. Story, Commentaries on the Constitution of the United States s 625, at 445 (1873). Although Professor Chafee argued that congressional precedents do not support this construction, he nevertheless stated that forbidding any additions to the qualifications expressed in

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the Constitution was 'the soundest policy.' Z. Chafee, Free Speech in the United States 256 (1941).

*537 Respondents urge, however, that these events must be considered in light of what they regard as a very significant change made in Art. I, s 2, cl. 2, by the Committee of Style. When the Committee of Detail reported the provision to the Convention, it read:
'Every member of the House of Representatives shall be of the age of twenty five years at least; shall have been a citizen of (in) the United States for at least three years before his election; and shall be, at the time of his election, a resident of the State in which he shall be chosen.'Id., at 178.

However, as finally drafted by the Committee of Style, these qualifications were stated in their present negative form. Respondents note that there are no records of the 'deliberations' of the Committee of Style. Nevertheless, they speculate that this particular change was designed to make the provision correspond to the form used by Blackstone in listing the 'standing incapacities' for membership in the House of Commons. See 1 W. Blackstone's Commentaries **175-176. Blackstone, who was an apologist for the anti-Wilkes forces in Parliament,*538 [FN70]had added to his Commentaries after Wilkes' exclusion the assertion that individuals who were not ineligible for the Commons W. Blackstone's Commentaries *175-176. be denied their seat if the Commons deemed them unfit for other reasons. [FN71] Since Blackstone's Commentaries was widely circulated in the Colonies, respondents further speculate that the **1973 Committee of Style rephrased the qualifications provision in the negative to clarify the delegates' intention 'only to prescribe the standing incapacities without imposing any other limit on the historic power of each house to judge qualifications on a case by case basis.'[FN72]

FN70. See 10 W. Holdsworth, A History of English Law 540-542 (1938).

FN71. Holdsworth notes that in the first edition of Blackstone's Commentaries Blackstone enumerated various incapacities and then concluded that ' subject to these standing restrictions and disqualifications, every subject of the realm is eligible (for membership in the House of Commons) of common right.' 1 W. Blackstone's Commentaries *176. Blackstone was called upon in Commons to defend Wilkes' exclusion and the passage was quoted against him. Blackstone retaliated by writing a pamphlet and making two additions to later editions of his Commentaries in an effort to justify the decision of Parliament. Holdsworth, supra, at 540-541.

FN72. Appendix D to Brief for Respondents 52.

Respondents' argument is inherently weak, however, because it assumes that legislative bodies historically possessed the power to judge qualifications on a case-by-case basis. As noted above, the basis for that conclusion was the Walpole and Wilkes cases, which, by the time of the Convention, had been denounced by the House of Commons and repudiated by at least one State government. Moreover, respondents' argument misrepresents the function of the Committee of Style. It was appointed only 'to revise the stile of and arrange the articles which had been agreed to * * *.' 2 Farrand 553.*539 '(T)he Committee * * * had no authority from the Convention to make alterations of substance in the Constitution as voted by the Convention, nor did it purport to do so; and certainly the Convention had no belief * * * that any important change was, in fact, made in the provisions as to qualifications adopted by it on August 10.'[FN73]

FN73. Warren, supra, at 422, n. 1. Charles Warren buttressed his conclusion by noting that the Massachusetts Constitution of 1780 'contained affirmative qualifications for Representatives and exactly similar negative qualifications for Senators.'Ibid. Apparently, these provisions were not

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> considered substantively different, for each house was empowered in identical language to 'judge of the elections, returns and qualifications of their own members, as pointed out in the constitution.' Mass.Const., pt. 2, c. I, s 2, Art. IV, 3 Thorpe 1897, and s 3, Art. X, 3 Thorpe 1899. (Emphasis added.) See Warren, supra, at 422-423, n. 1.

Petitioners also argue that the post-Convention debates over the Constitution's ratification support their interpretation of s 5. For example, they emphasize Hamilton's reply to the antifed-eralist charge that the new Constitution favored the wealthy and well-born:

'The truth is that there is no method of securing to the rich the preference apprehended but by prescribing qualifications of property either for those who may elect or be elected. But this forms on part of the power to be conferred upon the national government. Its authority would be expressly restricted to the regulation of the times, the places, the manner of elections. The qualifications of the persons who may choose or be chosen, as has been remarked upon other occasions, are defined and fixed in the Constitution, and are unalterable by the legislature.'

The Federalist Papers 371 (Mentor ed. 1961). (Emphasis in last sentence added.)

*540 Madison had expressed similar views in an earlier essay,[FN74] and his arguments at the Convention leave no doubt about his agreement with Hamilton on this issue.

> FN74. In No. 52 of The Federalist, Madison stated:
>
> 'The qualifications of the elected, being less carefully and properly defined by the State constitutions, and being at the same time more susceptible of uniformity, have been very properly considered and regulated by the convention. (He then enumerated the qualifications for both representatives and Senators.) * * * Under these reasonable limitations, the door of this part of the federal government is open to merit of every description, whether native or adoptive, whether young or old, and without regard to poverty or wealth, or to any particular profession or religious faith.'The Federalist Papers 326 (Mentor ed. 1961).

Respondents counter that Hamilton was actually addressing himself to criticism of Art. I, s 4, which authorizes Congress to regulate the times, places, and manner of electing members of Congress. They note that prominent antifederalists had argued that this power **1974 could be used to 'confer on the rich and well-born, all honours.'Brutus No. IV, N.Y. Journal, Nov. 29, 1787, p. 7. (Emphasis in original.) Respondents' contention, however, ignores Hamilton's express reliance on the immutability of the qualifications set forth in the Constitution.[FN75]

> FN75. Respondents dismiss Madison's assertion that the 'qualifications of the elected, * * * being at the same time more susceptible of uniformity, have been very properly considered and regulated by the convention,' as nothing more than a refutation of the charge that the new national legislature would be free to establish additional 'standing incapacities.'
>
> However, this conclusion cannot be reconciled with the pre-Convention history on this question, the Convention debates themselves, and, in particular, the delegates' decision to require a two-thirds vote for expulsion.

The debates at the state conventions also demonstrate the Framers' understanding that the qualifications for members of Congress had been fixed in the Constitution. Before the New York convention, for example, Hamilton emphasized: ' (T)he true principle of a republic is, that *541 the people should choose whom they please to govern them. Representation is imperfect in proportion as the current of popular favor is checked. This great source of free government, popular election, should be perfectly pure, and the most unbounded liberty allowed.' 2 Debates on the Federal Constitution 257 (J. Elliot ed. 1876) (hereinafter cited as Elliot's Debates).[FN76] In Virginia, where the Federalists

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faced powerful opposition by advocates of popular democracy, Wilson Carey Nicholas, a future member of both the House and Senate and later Governor of the State, met the arguments that the new Constitution violated democratic principles with the following interpretation of Art. I, s 2, cl. 2, as it respects the qualifications of the elected: 'It has ever been considered a great security to liberty, that very few should be excluded from the right of being chosen to the legislature. This Constitution has amply attended to this idea. We find no qualifications required except those of age and residence, which create a certainty of their judgment being matured, and of being attached to their state.' 3 Elliot's Debates 8.

> FN76. At the same convention, Robert Livingston, one of the new Constitution's most ardent supporters and one of the State's most substantial landowners, endorsed this same fundamental principle: 'The people are the best judges who ought to represent them. To dictate and control them, to tell them whom they shall not elect, is to abridge their natural rights.' 2 Elliot's Debates 292-293.

c. Post-Ratification.

As clear as these statements appear, respondents dismiss them as 'general statements * * * directed to other issues.'[FN77] They suggest that far more relevant is Congress' own understanding of its power to judge qualifications as manifested in post-ratification exclusion cases. Unquestionably, both the House and the Senate have excluded memberselect for reasons other than their *542 failure to meet the Constitution's standing qualifications. For almost the first 100 years of its existence, however, Congress strictly limited its power to judge the qualifications of its members to those enumerated in the Constitution.

> FN77. Appendix D to Brief for Respondents 62.

Congress was first confronted with the issue in 1807, FN78 when the eligibility of **1975 William McCreery was challenged because he did not meet additional residency requirements imposed by the State of Maryland. In recommending that he be seated, the House Committee of Elections reasoned:

> FN78. In 1797, during the 5th Congress, 1st Session, the House considered expelling Matthew Lyon, a Republican, for sedition. The vote to expel, however, was 49 to 45, and broke down largely along partisan lines. Although Lyon's opponents, the Federalists, retained a majority in the 6th Congress, to which Lyon was reelected, and although there were political advantages to be gained from trying to prevent him from taking his seat, there was no effort made to exclude him. See Dionisopoulos, A Commentary on the Constitutional Issues in the Powell and Related Cases, 17 J.Pub.L. 103, 123-127 (1968).

'The committee proceeded to examine the Constitution, with relation to the case submitted to them, and find that qualifications of members are therein determined, without reserving any authority to the State Legislatures to change, add to, or diminish those qualifications; and that, by that instrument, Congress is constituted the sole judge of the qualifications prescribed by it, and are obliged to decide agreeably to the Constitutional rules * * *. ' 17 annals of Cong. 871 (1807).

Lest there be any misunderstanding of the basis for the committee's recommendation, during the ensuing debate the chairman explained the principles by which the committee was governed:

'The Committee of Elections considered the qualifications of members to have been unalterably determined*543 by the Federal Convention, unless changed by an authority equal to that which framed the Constitution at first; that neither the State nor the Federal Legislatures are vested with authority to add to those qualifications, so as to change them. * * * Congress, by the Federal Constitution, are not authorized to prescribe the qualifications of their own members, but they are authorized to judge of their qualifications; in doing so, however, they must

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be governed by the rules prescribed by the Federal Constitution, and by them only. These are the principles on which the Election Committee have made up their report, and upon which their resolution is founded.'Id., at 872.

The chairman emphasized that the committee's narrow construction of the power of the House to judge qualifications was compelled by the ' fundamental principle in a free government,'id., at 873, that restrictions upon the people to choose their own representatives must be limited to those ' absolutely necessary for the safety of the society.' Id., at 874. At the conclusion of a lengthy debate, which tended to center on the more narrow issue of the power of the States to add to the standing qualifications set forth in the Constitution, the House agreed by a vote of 89 to 18 to seat Congressman McCreery. Id., at 1237. See 1 A. Hinds, Precedents of the House of Representatives of the United States s 414 (1907) (hereinafter cited as Hinds).

There was no significant challenge to these principles for the next several decades.[FN79] They came under heavy *544 attack, however, 'during the stress of civil war (but initially) the House of Representatives declined to exercise the power (to exclude), even under circumstances of great provocation.'[FN80]Rules of the **1976 House of Representatives, H.R.Doc. No. 529, 89th Cong., 2d Sess., s 12, p. 7 (1967). The abandonment of such restraint, however, was among the casualties of the general upheaval produced in war's wake. In 1868, the House voted for the first time in its history to exclude a member-elect. It refused to seat two duly elected representatives for giving aid and comfort to the Confederacy. See 1 Hinds ss 449-451.[FN81] This change was produced by the North's bitter enmity toward those who failed to support the Union cause during the war, and was effected by the Radical Republican domination of Congress. It was a shift brought about by the naked urgency of power and was given little doctrinal support.'Comment, Legislative Exclusion: Julian Bond and Adam Clayton Powell, 35 U.Chi.L.Rev. 151, 157 (1967). [FN82] From that time until *545 the present, congressional practice has been erratic;[FN83] and on the few occasions when a member-elect was excluded although he met all the qualifications set forth in the *546 Constitution, there were frequently vigorous dissents.[FN84] Even the **1977 annotations to the official manual of procedure for the 90th Congress manifest doubt as to the House's power to exclude a member-elect who has met the constitutionally prescribed qualifications. See Rules of the House of Representatives, H.R.Doc. No. 529, 89th Cong., 2d Sess., s 12, pp. 7-8 (1967).

FN79. Another Maryland representative was unsuccessfully challenged in 1808 on grounds almost identical to those asserted in the challenge of McCreery. See 18 Annals of Cong. 1848-1849 (1808). In 1844, the Senate declined to exclude John M. Niles, who was accused of being mentally incompetent, after a special committee reported him competent. Cong. Globe, 28th Cong., 1st Sess., 564-565, 602 (1844). In 1856, the House rejected an attempt to exclude Samuel Marshall for violating an Illinois law prohibiting state judges from running for other offices. 1 Hinds s 415. That same year, the Senate refused to exclude Lyman Trum-bull for violating the same Illinois law. Ibid.

FN80. Between 1862 and 1867, both the House and Senate resisted several attempts to exclude members-elect who were accused of being disloyal to the Union during the Civil War. See, id., ss 448, 455, 458; Senate Election, Expulsion and Censure Cases, S.Doc.No.71, 87th Cong., 2d Sess., 21 (1962) (hereinafter cited as Senate Cases).

FN81. That same year the Senate also excluded a supporter of the Confederacy. Senate Cases 40. The House excluded two others shortly thereafter, one for the same offense, and another for selling appointments to the Military and Naval Academies. See 1 Hinds ss 459, 464; 2 Hinds s 1273.

FN82. This departure from previous House

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construction of its power to exclude was emphasized by Congressman William P. Fessenden: '(T)he power which we have under the Constitution to judge of the qualifications of members of the body is not a mere arbitrary power, to be exerted according to the will of the individuals who may vote upon the subject. It ought to be a power subject to certain rules and founded upon certain principles. So it was up to a very late period, until the rebellion. The rule simply was, if a man came here and presented proper credentials from his State, to allow him to take the ordinary oath, which we all took, to support the Constitution, and be admitted, and if there was any objection to him to try that question afterward.'Cong. Globe, 40th Cong., 2d Sess., 685 (1868).

FN83. For example, in 1870, the House refused to exclude a Texas Congressman accused of a variety of criminal acts, 1 Hinds s 465; but in 1882 and again in 1900 the House excluded a member-elect for practicing polygamy. 1 Hinds ss 473, 477-480. Thereafter, it apparently did not consider excluding anyone until shortly after World War I, when it twice excluded Victor L. Berger, an avowed Socialist, for giving aid and comfort to the enemy. Significantly, the House committee investigating Berger concluded that he was ineligible under the express provision of s 3 of the Fourteenth Amendment. 6 C. Cannon, Precedents of the House of Representatives of the United States ss 56-59 (1935) (hereinafter cited as Cannon). Berger, the last person to be excluded from the House prior to Powell, was later re-elected and finally admitted after his criminal conviction was reversed. 65 Cong.Rec. 7 (1923).

The House next considered the problem in 1925 when it contemplated excluding John W. Langley for his alleged misconduct. Langley resigned after losing a criminal appeal, and the House therefore never voted upon the question. 6 Cannon s 238. The most recent exclusion attempt prior to Powell's occurred in 1933, when the House refused to exclude a Representative from Minnesota who had been convicted of sending defamatory matter through the mail. See 77 Cong.Rec. 73-74, 131-139 (1933).

The Senate has not excluded anyone since 1929; in that year it refused to seat a member-elect because of improper campaign expenditures. 6 Cannon s 180. In 1947, a concerted effort was made to exclude Senator Theodore G. Bilbo of Mississippi for allegedly accepting gifts from war contractors and illegally intimidating Negroes in Democratic primaries. See 93 Cong.Rec. 3-28 (1947). He died, however, before a decision was reached.

FN84. During the debates over H.R.Res.No. 278, Congressman Celler, chairman of both the Select Committee and the Judiciary Committee, forcefully insisted that the Constitution 'unalterably fixes and defines' the qualifications for membership in the House and that any other construction of Art. I, s 5, would be ' improper and dangerous.' 113 Cong.Rec. 4998. See H.R.Rep.No. 484, 43d Cong., 1st Sess., 11-15 (1874) (views of minority); H.R.Rep.No. 85, 56th Cong., 1st Sess., 56-77 (1900) (views of minority). In the latter report, the dissenters argued: 'A small partisan majority might render the desire to arbitrarily exclude, by a majority vote, in order to more securely intrench itself in power, irresistible. Hence its exercise is controlled by legal rules. In case of expulsion, when the requisite two-thirds can be had, the motive for the exercise of arbitrary power no longer exists, as a two-thirds partisan majority is sufficient for every purpose. * * * The power of exclusion is a matter of law, to be exercised by a majority vote, in accordance with legal principles, and exists only where a member-elect lacks some of the qualifications required by the Constitution.'Id., at 76-77.

[32] Had these congressional exclusion precedents been more consistent, their precedential value still

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would be quite limited. See Note, The Power of a House of Congress to Judge the Qualifications of its Members, 81 Harv.L.Rev. 673, 679 (1968).[FN85] That an unconstitutional*547 action has been taken before surely does not render that same action any less unconstitutional at a later date. Particularly in view of the Congress' own doubts in those few cases where it did exclude members-elect, we are not inclined to give its precedents controlling weight. The relevancy of prior exclusion cases is limited largely to the insight they afford in correctly ascertaining the draftsmen's intent. Obviously, therefore, the precedential value of these cases tends to increase in proportion to their proximity to the Convention in 1787. See Myers v. United States, 272 U.S. 52, 175, 47 S.Ct. 21, 45, 71 L.Ed. 160 (1926). And, what evidence we have of Congress' early understanding confirms our conclusion that the House is without power to exclude any member-elect who meets the Constitution's requirements for membership.

FN85. 'Determining the basis for a congressional action is itself difficult; since a congressional action, unlike a reported judicial decision, contains no statement of the reasons for the disposition, one must fall back on the debates and the committee reports. If more than one issue is raised in the debates, one can never be sure on what basis the action was predicated. Unlike a court, which is presumed to be disinterested, in an exclusion case the concerned house is in effect a party to the controversy that it must adjudicate. Consequently, some members may be inclined to vote for exclusion though they strongly doubt its constitutionality.' 81 Harv.L.Rev., at 679.

d. Conclusion.

[33] Had the intent of the Framers emerged from these materials with less clarity, we would nevertheless have been compelled to resolve any ambiguity in favor of a narrow constuction of the scope of Congress' power to exclude members-elect. A fundamental principle of our representative democracy is, in Hamilton's words, 'that the people should choose whom they please to govern them.' 2 Elliot's Debates 257. As Madison pointed out at the Convention, this principle is undermined as much by limiting whom the people can select as by limiting the franchise itself. In apparent agreement with this basic philosophy, the Convention adopted his suggestion limiting the power to expel. To allow essentially that same power to be exercised under the guise of judging qualifications, would be to ignore Madison's warning, borne out in the Wilkes case and **1978 some of Congress'*548 own post-Civil War exclusion cases, against 'vesting an improper & dangerous power in the Legislature.' 2 Farrand 249. Moreover, it would effectively nullify the Convention's decision to require a two-thirds vote for expulsion. Unquestionably, Congress has an interest in preserving its institutional integrity, but in most cases that interest can be sufficiently safeguarded by the exercise of its power to punish its members for disorderly behavior and, in extreme cases, to expel a member with the concurrence of two-thirds. In short, both the intention of the Framers, to the extent it can be determined, and an examination of the basic principles of our democratic system persuade us that the Constitution does not vest in the Congress a discretionary power to deny membership by a majority vote.

[34] For these reasons, we have concluded that Art. I, s 5, is at most a 'textually demonstrable commitment' to Congress to judge only the qualifications expressly set forth in the Constitution. Therefore, the 'textual commitment' formulation of the political question doctrine does not bar federal courts from adjudicating petitioners' claims.

2. Other Considerations.

[35][36] Respondents' alternate contention is that the case presents a political question because judicial resolution of petitioners' claim would produce a 'potentially embarrassing confrontation between coordinate branches' of the Federal Government. But, as our interpretation of Art. I, s 5, discloses, a determination of petitioner Powell's

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right to sit would require no more than an interpretation of the Constitution. Such a determination falls within the traditional role accorded courts to interpret the law, and does not involve a 'lack of the respect due (a) coordinate (branch) of government,' nor does it involve an ' initial policy determination of a kind clearly for nonjudicial*549 discretion.'Baker v. Carr, 369 U.S. 186, at 217, 82 S.Ct. 691, at 710. Our system of government requires that federal courts on occasion interpret the Constitution in a manner at variance with the construction given the document by another branch. The alleged conflict that such an adjudication may cause cannot justify the courts' avoiding their constitutional responsibility.[FN86] See United States v. Brown, 381 U.S. 437, 462, 85 S.Ct. 1707, 1722, 14 L.Ed.2d 484 (1965); Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 613-614, 72 S.Ct. 863, 898, 96 L.Ed. 1153 (1952) (Frankfurter, J., concurring); Myers v. United States, 272 U.S. 52, 293, 47 S.Ct. 21, 84 (1926) (Brandeis, J., dissenting).

FN86. In fact, the Court has noted that it is an 'inadmissible suggestion' that action might be taken in disregard of a judicial determination.McPherson v. Blacker, 146 U.S. 1, 24, 13 S.Ct. 3, 6,36 L.Ed.2d 869 (1892).

[37] Nor are any of the other formulations of a political question 'inextricable from the case at bar.' Baker v. Carr, supra, at 217, 82 S.Ct. at 710. Petitioners seek a determination that the House was without power to exclude Powell from the 90th Congress, which, we have seen, requires an interpretation of the Constitution-a determination for which clearly there are 'judicially * * * manageable standards.'Finally, a judicial resolution of petitioners' claim will not result in 'multifarious pronouncements by various departments on one question.'For, as we noted in Baker v. Carr, supra, at 211, 82 S.Ct., at 706 it is the responsibility of this Court to act as the ultimate interpreter of the Constitution.Marbury v. Madison, 1 Cranch (5 U.S.) 137, 2 L.Ed. 60 (1803). Thus, we conclude that petitioners' claim is not barred by the political question doctrine, and, having determined that the claim is otherwise generally justiciable, we hold that the case is justiciable.

**1979 VII.

CONCLUSION.

To summarize, we have determined the following: (1) This case has not been mooted by Powell's seating in *550 the 91st Congress. (2) Although this action should be dismissed against respondent Congressmen, it may be sustained against their agents. (3) The 90th Congress' denial of membership to Powell cannot be treated as an expulsion. (4) We have jurisdiction over the subject matter of this controversy. (5) The case is justiciable.

[38] Further, analysis of the 'textual commitment' under Art. I, s 5 (see Part VI, B (1)), has demonstrated that in judging the qualifications of its members Congress is limited to the standing qualifications prescribed in the Constitution. Respondents concede that Powell met these. Thus, there is no need to remand this case to determine whether he was entitled to be seated in the 90th Congress. Therefore, we hold that, since Adam Clayton Powell, Jr., was duly elected by the voters of the 18th Congressional District of New York and was not ineligible to serve under any provision of the Constitution, the House was without power to exclude him from its membership.

Petitioners seek additional forms of equitable relief, including mandamus for the release of petitioner Powell's back pay. The propriety of such remedies, however, is more appropriately considered in the first instance by the courts below. Therefore, as to respondents McCormack, Albert, Ford, Celler, and Moore, the judgment of the Court of Appeals for the District of Columbia Circuit is affirmed. As to respondents Jennings, Johnson, and Miller, the judgment of the Court of Appeals for the District of Columbia Circuit is reversed and the case is remanded to the United States District Court for the District of Columbia with instructions to enter a declaratory judgment and for further proceedings

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consistent with this opinion.

It is so ordered.

*551 Mr. Justice DOUGLAS.

While I join the opinion of the Court, I add a few words. As the Court says, the important constitutional question is whether the Congress has the power to deviate from or alter the qualifications for membership as a Representative contained in Art. I, s 2, cl. 2, of the Constitution.[FN1] Up to now the understanding has been quite clear to the effect that such authority does not exist.[FN2] To be **1980 sure, Art. I, s 5, provides that: 'Each *552 House shall be the Judge of the Elections, Returns and Qualifications of its own Members * * *.' Contests may arise over whether an elected official meets the 'qualifications' of the Constitution, in which event the House is the sole judge.[FN3] But the House is not the sole judge when 'qualifications' are added which are not specified in the Constitution.[FN4]

FN1.U.S.Const., Art. I, s 2, cl. 2:
'No Person shall be a Representative who shall not have attained to the age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.'

FN2. The Constitutional Convention had the occasion to consider several proposals for giving Congress discretion to shape its own qualifications for office and explicitly rejected them. James Madison led the opposition by arguing that such discretion would be
'an improper & dangerous power in the Legislature. The qualifications of electors and elected were fundamental articles in a Republican Govt. and ought to be fixed by the Constitution. If the Legislature could regulate those of either, it can by degrees subvert the Constitution.' 2 M. Farrand, Records of the Federal Convention of 1787, pp. 249-250 (1911). Alexander Hamilton echoed that same conclusion:
'The qualifications of the persons who may choose or be chosen, as has been remarked upon other occasions, are defined and fixed in the Constitution, and are unalterable by the legislature.'The Federalist Papers, No. 60, p. 371 (Mentor ed. 1961).
And so, too, the early Congress of 1807 decided to seat Representative-elect William McCreery on the ground that its power to 'judge' was limited by the enumerated qualifications.
'The Committee of Elections considered the qualifications of members to have been unalterably determined by the Federal Convention, unless changed by an authority equal to that which framed the Constitution at first * * *. Congress, by the Federal Constitution, are not authorized to prescribe the qualifications of their own members, but they are authorized to judge of their qualifications; in doing so, however, they must be governed by the rules prescribed by the Federal Constitution, and by them only.' 17 Annals of Cong. 872 (1807) (remarks of Rep. Findley, Chairman of House Committee of Elections).
Constitutional scholars of two centuries have reaffirmed the principle that congressional power to 'judge' the qualifications of its members is limited to those enumerated in the Constitution. 1 J. Story, Commentaries on the Constitution 462 (5th ed. 1891); C. Warren, The Making of the Constitution 420-426 (1928). See also remarks by Emmanuel Celler, Chairman of the House Select Committee which inquired into the qualifications of Adam Clayton Powell, Jr., and which recommended seating him: 'The Constitution lays down three qualifications for one to enter Congress-age, inhabitancy, citizenship. Mr. Powell satisfies all three. The House cannot add to these qualifications. '113 Cong.Rec. 4998.

FN3.Baker v. Carr, 369 U.S. 186, 242, 82 S.Ct. 691, 723, 7 L.Ed.2d 663, n. 2 (Douglas, J., concurring.)

FN4. The question whether Congress has authority under the Constitution to add to enumerated qualifications for office is itself a federal question within the particular expertise of this Court.Baker v. Carr, 369 U.S. 186, 211, 82 S.Ct. 691, 706.
Where that authority has been exceeded, redress may be properly sought here.

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Marbury v. Madison, 1 Cranch (5 U.S.) 137, 2 L.Ed. 60. Congress itself suspected no less in deciding to exclude Rep. Powell: '(C)ases may readily be postulated where the action of a House in excluding or expelling a Member may directly impinge upon rights under other provisions of the Constitution. In such cases, the unavailability of judicial review may be less certain. Suppose, for example, that a Member was excluded or expelled because of his religion or race, contrary to the equal protection clause, or for making an unpopular speech protected by the first amendment * * *. (E) xclusion of the member-elect on grounds other than age, citizenship, or inhabitancy could raise an equally serious constitutional issue.' H.R.Rep.No.27, 90th Cong., 1st Sess., 30 (1967). See also 113 Cong.Rec. 4994.

*553 A man is not seated because he is a Socialist or a Communist.[FN5]

FN5. Case of Victor Berger, 6 C. Cannon, Precedents of the House of Representatives of the United States s 56 (1935).

Another is not seated because in his district members of a minority are systematically excluded from voting.[FN6]

FN6. Id., at s 122.

Another is not seated because he has spoken out in opposition to the war in Vietnam.[FN7]

FN7. See, .e.g., Bond v. Floyd, 385 U.S. 116, 87 S.Ct. 339, 17 L.Ed.2d 235.

The possible list is long. Some cases will have the racist overtones of the present one.

Others may reflect religious or ideological clashes. [FN8]

FN8. 1 A. Hinds, Precedents of the House of Representatives of the United States s 481 (1907).

At the root of all these cases, however, is the basic integrity of the electoral process. Today we proclaim the constitutional principle of 'one man, one vote.' When that principle is followed and the electors choose a person who is repulsive to the Establishment in Congress, by what constitutional authority can that group of electors be disenfranchised?

**1981 By Art. I, s 5, the House may 'expel a Member' by a vote of two-thirds. And if this were an expulsion case I would think that no justiciable controversy would be presented, the vote of the House being two-thirds or more. But it is not an expulsion case. Whether it could have been won as an expulsion case, no one knows. Expulsion for ' misconduct' may well raise different questions, different considerations. Policing the conduct of members, a recurring problem in the Senate and House as well, is quite different from the initial decision whether an elected official should be seated. It well might be easier to bar admission than to expel one already seated.

The House excluded Representative-elect Powell from the 90th Congress allegedly for misappropriating public funds and for incurring the contempt of New York *554 courts.[FN9] Twenty-six years earlier, members of the upper chamber attempted to exclude Senator-elect William Langer of North Dakota for like reasons. [FN10] Langer first became State's Attorney for Morton County, North Dakota, from 1914 to 1916, and then served as State Attorney General from 1916 to 1920. He became Governor of the State in 1932 and took office in January 1933. In 1934 he was indicted for conspiring to interfere with the enforcement of federal law by illegally soliciting political contributions from federal employees, and suit was filed in the State Supreme Court to remove him from office.[FN11] While that suit was pending, he called the State Legislature into special session. [FN12] When it became clear that the court would order his ouster, he signed a Declaration of Independence, invoked martial law, and called out the National Guard.[FN13] Nonetheless, when his

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own officers refused to recognize him as the legal head of state, he left office in July 1934. As with Adam Clayton Powell, however, the people of the State still wanted him. In 1937 they re-elected him Governor and, in 1940, they sent him to the United States Senate.

FN9.113 Cong.Rec. 4997.

FN10. S.Doc. No. 71 on Senate Election, Expulsion and Censure Cases from 1789 to 1960, 87th Cong., 2d Sess., 140 (1962).

FN11. Hearings on A Protest to the Seating of William Langer, before the Senate Committee on Privileges and Elections, 77th Cong., 1st Sess., 820 (Nov. 3, 18, 1941) (hereinafter Hearings).

FN12. Hearings 821.

FN13. Hearings 820.

During the swearing-in ceremonies, Senator Barkley drew attention to certain complaints filed against Langer by citizens of North Dakota, yet asked that he be allowed to take the oath of office 'without prejudice, which is a two-sided proposition-without prejudice to the Senator and without *555 prejudice to the Senate in the exercise of its right (to exclude him).'[FN14]

FN14.87 Cong.Rec. 3-4 (1941).

The matter of Langer's qualifications to serve in the Senate was referred to committee which held confidential hearings on January 9 and 16, 1941, and open hearings on November 3 and 18, 1941. By a vote of 14 to 2, the committee reported that a majority of the Senate had jurisdiction under Art. I, s 5, cl. 1, of the Constitution to exclude Langer; and, by a vote of 13 to 3, it reported its recommendation that Langer not be seated.[FN15]

FN15.S.Rep.No.1010, 77th Cong., 2d Sess. (1942).

The charges against Langer were various. As with Powell, they included claims that he had misappropriated public funds[FN16] and that he had interfered **1982 with the judicial process in a way that beclouded the dignity of Congress.[FN17] Reference was also made to his professional ethics as a lawyer.[FN18]

FN16. It was alleged that he had conspired as Governor to have municipal and county bonds sold to a friend of his who made a profit of $300,000 on the purchase, and purportedly rebated as much as $56,000 to Langer himself. Hearings 822-823.

FN17. At the retrial of his conviction for conspiring to interfere with the enforcement of federal law, he was said to have paid money to have a friend of his, Judge Wyman, be given control of the litigation, and to have 'meddled' w ith the jury. Hearings 20-42, 120-130.

FN18. He was charged as a lawyer with having accepted $2,000 from the mother of a boy in prison on the promise that he would obtain his pardon, when he knew, in fact, that a pardon was out of the question. He was also said to have counseled a defendant-client of his to marry the prosecution's chief witness in order to prevent her from testifying against him. And finally, it was suggested that he once bought an insurance policy during trial from one of the jurors sitting in judgment of his client. Hearings 820-830.

Langer enjoyed the powerful advocacy of Senator Murdock from Utah. The Senate debate itself raged *556 for over a year.[FN19] Much of it related to purely factual allegations of 'moral turpitude.' Some of it, however, was addressed to the power of the Senate under Art. I, s 5, cl. 1, to exclude a member-elect for lacking qualifications not enumerated in Art. I, s 3.

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FN19.87 Cong.Rec. 3-4, 34, 460 (1941); 88 Cong.Rec. 822, 828, 1253, 2077, 2165, 2239, 2328, 2382, 2412, 2472, 2564, 2630, 2699, 2759, 2791, 2801, 2842, 2858, 2914, 2917, 2959, 2972, 2989, 3038, 3051, 3065, 5668 (1942).

'Mr. MURDOCK. * * * (U)nder the Senator's theory that the Senate has the right to add qualifications which are not specified in the Constitution, does the Senator believe the Senate could adopt a rule specifying intellectual and moral qualifications?[FN20]

FN20.88 Cong.Rec. 2401.

'Mr. LUCAS. The Senate can do anything it wants to do * * *. Yes; the Senate can deny a person his seat simply because it does not like the cut of his jaw, if it wishes to.'[FN21]

FN21.Ibid.

Senator Murdock argued that the only qualifications for service in the Senate were those enumerated in the Constitution; that Congress had the power to review those enumerated qualifications; but that it could not-while purporting to 'judge' those qualifications-in reality add to them.
'Mr. LUCAS. The Senator referred to article I, section 5. What does he think the framers of the Constitution meant when they gave to each House the power to determine or to judge the qualifications, and so forth, of its own Members? [FN22]

FN22.88 Cong.Rec. 2474.

'Mr. MURDOCK. I construe the term 'judge' to mean what it is held to mean in its common, ordinary usage. My understanding of the definition of the *557 word 'judge' as a verb is this: When we judge of a thing it is supposed that the rules are laid out; the law is there for us to look at and to apply to the facts.

'But whoever heard the word 'judge' used as meaning the power to add to what already is the law?'[FN23]

FN23.Ibid.

It was also suggested from the floor that the enumerated qualifications in s 3 were only a minimum which the Senate could supplement; and that the Founding Fathers so intended by using words of the negative. To which Senator Murdock replied-
'Mr. President, I think it is the very distinguished and able Senator from Georgia who makes the contention that the constitutional provisions relating to qualifications, because they are stated in the negative-that is, 'no person shall be a Senator'-are merely restrictions or prohibitions on **1983 the State; but-and I shall read it later on-when we read what Madison said, when we read what Hamilton said, when we read what the other framers of the Constitution said on that question, there cannot be a doubt as to what they intended and what they meant. [FN24]

FN24.Ibid.

'Madison knew that the qualifications should be contained in the Constitution and not left to the whim and caprice of the legislature.[FN25]

FN25.88 Cong.Rec. 2483.

'Bear that in mind, that the positive or affirmative phraseology was not changed to the negative by debate or by amendment in the convention, but it *558 was changed by the committee of which Madison was a member, the committee on style.' [FN26]

FN26.88 Cong.Rec. 2484.

The Senate was nonetheless troubled by the

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suggestion that the Constitution compelled it to accept anyone whom the people might elect, no matter how egregious and even criminal his behavior. No need to worry, said Murdock. It is true that the Senate cannot invoke its majority power to 'judge' under Art. I, s 5, cl. 1, as a device for excluding men elected by the people who possess the qualifications enumerated by the Constitution. But it does have the power under Art. I, s 5, cl. 2, to expel anyone it designates by a two-thirds vote. None-theless, he urged the Senate not to bypass the two-thirds requirement for expulsion by wrongfully invoking its power to exclude.[FN27]

FN27. Although the House excluded Adam Clayton Powell by over two-thirds vote, it was operating on the assumption that only a majority was needed. For the suggestion that the House could never have rallied the votes to exclude Powell on the basis of a two-thirds ground rule, see Note, 14 How.L.J. 162 (1968); Note, 42 N.Y.U.L.Rev. 716 (1967).

'Mr. LUCAS. * * * The position the Senator from Utah takes is that it does not make any difference what a Senator does in the way of crime, that whenever he is elected by the people of his State, comes here with bona fide credentials, and there is no fraud in the election, the Senate cannot refuse to give him the oath. That is the position the Senator takes?
'Mr. MURDOCK. That is my position; yes.[FN28]

FN28.88 Cong.Rec. 2488.

'My position is that we do not have the right to exclude anyone who comes here clothed with the proper credentials and possessing the constitutional qualifications. My position is that we do not have *559 the right under the provision of the Constitution to which the Senator from Florida referred, to add to the qualifications. My position is that the State is the sole judge of the intellectual and the moral qualifications of the representatives it sends to Congress.'[FN29]

FN29.88 Cong.Rec. 2490.

'MR. MURDOCK (quoting Senator Philander Knox).'I know of no defect in the plain rule of the Constitution for which I am contending. * * * I cannot see that any danger to the Senate lies in the fact that an improper character cannot be excluded without a two-thirds vote. It requires the unanimous vote of a jury to convict a man accused of crime; it should require, and I believe that it does require, a two-thirds vote to eject a Senator from his position of honor and power, to which he has been elected by a sovereign State. ''''[FN30]

FN30.88 Cong.Rec. 2488. Senator Knox of Pennsylvania had defended Senator-elect Reed Smoot of Utah in 1903 against charges that he ought to be excluded because of his affiliation with a group (Mormons) that countenanced polygamy. S.Doc.No.71, 87th Cong., 2d Sess., 97.

**1984 Thus, after a year of debate, on March 27, 1942, the Senate overruled the recommendation of its committee and voted 52 to 30 to seat Langer.

I believe that Senator Murdock stated the correct constitutional principle governing the present case.

Mr. Justice STEWART, dissenting.
I believe that events which have taken place since certiorari was granted in this case on November 18, 1968, have rendered it moot, and that the Court should therefore refrain from deciding the novel, difficult, and delicate constitutional questions which the case presented at its inception.

*560 I.

The essential purpose of this lawsuit by Congressman Powell and members of his constituency was to regain the seat from which he was barred by the 90th Congress. That purpose,

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however, became impossible of attainment on January 3, 1969, when the 90th Congress passed into history and the 91st Congress came into being. On that date, the petitioners' prayer for a judicial decree restraining enforcement of House Resolution No. 278 and commanding the respondents to admit Congressman Powell to membership in the 90th Congress became incontestably moot.

The petitioners assert that actions of the House of Representatives of the 91st Congress have prolonged the controversy raised by Powell's exclusion and preserved the need for a judicial declaration in this case. I believe, to the contrary, that the conduct of the present House of Representatives confirms the mootness of the petitioners' suit against the 90th Congress. Had Powell been excluded from the 91st Congress, he might argue that there was a 'continuing controversy ' concerning the exclusion attacked in this case.[FN1] And such an argument might be sound even though the present House of Representatives is a distinct legislative body rather than a continuation of its predecessor, [FN2] and though any grievance *561 caused by conduct of the 91st Congress is not redressable in this action. But on January 3, 1969, the House of Representatives of the 91st Congress admitted Congressman Powell to membership, and he now sits as the Representative of the 18th Congressional District of New York. With the 90th Congress terminated and Powell now a member of the 91st, it cannot seriously be contended that there remains a judicial controversy between these parties over the power of the House of Representatives to exclude Powell and the power of a court to order him reseated. Understandably, neither the Court nor the petitioners advance the wholly untenable proposition that the continuation of this case can be founded on the infinitely remote possibility that Congressman Powell, or any other Representative, may someday be excluded for the same reasons or in the same manner. And because no foreseeable possibility of **1985 such future conduct exists, the respondents have met their heavy burden of showing that 'subsequent events made it absolutely clear that the allegedly wrongful behavior could not reasonably be expected to recur.'United States v. Concentrated Phosphate Export Assn., 393 U.S. 199, 203, 89 S.Ct. 361, 364.[FN3]

FN1. See e.g., United States v. Concentrated Phosphate Export Assn., 393 U.S. 199, 202-204, 89 S.Ct. 361, 363-364, 21 L.Ed.2d 344;Carroll v. President and Commissioners of Princess Anne, 393 U.S. 175, 178-179, 89 S.Ct. 347, 350-351, 21 L.Ed.2d 325.

FN2. See Gojack v. United States, 384 U.S. 702, 707, 86 S.Ct. 1689, 1693, 16 L.Ed.2d 870, n. 4 ('Neither the House of Representatives nor its committees are continuing bodies'); McGrain v. Daugherty, 273 U.S. 135, 181, 47 S.Ct. 319, 331, 71 L.Ed. 580. Forty-one of the present members of the House were not members of the 90th Congress; and two of the named defendants in this action, Messrs. Moore and Curtis, are no longer members of the House of Representatives. Moreover, the officer-employees of the House, such as the Sergeant at Arms, are re-elected by each new Congress. See n. 15, infra.

FN3. See also United States v. W. T. Grant Co., 345 U.S. 629, 633, 73 S.Ct. 894, 897, 97 L.Ed. 1303;United States v. Aluminum Co. of America, 148 F.2d 416, 448. The Court has only recently concluded that there was no 'controversy' in Golden v. Zwickler, 394 U.S. 103, 89 S.Ct. 956, 22 L.Ed.2d 113, because of 'the fact that it was most unlikely that the Congressman would again be a candidate for Congress.' Id., at 109, 89 S.Ct., at 960. It can hardly be maintained that the likelihood of the House of Representatives' again excluding Powell is any greater.

The petitioners further argue that this case cannot be deemed moot because of the principle that 'the voluntary abandonment of a practice does not relieve a court of adjudicating its legality * * *.' *562Gray v. Sanders, 372 U.S. 368, 376, 83 S.Ct. 801, 806, 9 L.Ed.2d 821.[FN4] I think it manifest, however, that this principle and the cases enunciating it have no application to the present case. In the first place, this case does not involve '

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the voluntary abandonment of a practice.'Rather it became moot because of an event over which the respondents had no control-the expiration of the 90th Congress. Moreover, unlike the cases relied on by the petitioners, there has here been no ongoing course of conduct of indefinite duration against which a permanent injunction is necessary. Thus, it cannot be said of the respondents' actions in this case, as it was of the conduct sought to be enjoined in Gray, for example, that 'the practice is deeply rooted and long standing,'ibid., or that, without judicial relief, the respondents would be ' free to return to (their) old ways.'United States v. W. T. Grant Co., 345 U.S. 629, 632, 73 S.Ct. 894, 897.[FN5] Finally, and *563 most important, the ' voluntary abandonment' rule does not dispense with the requirement of a continuing controversy, nor could it under the definition of the judicial power in Article III of the Constitution. Voluntary cessation of unlawful conduct does make a case moot 'if the defendant can demonstrate that 'there is no reasonable **1986 expectation that the wrong will be repeated.''Id., at 633, 73 S.Ct., at 897.[FN6] Since that is the situation here, the case would be moot even if it could be said that it became so by the House's 'voluntary abandonment' of its ' practice' of excluding Congressman Powell.

FN4. See also United States v. W. T. Grant Co., 345 U.S. 629, 632-633, 73 S.Ct. 894, 897;Local 74, United Brotherhood of Carpenters & Joiners v. NLRB, 341 U.S. 707, 715, 71 S.Ct. 966, 970, 95 L.Ed. 1309;Walling v. Helmerich & Payne, Inc., 323 U.S. 37, 43, 65 S.Ct. 11, 14, 89 L.Ed. 29;Hecht Co. v. Bowles, 321 U.S. 321, 327, 64 S.Ct. 587, 88 L.Ed. 754;United States v. Trans-Missouri Freight Assn., 166 U.S. 290, 307-310, 17 S.Ct. 540, 546-547, 41 L.Ed. 1007.

FN5. With the exception of Gray, the ' continuing controversy' cases relied on by the petitioners were actions by the Government or its agencies to halt illegal conduct of the defendants, and, by example, of others engaged in similar conduct. See cases cited, supra, nn. 1, 3, 4. The principle that voluntary abandonment of an illegal practice will not make an action moot is especially, if not exclusively, applicable to such public law enforcement suits.

'Private parties may settle their controversies at any time, and rights which a plaintiff may have had at the time of the commencement of the action may terminate before judgment is obtained or while the case is on appeal, and in any such case the court, being informed of the facts, will proceed no further in the action. Here, however, there has been no extinguishment of the rights * * * of the public, the enforcement of which the government has endeavored to procure by a judgment of a court * * *. The defendants cannot foreclose those rights nor prevent the assertion thereof by the government as a substantial trustee for the public under the act of congress, by (voluntary cessation of the challenged conduct).'United States v. Trans-Missouri Freight Assn., 166 U.S., at 309, 17 S.Ct., at 546.

The considerations of public enforcement of a statutory or regulatory scheme which inhere in those cases are not present in this litigation.

FN6. Certainly in every decision relied on by the petitioners the Court did not reject the mootness argument solely on the ground that the illegal practice had been voluntarily terminated. In each it proceeded to determine that there was in fact a continuing controversy.

The petitioners' proposition that conduct of the 91st Congress has perpetuated the controversy is based on the fact that House Resolution No. 2-the same resolution by which the House voted to seat Powell-fined him $25,000 and provided that his seniority was to commence as of the date he became a member of the 91st Congress.[FN7] That punishment, it is said, 'arises out of the *564 prior actions of the House which originally impelled this action.'It is indisputable, however, that punishment of a House member involves constitutional issues entirely distinct from those raised by exclusion, [FN8] and that a punishment in one Congress is in no legal sense a 'continuation' of an exclusion from the previous Congress. A judicial determination that the exclusion was improper would have no

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bearing on the constitutionality of the punishment, nor any conceivable practical impact on Powell's status in the 91st Congress. It is thus clear that the only connection between the exclusion by the 90th Congress and the punishment by the 91st is that they were evidently based on the same asserted derelictions of Congressman Powell. But this action was not brought to exonerate Powell or to expunge the legislative findings of his wrongdoing; its only purpose was to restrain the action taken in consequence of those findings-Powell's exclusion.

FN7. House Resolution No. 2 provided in pertinent part:
'(2) That as punishment Adam Clayton Powell be and he hereby is fined the sum of $25,000, said sum to be paid to the Clerk to be disposed of by him according to law. The Sergeant at Arms of the House is directed to deduct $1,150 per month from the salary otherwise due the said Adam Clayton Powell, and pay the same to said Clerk until said $25,000 fine is fully paid.
'(3) That as further punishment the seniority of the said Adam Clayton Powell in the House of Representatives commence as of the date he takes the oath as a Member of the 91st Congress.'

The petitioners' argument that the case is kept alive by Powell's loss of seniority, see ante, at 1950, is founded on the mistaken assumption that the loss of seniority is attributable to the exclusion from the 90th Congress and that seniority would automatically be restored if that exclusion were declared unconstitutional. But the fact is that Powell was stripped of seniority by the action of the 91st Congress, action which is not involved in this case and which would not be affected by judicial review of the exclusion from the 90th Congress. Moreover, even if the conduct of the 91st Congress were challenged in this case, the Court would clearly have no power whatsoever to pass upon the propriety of such internal affairs of the House of Representatives.

FN8.Article I, s 5, of the Constitution specifically empowers each House to ' punish its Members for disorderly Behaviour.'

Equally without substance is the petitioners' contention that this case is saved from mootness by application of the asserted 'principle' that a case challenging allegedly unconstitutional conduct cannot be rendered moot *565 by further unconstitutional conduct of the defendants. Under this hypothesis, it is said that the 'Court can not determine that the conduct of the House of January 3, 1969, has mooted this controversy without inferentially, at least, holding that the action of the House of that day was legal and constitutionally permissible.'If there is in our jurisprudence any doctrine remotely resembling the petitioners' theory-which they offer without reference to any authority-it has no conceivable relevance to this case. For the events of January 3, 1969, that made this case moot were **1987 the termination of the 90th Congress and Powell's seating in the 91st, not the punishment which the petitioners allege to have been unconstitutional. That punishment is wholly irrelevant to the question of mootness and is in no wise before the Court in this case.

II.

The passage of time and intervening events have, therefore, made it impossible to afford the petitioners the principal relief they sought in this case. If any aspect of the case remains alive, it is only Congressman Powell's individual claim for the salary of which he was deprived by his absence from the 90th Congress.[FN9] But even if that claim can be said to prevent this controversy from being moot, which I doubt, there is no need to reach the fundamental constitutional issues that the Court today undertakes to decide.

FN9. The salary claim is personal to Congressman Powell, and the other petitioners therefore clearly have no further interest in this lawsuit.

This Court has not in the past found that an incidental claim for back pay preserves the controversy between a legislator and the legislative body which evicted him, once the term of his eviction has expired.Alejandrino v. Quezon, 271

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U.S. 528, 46 S.Ct. 600, 70 L.Ed. 1071, was a case nearly identical to *566 that before the Court today. The petitioner was a member of the Senate of the Philippines who had been suspended for one year for assaulting a colleague. He brought an action in the Supreme Court of the Philippines against the elected members of the Senate[FN10] and its officers and employees (the President, Secretary, Sergeant at Arms, and Paymaster), seeking a writ of mandamus and an injunction restoring him to his seat and to all the privileges and emoluments of office. The Supreme Court of the Philippines dismissed the action for want of jurisdiction and Alejandrino brought the case here,[FN11] arguing that the suspension was not authorized by the Philippine Autonomy Act, a statute which incorporated most of the provisions of Article I of the United States Constitution.[FN12]

FN10. The Philippines Senate was composed of 24 Senators, 22 of whom were elected, and two of whom were appointed by the Governor General. Alejandrino was one of the two appointees. See 271 U.S., at 531-532, 46 S.Ct., at 601.

FN11. Under the Philippine Autonomy Act, 39 Stat. 545, this Court had jurisdiction to examine by writ of error the final judgments and decrees of the Supreme Court of the Philippine Islands in cases under the Constitution or statutes of the United States. A subsequent statute substituted the writ of certiorari. 39 Stat. 726.

FN12.'Section 18 (of the Autonomy Act) provides that the Senate and House respectively shall be the sole judges of the elections, returns and qualifications of their elective members, and each House may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds expel an elective member. The Senators and Representatives shall receive an annual compensation for their services to be ascertained by law and paid out of the treasury of the Philippine Islands. Senators and Representatives shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.'271 U.S., at 532, 46 S.Ct., at 601.

*567 Because the period of the suspension had expired while the case was pending on certiorari, a unanimous Court, in an opinion by Chief Justice Taft, vacated the judgment and remanded the case with directions to dismiss it as moot. To Alejandrino's claim that his right to back pay kept the case alive, the Court gave the following answer, which, because of its particular pertinency to this case, I quote at length:

'It may be suggested, as an objection to our vacating the action of the **1988 court below, and directing the dismissal of the petition as having become a moot case, that, while the lapse of time has made unnecessary and futile a writ of mandamus to restore Senator Alejandrino to the Island Senate, there still remains a right on his part to the recovery of his emoluments, which were withheld during his suspension, and that we ought to retain the case for the purpose of determining whether he may not have a mandamus for this purpose. * * * It is difficult for the Court to deal with this feature of the case, which is really only a mere incident to the main question made in the petition and considered in the able and extended brief of counsel for the petitioner and the only brief before us. That brief is not in any part of it directed to the subject of emoluments, nor does it refer us to any statute or to the rules of the Senate by which the method of paying Senators' salaries is provided, or in a definite way describe the duties of the officer or officers or committee charged with the ministerial function of paying them.

'* * * the remedy of the Senator would seem to be by mandamus to compel such official in the discharge of his ministerial duty to pay him the salary due, and the presence of the Senate as a party would be *568 unnecessary. Should that official rely upon the resolution of the Senate as a reason

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for refusing to comply with his duty to pay Senators, the validity of such a defense and the validity of the resolution might become a judicial question affecting the personal right of the complaining Senator, properly to be disposed of in such action but not requiring the presence of the Senate as a party for its adjudication. The right of the petitioner to his salary does not therefore involve the very serious issue raised in this petition as to the power of the Philippine Supreme Court to compel by mandamus one of the two legislative bodies constituting the legislative branch of the government to rescind a resolution adopted by it in asserted lawful discipline of one of its members, for disorder and breach of privilege. We think, now that the main question as to the validity of the suspension has become moot, the incidental issue as to the remedy which the suspended Senator may have in recovery of his emoluments if illegally withheld, should properly be tried in a separate proceeding against an executive officer or officers as described. As we are not able to derive from the petition sufficient information upon which properly to afford such a remedy, we must treat the whole cause as moot and act accordingly. This action on our part of course is without prejudice to a suit by Senator Alejandrino against the proper executive officer or committee by way of mandamus or otherwise to obtain payment of the salary which may have been unlawfully withheld from him.'271 U.S., at 533, 534-535, 46 S.Ct., at 601.[FN13]

FN13. The petitioners rely on the following passage from Bond v. Floyd, 385 U.S. 116, 128, 87 S.Ct. 339, 345, 17 L.Ed.2d 235, n. 4, as dispositive of their contention that the salary claim prevents this case from being moot:

'A question was raised in oral argument as to whether this case might not be moot since the session of the House which excluded Bond was no longer in existence. The State has not pressed this argument, and it could not do so, because the State has stipulated that if Bond succeeds on this appeal he will receive back salary for the term from which he was excluded.'

I do not believe that this offhand dictum in Bond is determinative of the issue of mootness in this case. In the first place, as the Court in Bond noted, it was not there contended by any party that the case was moot. Moreover, contrary to the implication of the statement, the legislative term from which Bond was excluded had not ended at the time of the Court's decision. (The Court's decision was announced on December 5, 1966; Bond's term of office expired on December 31, 1966.) In any event, he had not been seated in a subsequent term, so the continuing controversy had not been rendered clearly moot by any action of the Georgia House, as it has here by the House of Representatives of the 91st Congress. No one suggested in Bond that the money claim was the only issue left in the case. Furthermore, the considerations which governed the Court's decision in Alejandrino were simply not present in Bond.Because of the State's stipulation, there was no doubt, as there is here, see infra, at 1989, that the Court's decision would lead to effective relief with respect to Bond's salary claim. And finally, there was no suggestion that Bond had an alternative remedy, as Powell has here, see infra, at 1989-1990, by which he could obtain full relief without requiring the Court to decide novel and delicate constitutional issues.

**1989 *569 Both of the factors on which the Court relied in Alejandrino are present in this case. Indeed, the salary claim is an even more incidental and subordinate aspect of this case than it was of Alejandrino.[FN14] And the availability of effective relief for that claim against any of the present respondents is far from certain. As in Alejandrino, the briefs and memoranda submitted by the parties in this case contain virtually no discussion of this question-the only question of remedy remaining in the case. It appears from relevant provisions of law, however, that the Sergeant at Arms of the House-an official newly *570 elected by each Congress [FN15] -is responsible for the retention and disbursement to Congressmen of the funds appropriated for their salaries. These funds are payable from the United States Treasury[FN16] upon requisitions presented by the Sergeant at Arms, who is entrusted with keeping the books and accounts 'for the compensation and mileage of Members.'[FN17]A Congressman who has presented his credentials and taken the oath of office[FN18] is entitled to be paid

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monthly on the basis of certificates of the Clerk [FN19] and Speaker of the House.[FN20] Powell's prayer for a mandamus and an injunction against the Sergeant at Arms is presumably based on this statutory scheme.

FN14. Alejandrino was the only petitioner in the case, and since he was an appointed Senator, it appears that there was no group of voters who remained without representation of their choice in the Senate during his suspension.

FN15. Act of Oct. 1, 1890, s 6, 26 Stat. 646, 2 U.S.C. s 83.

FN16.U.S.Const., Art. I, s 6; 2 U.S.C. s 47.

FN17.2 U.S.C. ss 80, 78.

FN18.2 U.S.C. s 35.

FN19.2 U.S.C. s 34.

FN20.2 U.S.C. s 48.

Several important questions remain unanswered, however, on this record. Is the Sergeant at Arms the only necessary defendant? If so, the case is surely moot as to the other respondents, including the House members, and they should be dismissed as parties on that ground rather than after resolution of difficult constitutional questions under the Speech or Debate Clause. But it is far from clear that Powell has an appropriate or adequate remedy against the remaining respondents. For if the Speaker does not issue the requisite certificates and the House does not rescind Resolution No. 278, can the House agents be enjoined to act in direct contravention of the orders of their employers? Moreover, the office of Sergeant at Arms of the 90th Congress has now expired, and the present Sergeant at Arms serves the 91st Congress. If he were made a party in that capacity, would he have the authority-or could the 91st Congress *571 confer the authority-to disburse money for a salary owed to a Representative in the previous Congress, particularly one who never took the oath of office? Presumably funds have not been appropriated to the 91st Congress or requisitioned by its Sergeant at Arms for the payment of salaries to members of prior Congresses. Nor is it ascertainable from **1990 this record whether money appropriated for Powell's salary by the 90th Congress, if any, remains at the disposal of the current House and its Sergeant at Arms.[FN21]

FN21. The respondents allege without contradiction that the Sergeant at Arms does not have sufficient funds to pay Congressman Powell's back salary claims. Separate appropriations for the salaries of Congressmen are made in each fiscal year, see, e.g., 80 Stat. 354, 81 Stat. 127, 82 Stat. 398, and, according to the respondents, 'it is the custom of the Sergeant to turn back to the Treasury all unexpended funds at the end of each fiscal year.'Thus, the only funds still held by the Sergeant are said to be those appropriated for the present fiscal year commencing July 1, 1968.

There are, then substantial questions as to whether, on his salary claim, Powell could obtain relief against any or all of these respondents. On the other hand, if he was entitled to a salary as a member of the 90th Congress, he has a certain and completely satisfactory remedy in an action for a money judgment against the United States in the Court of Claims.[FN22] While that court could not have ordered Powell seated or entered a declaratory judgment on the constitutionality of his exclusion, [FN23] it *572 is not disputed that the Court of Claims could grant him a money judgment for lost salary on the ground that his discharge from the House violated the Constitution. I would remit Congressman Powell to that remedy, and not simply because of the serious doubts about the availability of the one he now pursues. Even if the mandatory relief sought by Powell is appropriate and could be effective, the Court should insist that the salary claim be litigated in a context that would clearly obviate the need to decide some of the constitutional questions with which the Court grapples today, and might avoid them altogether.

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FN24 In an action in the Court of Claims for a money judgment against the United States, there would be no question concerning the impact of the Speech or Debate Clause on a suit against members of the House of Representatives and their agents, and questions of jurisdiction and justiciability would, if raised at all, be in a vastly different and more conventional form.

FN22.'The Court of Claims shall have jurisdiction to render judgment upon any claim against the United States founded either upon the Constitution, or any Act of Congress * * *.'28 U.S.C. s 1491. The district courts have concurrent jurisdiction over such claims only in amounts less than $10,000. 28 U.S.C. s 1346.

FN23.United States v. King, 395 U.S. 1, 89 S.Ct. 1501, 23 L.Ed.2d 52. The petitioners suggest that the inability of the Court of Claims to grant such relief might make any remedy in that court inadequate. But since Powell's only remaining interest in the case is to collect his salary, a money judgment in the Court of Claims would be just as good as, and probably better than, mandatory relief against the agents of the House. The petitioners also suggest that the Court of Claims would be unable to grant relief because of the pendency of Powell's claim in another court, 28 U.S.C. s 1500, but that would, of course, constitute no obstacle if, as I suggest, the Court should order this action dismissed on grounds of mootness.

FN24. It is possible, for example, that the United States in such an action would not deny Powell's entitlement to the salary but would seek to offset that sum against the amounts which Powell was found by the House to have appropriated unlawfully from Government coffers to his own use.

In short, dismissal of Powell's action against the legislative branch would not in the slightest prejudice his money claim,[FN25] and it would avoid the necessity **1991 of deciding*573 constitutional issues which, in the petitioners' words, 'touch the bedrock of our political system (and) strike at the very heart of representative government.'If the fundamental principles restraining courts from unnecessarily or prematurely reaching out to decide grave and perhaps unsettling constitutional questions retain any vitality, see Ashwander v. TVA, 297 U.S. 288, 346-348, 56 S.Ct. 466, 482-483, 80 L.Ed. 688 (Brandeis, J., concurring), surely there have been few cases more demanding of their application than this one. And those principles are entitled to special respect in suits, like this suit, for declaratory and injunctive relief, which it is within a court's broad discretion to withhold.'We have cautioned against declaratory judgments on issues of public moment, even falling short of constitutionality, in speculative situations.' Public Affairs Associates, Inc. v. Rickover, 369 U.S. 111, 112, 82 S.Ct. 580, 582, 7 L.Ed.2d 604.' Especially where governmental action is involved, courts should not intervene unless the need for equitable relief is clear, not remote or speculative.' Eccles v. Peoples Bank of Lakewood Village, 333 U.S. 426, 431, 68 S.Ct. 641, 644,192 L.Ed. 784.

FN25. Relying on Bank of Marin v. England, 385 U.S. 99, 101, 87 S.Ct. 274, 276, 17 L.Ed.2d 197, the petitioners complain that it would impose undue hardship on Powell to force him to 'start all over again' now that he has come this far in the present suit. In view of the Court's remand of this case for further proceedings with respect to Powell's remedy, it is at least doubtful that remitting him to an action in the Court of Claims would entail much more cost and delay than will be involved in the present case. And the inconvenience to litigants of further delay or litigation has never been deemed to justify departure from the sound principle, rooted in the Constitution, that important issues of constitutional law should be decided only if necessary and in cases presenting concrete and living controversies.

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If this lawsuit is to be prolonged, I would at the very least not reach the merits without ascertaining that a decision can lead to some effective relief. The Court's remand for determination of that question implicitly recognizes that there may be no remaining controversy between petitioner Powell and any of these respondents redressable by a court, and that its opinion today may be wholly advisory. But I see no good reason for any court even to pass on the question of the availability *574 of relief against any of these respondents. Because the essential purpose of the action against them is no longer attainable and Powell has a fully adequate and far more appropriate remedy for his incidental back-pay claim, I would withhold the discretionary relief prayed for and terminate this lawsuit now. Powell's claim for salary may not be dead, but this case against all these respondents is truly moot. Accordingly, I would vacate the judgment below and remand the case with directions to dismiss the complaint.

U.S.Dist.Col. 1969.
Powell v. McCormack
395 U.S. 486, 89 S.Ct. 1944, 23 L.Ed.2d 491

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2b. Powell v McCormack, 395 F2d. 577, Circuit court opinions in the case, including the concurring opinion by Judge McGowan.

395 F.2d 577

395 F.2d 577, 129 U.S.App.D.C. 354
(Cite as: 395 F.2d 577)

Powell v. McCormack,
C.A.D.C. 1968.

United States Court of Appeals District of Columbia Circuit.
Adam Clayton POWELL, Jr., et al., Appellants,
v.
John W. McCORMACK, Speaker of the House of Representatives et al., Appellees.
No. 20897.

Feb. 28, 1968, As Amended July 30, 1968.

Action for injunctive and other relief on basis of unconstitutionality of House Resolution excluding Congressman-elect from membership in House of Representatives. The United States Distric Court for the District of Columbia, George L. Hart, Jr., J., 266 F.Supp. 354, denied application for three-judge court and dismissed complaint, and plaintiffs appealed. The Court of Appeals, Burger, Circuit Judge, held that the claim of Congressman-elect was one 'arising under Constitution' within constitutional provision extending federal judicial power to causes and controversies arising under Constitution. The Court further held that the Congressman's claim to his seat presented 'case or controversy' within constitutional provision extending federal judicial power to case or controversy arising under federal Constitution. The Court also held that statute giving district courts original jurisdiction of all civil actions which arise under Constitution was grant of jurisdiction to entertain the action. In addition the Court held that issues raised by the action were non-justiciable, and that Resolution of House of Representatives excluding Congressman-elect from membership was not 'act of Congress' within statute requiring three-judge district court to hear application for injunction restraining enforcement of act of Congress for repugnance to Constitution.

Affirmed.

West Headnotes

[1] Federal Courts 170B ⇐161

170B Federal Courts
170BIII Federal Question Jurisdiction
170BIII(A) In General
170Bk161 k. Federal Question Jurisdiction in General. Most Cited Cases
Claim of Congressman-elect that House Resolution excluding him from membership in Congress violated Constitution was one "arising under Constitution" within constitutional provision extending federal judicial power to cases and controversies arising under Constitution. U.S.C.A.Const. art. 1, § 2, cl. 2; § 5, cls. 1, 2; art. 3, § 2, cl. 1.

[2] Federal Courts 170B ⇐161

170B Federal Courts
170BIII Federal Question Jurisdiction
170BIII(A) In General
170Bk161 k. Federal Question Jurisdiction in General. Most Cited Cases
(Formerly 106k281)
Claim of Congressman-elect to House of Representatives seat from which he had been excluded by House Resolution which he claimed was unconstitutional presented "case or controversy " within constitutional provision extending federal judicial power to case or controversy arising under federal Constitution. U.S.C.A.Const. art. 1, § 2, cl. 2; § 5, cls. 1, 2; art. 3, § 2, cl. 1.

[3] Declaratory Judgment 118A ⇐274.1

118A Declaratory Judgment
118AIII Proceedings
118AIII(B) Jurisdiction and Venue
118Ak274 Jurisdiction of Federal Courts
118Ak274.1 k. In General. Most Cited Cases
(Formerly 118Ak274)

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Federal Courts 170B ⚿10.1

170B Federal Courts
170BI Jurisdiction and Powers in General
170BI(A) In General
170Bk10 Issuance of Writs
170Bk10.1 k. In General. Most Cited Cases
(Formerly 170Bk10, 106k262.3(6))

Federal Courts 170B ⚿161

170B Federal Courts
170BIII Federal Question Jurisdiction
170BIII(A) In General
170Bk161 k. Federal Question Jurisdiction in General. Most Cited Cases
(Formerly 106k265)

Federal Courts 170B ⚿232

170B Federal Courts
170BIII Federal Question Jurisdiction
170BIII(C) Cases Arising Under Laws of the United States
170Bk232 k. United States Officers or Agencies, Actions by or Against. Most Cited Cases
(Formerly 106k282(1))
Statute giving district courts original jurisdiction of all civil actions which arise under Constitution was grant of jurisdiction to entertain action by Congressman-elect for injunctive relief, mandamus and declaratory judgment on basis that his exclusion from membership in House of Representatives was in violation of Constitution. U.S.C.A.Const. art. 1, § 2, cl. 2; § 5, cls. 1, 2; art. 3, § 1; 28 U.S.C.A. § 1331(a).

[4] Federal Courts 170B ⚿161

170B Federal Courts
170BIII Federal Question Jurisdiction
170BIII(A) In General
170Bk161 k. Federal Question Jurisdiction in General. Most Cited Cases
(Formerly 106k281)
Issues raised by action of Congressman-elect complaining of his exclusion from House of Representatives were non-justiciable.

[5] Federal Courts 170B ⚿1003

170B Federal Courts
170BIX District Courts
170BIX(B) Three-Judge Courts
170Bk1003 k. Unconstitutional Federal Statutes, Injunction Against Enforcement in General. Most Cited Cases
(Formerly 106k101)
Resolution of House of Representatives excluding Congressman-elect from membership was not "act of Congress" within statute requiring three-judge district court to hear application for injunction restraining enforcement of act of Congress for repugnance to Constitution. 28 U.S.C.A. § 2282.

***578 **355** Mr. Arthur Kinoy, New York City, of the bar of the Court of Appeals of New York, pro hac vice, by special leave of court, Messrs. Frank D. Reeves and Herbert O. Reid, Sr., Washington, D.C., with whom Mr. William M. Kunstler, New York City, and Mrs. Jean Camper Cahn, Washington, D.C., were on the brief, for appellants.
Mr. Bruce Bromley, New York City, of the bar of the Court of Appeals of New York, pro hac vice, by special leave of court, with whom Messrs. Lloyd N. Cutler, John H. Pickering, Louis F. Oberdorfer, Max O. Truitt, Jr., and Timothy B. Dyk, Washington, D.C., were on the brief, for appellees.
Messrs. Thomas D. Barr, John R. Hupper and Jay E. Gerber, New York City, members of the bar of the Court of Appeals of New York, were also on the brief for appellee and were granted leave to appear in this case pro hac vice.

Before BURGER, MCGOWAN and LEVENTHAL, Circuit Judges.
****356 *579** BURGER, Circuit Judge.
This case presents for the first time the question whether courts can consider claims that a Member-elect has been improperly excluded from his seat in the United States House of Representatives. On the basis of findings by that body that Member-elect Adam Clayton Powell, Jr., had been guilty of misconduct as a Member of a prior Congress and of contumacious conduct toward the courts of the State of New York, the House voted to exclude him from the seat in the 90th

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Congress to which he had been elected in 1966 by the voters of the 18th Congressional District of New York.[FN1]

FN1. Mr. Powell was thereafter re-elected to the Congress in the special election called to fill the vacancy determined to exist by reason of his exclusion. He has not since presented himself to take the oath.

This suit was brought by Mr. Powell and thirteen voters[FN2] of the 18th Congressional District of New York in the United States District Court for the District of Columbia. Appellants sought injunctive relief, mandamus, and a declaratory judgment against Appellees who are Members and officials of the House of Representatives of the 90th Congress. Appellees were sued individually, in their official positions, and as representatives of all Members of the House of Representatives.[FN3] The complaint was accompanied by a motion to convene a statutory three-judge court. The District Court dismissed Appellants' complaint for want of subject matter jurisdiction, Powell v. McCormack, 266 F.Supp. 354 (D.D.C.1967).

FN2. Appellants are Adam Clayton Powell, Jr., A. Philip Randolph, Percy E. Sutton, Basil Patterson, J. Raymond Jones, Lillian Upshur, Hulan Jack, Geraldine L. Daniels, Antonio Mendez, Hilda Stokley, Margaret Cox, Fannie Allison, Charles B. Rangel, and James P. Jones.

FN3. See pp. 584, 585 infra.

While Appellants' claims actually arose as a result of action taken by the House at the time of the organization of the 90th Congress, the factual genesis of that action derived from events involving the alleged conduct of Member-elect Powell during earlier Congresses. The underlying events were summarized in a House Report as follows:

During the 89th Congress open and widespread criticism developed with respect to the conduct of Representative Adam Clayton Powell, of New York. This criticism emanated both from within the House of Representatives and the public, and related primarily to Representative Powell's alleged contumacious conduct toward the courts of the State of New York and his alleged official misconduct in the management of his congressional office and his office as chairman of the Committee on Education and Labor. There were charges Representative Powell was misusing travel funds and was continuing to employ his wife on his clerk-hire payroll while she was living in San Juan, P.R., in violation of Public Law 89-90, and apparently performing few if any official duties.

In September 1966, as the result of protests made by a group of Representatives serving on the Committee on Education and Labor, the Committee on House Administration, acting through its chairman, issued instructions for the cancellation of all airline credit cards which had been issued to the Committee on Education and Labor and notified Chairman Powell that all future travel must be specifically approved by the Committee on House Administration prior to undertaking the travel.

The Special Subcommittee on Contracts of the Committee on House Administration, under the chairmanship of Representative Hays of Ohio, conducted an investigation into certain expenditures of the Committee on Education and Labor, which focused primarily on the travel expenses of Chairman Powell and of the committee's staff during the 89th Congress, and the clerk-hire status of Y. Marjorie Flores. Hearings were held on December 19, 20, 21 and 30, 1966, and a *580 **357 report (H. Res. 2349) was filed just prior to the end of the 89th Congress. * * * Subsequent to the report of the Hays subcommittee and prior to the organization of the 90th Congress, the Democrat Members-elect, meeting in caucus, voted to remove Representative-elect Powell from his office as chairman of the Committee on Education and Labor. [FN4]

FN4. H.R.REP. No. 27, 90th Cong., 1st Sess. 1-2 (1967). The earlier report concluded that Representative Powell and certain staff employees deceived the

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approving authorities as to travel expenses and that the record raised a strong presumption that the payment of funds to Mr. Powell's wife violated existing law. H.R.REP No. 2349, 89th Cong., 2d Sess. 6-7 (1966).

The 90th Congress met to organize on January 10, 1967. At that time Member-elect Van Deerlin, of California, objected to the administration of the oath to Member-elect Powell.[FN5] Upon request, Member-elect Powell stepped aside while the oath was administered to the other Members-elect. Shortly thereafter Representative Udall, of Arizona, introduced a resolution that the oath be administered to Member-elect Powell and that the question of his final right to be seated as a Member of the 90th Congress be referred to a select committee. The debate on this resolution centered on whether to seat Member-elect Powell or to delay his seating pending a committee investigation. Before a vote was taken, Member-elect Powell was permitted to make a statement to the House. The Udall resolution was replaced by a substitute resolution offered by Representative Ford, of Michigan, which was then adopted as House Resolution 1, 90th Congress 1st Session.[FN6]

FN5. 113 Cong.Rec. H 4 (daily ed. Jan. 10, 1967). The proceedings on January 10, 1967, in the House are found in id. at H 4-16.

FN6. The roll call vote to bring the Udall resolution to a vote was 126 yeas, 305 nays.Id. at H 13-14. After the Ford substitution was agreed upon, the amended resolution was approved by a roll call vote of 364 to 64.Id. at H 16.

House Resolution 1 referred to a Select Committee the question of whether or not Mr. Powell should be seated. This Select Committee was to be comprised of nine members selected by The Speaker, four of whom would be members of the minority party, designated by the Minority Leader. The Select Committee was authorized to hold hearings and compel the attendance of witnesses and the production of documents by subpoena. House Resolution 1 prohibited Mr. Powell from being sworn in or seated until the House acted on the Committee report. Mr. Powell, however, was permitted to receive the pay, allowances, and emoluments of a Member during the course of the investigation. The Select Committee was to report to the House within five weeks after its members were appointed.

On January 19, 1967, The Speaker appointed nine lawyer-Members to the bipartisan Select Committee.[FN7] The Select Committee wrote Mr. Powell on February 1, 1967, inviting him to testify and respond to interrogation before the Committee on February 8, 1967. The stated scope of the testimony and interrogation was to include Mr. Powell's

FN7. The Select Committee members were Emanuel Celler (N.Y.) (Chairman), James C. Corman (Calif.), Claude Pepper (Fla.), John Conyers, Jr. (Mich.), Andrew Jacobs, Jr. (Ind.), Arch A. Moore, Jr. (W. Va.), Charles M. Teague (Calif.), Clark MacGregor (Minn.), and Vernon W. Thomson (Wis.).

qualifications of age, citizenship and inhabitancy, and the following other matters:

(1) The status of legal proceedings to which (Mr. Powell was) a party in the State of New York and in the Commonwealth of Puerto Rico, with particular reference to the instances in which (he had) been held in contempt of court;

(2) Matters of (Mr. Powell's) alleged official misconduct since January 3, 1961.[FN8]***581** ****358** The letter further advised Mr. Powell that he could be accompanied by counsel and that the hearings would be conducted in accordance with House Rule XI, paragraph 26.[FN9]

FN8. Letter from Emanuel Celler to Adam Claryton Powell, Jr., February 1, 1967, in Hearings on H.Res. 1 Before Select

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Comm. Pursuant to H.Res. 1, 90th Cong., 1st Sess. 5 (1967) (hereinafter Hearings). After a meeting of counsel for Mr. Powell and counsel for the Select Committee held on February 3, 1967, the Committee's chief counsel wrote to Mr. Powell's counsel on February 6, 1967, stating:

The Select Committee desires to interrogate Mr. Powell (as to) paragraphs 1 to 11 of the ' Conclusions' contained in the Report of the Committee on House Administration, Special Subcommittee on Contracts (pp. 6 and 7) relating to an investigation into expenditures during the 89th Congress by the House Committee on Education and Labor and the clerk-hire status of Y. Marjorie Flores (Mrs. Adam Clayton Powell).

Letter from William A. Geoghegan to Mrs. Jean C. Cahn, February 6, 1967, in Hearings 59.

FN9. Rule XI, paragraph 26, prescribes committee procedures. In addition to internal housekeeping provisions, it entitles a witness at any hearing to be accompanied by counsel, to submit statements in the discretion of the committee, and to obtain a transcript of testimony, upon payment of costs. H.R.Doc. No. 619, 87th Cong., 2d Sess. 364-368 (1963).

Mr. Powell appeared at the February 8 hearing, accompanied by his attorneys. At this time the Chairman, Mr. Celler, without objection from Mr. Powell, took official notice of the published hearings and conclusions of the Special Subcommittee on Contracts of the Committee on House Administration, relating to the investigation of Mr. Powell conducted during the 89th Congress. See note 4 supra, and accompanying text. The Chairman then explained that, in addition to the rights set forth in the letter of February 1, counsel for Mr. Powell would be permitted a reasonable length of time for oral argument and Mr. Powell would be permitted to make a statement to the Committee on all matters as to which he was invited to testify.

Counsel for Mr. Powell moved that the Committee limit its inquiry to Mr. Powell's age, citizenship, and inhabitancy and that, because the scope of the Committee's inquiry was constitutionally limited to these three requirements, it immediately terminate its proceedings and report to the House that Mr. Powell was entitled to his sear.[FN10] After oral argument on these motions Mr. Powell's counsel made several procedural motions asserting the invalidity of the Committee proceedings for failure to provide adequate notice and comply with the due process requirements of an adversary proceeding. In addition, certain specific procedural rights were requested:

FN10. Documentary evidence that Mr. Powell met these three requirements had been previously submitted to the Committee and made part of the record at the hearings. Hearings 14-25. Briefs in support of these motions were filed by counsel for Mr. Powell and the American Civil Liberties Union.

1. Fair notice as to the charges now pending against him, including a statement of charges and a bill of particulars by any accuser. 2. The right to confront his accuser, and in particular to attend in person and by counsel, all sessions of this committee at which testimony or evidence is taken, and to participate therein with full rights of cross-examination. 3. The right fully in every respect to open and public hearings in every respect in the proceedings before the select committee. 4. The right to have this committee issue its process to summon witnesses whom he may use in his defense. 5. The right to a transcript of every hearing.[FN11]

FN11. Hearings 54.

After the Committee took these motions under advisement, Mr. Powell was questioned by counsel for the Committee. After a few questions, Mr. Powell's counsel objected and insisted that Mr. Powell would not proceed further without a ruling on his pending motions. The Select Committee then recessed and, upon reconvening, the Chairman denied all of the *582 **359 motions. With specific reference to the procedural motions, the

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Chairman said:

This is not an adversary proceeding. The committee is going to make every effort that a fair hearing will be afforded, and prior to this date has decided to give the Member-elect rights beyond those afforded an ordinary witness under the House rules.

The committee has put the Member-elect on notice of the matters into which it will inquire by its notice of the scope of inquiry and its invitation to appear, as well as by conferences with, and a letter from its chief counsel to the counsel for the Member-elect.

Prior to this hearing the committee decided that it would allow the Member-elect the right to an open and public hearing and the right to transcript of every hearing at which testimony is adduced.

The committee has decided to summon any witnesses having substantial relevant testimony to the inquiry upon the written request of the Member-elect or his counsel.

The Member-elect certainly has the right to attend all hearings at which testimony is adduced and to have counsel present at those hearings.[FN12]

FN12. Hearings 59.

After these rulings by the Chairman, Mr. Powell was interrogated, but upon advice of counsel he refused to answer any questions except those relating to his age, citizenship, and inhabitancy in New York. At the end of the February 8 hearing, the Chairman denied a request that Mr. Powell be permitted to make a statement at that time, suggesting that it should be renewed subsequently.[FN13]

FN13. Hearings 107.

By a letter of February 10, Mr. Powell was informed that the next hearing would be held on February 14. He was further advised that, upon written application, the Select Committee would summon any witnesses 'having substantial relevant testimony to the inquiry. * * *'The letter stated:

The Select Committee has deferred decision on the question raised by the original motion of your counsel as to whether the qualifications for membership in the House, specifically enumerated in Article I, Section 2, of the Constitution, age, citizenship, and inhabitancy, should be deemed exclusive. Further, we are of the opinion that the Select Committee is required by House Resolution 1, 90th Congress, to inquire not only into the question of your right to take the oath and be seated as a member of the 90th Congress, but additionally and simultaneously to inquire into the question of whether you should be punished or expelled pursuant to the powers granted by the House under Article I, Section 5, Clause 2, of the Constitution. In other words, the Select Committee is of the opinion that at the conclusion of the present inquiry, it has authority to report back to the House recommendations with respect to your seating, expulsion or other punishment.[FN14]

FN14. Letter from Emanuel Celler to Adam Clayton Powell, February 10, 1967, in Hearings 110.

Finally the letter queried whether in both the seating phase and the punishment and expulsion phase, Mr. Powell would refuse to testify about the legal proceedings against him and his alleged official misconduct. He was again invited to testify and advised he would be allowed to make a statement.

At the hearing on February 14 attended by Mr. Powell's attorneys but not by Mr. Powell, it was stated that Mr. Powell would not testify concerning the court proceedings or alleged official misconduct in either phase of the Committee's inquiry. Mr. Powell's attorneys reasserted their position that age, citizenship, and inhabitancy were the exclusive qualifications, and, further, took the position that no inquiry on the question of punishment or expulsion was possible until a Member had been seated, *583 **360 and that the two issues- seating and punishment or expulsion- could not be merged into one proceeding.[FN15] The Select Committee then

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proceeded to hear evidence concerning the New York litigation involving Mr. Powell and evidence concerning the air travel, expense reimbursement and bank accounts of Mr. Powell and his associates.

FN15. Hearings 111-13.

Neither Mr. Powell nor his attorneys attended the final hearing of the Select Committee on February 16. At that time testimony was received from Mrs. Adam Clayton Powell (Y. Marjorie Flores) with respect to her financial affairs and those of her husband. Testimony was also received from a former assistant to Mr. Powell concerning disbursements for airplane travel. After the close of the hearings, counsel for Mr. Powell submitted another brief, reiterating the points previously raised.

On February 23, 1967, the Select Committee issued its report. Mr. Powell was found to be over 25 years of age, a United States citizen for more than 7 years, and, on the date of his election, and inhabitant of the State of New York.[FN16] The Committee also found, however, that Mr. Powell had asserted an unwarranted privilege and immunity from the processes of the courts of the State of New York; had wrongfully and wilfully diverted House funds for use of others and himself, in his capacity as a Member of Congress and as a committee chairman; and had made false reports on expenditures of foreign exchange currency to the Committee on House Administration.[FN17] Based on these findings of fact, the Select Committee recommended the adoption of a resolution stating:

FN16. The Committee report noted that no question as to Mr. Powell's age or citizenship had been raised but that members of the House and the public questioned his inhabitancy. H.R.REP. No. 27, 90th Cong. 1st Sess. 5 n. 7 (1967).

FN17.Id. at 31-32.

1. That the Speaker administer the oath of office to the said Adam Clayton Powell, Member-elect from the 18th District of the State of New York.

2. That upon taking the oath as a Member of the 90th Congress the said Adam Clayton Powell be brought to the bar of the House in the custody of the Sergeant-at-Arms of the House and be there publicly censured by the Speaker in the name of the House.

3. That Adam Clayton Powell, as punishment, pay to the Clerk of the House to be disposed of by him according to law, $40,000. The Sergeant-at-Arms of the House is directed to deduct $1,000 per month from the salary otherwise due the said Adam Clayton Powell and pay the same to said Clerk, said deductions to continue while any salary is due the said Adam Clayton Powell as a Member of the House of Representatives until said $40,000 is fully paid. Said sums received by the Clerk shall offset to the extent thereof any liability of the said Adam Clayton Powell to the United States of America with respect to the matters referred to in the above paragraphs 3 and 4 of the preamble to this resolution. (See pp. 584, 585 infra.)

4. That the seniority of the said Adam Clayton Powell in the House of Representatives commence as of the date he takes the oath as a Member of the 90th Congress.

5. That if the said Adam Clayton Powell does not present himself to take the oath of office on or before March 13, 1967, the seat of the 18th District of the State of New York shall be deemed vacant and the Speaker shall notify the Governor of the State of New York of the existing vacancy.[FN18]

FN18.Id. at 34.

The report and proposed resolution of the Select Committee were presented to the House on March 1, 1967.[FN19] Although notice of this submission had been published in the Congressional Record,[FN20] Mr. ***584 **361** Powell did not appear in the House on March 1. The House extensively debated the proposed resolution, considering, inter alia, whether age, citizenship, and inhabitancy were the sole grounds for exclusion from membership in the

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House; whether the House should first seat Mr. Powell and then determine whether to punish or expel him; and whether a two-thirds vote would be required to exclude him on the basis of the Select Committee's findings. At the conclusion of debate, the House rejected, by a vote of 222 to 202, a motion to bring the resolution to an immediate vote. Mr. Curtis, of Missouri, offered an amendment to the Committee resolution; the thrust of the amendment was to exclude Mr. Powell and declare his seat vacant. At this point The Speaker ruled that a majority vote would be sufficient to pass the resolution if so amended.[FN21] After further debate this amendment was adopted by a roll call vote of 248 to 176. The amended resolution was then agreed upon, 307 to 116. The Select Committee's proposed preamble was then adopted so that House Resolution 278, 90th Congress, 1st Session, in its final form read:

FN19. The relevant proceedings on March 1, 1967, are found at 113 Cong.Rec. H 1918-57 (daily ed. March 1, 1967).

FN20. 113 Cong.Rec. D 108 (daily ed. Feb. 24, 1967).

FN21. 113 Cong.Rec. H 1942 (daily ed. March 1, 1967). Mr. Curtis, speaking to his proffered amendment, stated:
During the debate on the resolution, for which this is a substitute, I advanced my own theory on what power was derived from the power of expulsion. I said that I felt the power of expulsion very clearly implied the right of exclusion. I do not see how anyone can argue very seriously against this implied power.
Also, if this is true, then in my own judgment exclusion would require a two-thirds vote.
Ibid.

WHEREAS, The Select Committee appointed Pursuant to H.Res. 1 (90th Congress) has reached the following conclusions:

First, Adam Clayton Powell possesses the requisite qualifications of age, citizenship and inhabitancy for membership in the House of Representatives and holds a Certificate of Election from the State of New York.

Second, Adam Clayton Powell has repeatedly ignored the processes and authority of the courts in the State of New York in legal proceedings pending therein to which he is a party, and his contumacious conduct towards the court of that State has caused him on several occasions to be adjudicated in contempt thereof, thereby reflecting discredit upon and bringing into disrepute the House of Representatives and its Members.

Third, as a Member of this House, Adam Clayton Powell improperly maintained on his clerk-hire payroll Y. Marjorie Flores (Mrs. Adam C. Powell) from August 14, 1964 to December 31, 1966, during which period either she performed no official duties whatever or such duties were not performed in Washington, D.C. or the State of New York as required by law.

Fourth, as Chairman of the Committee on Education and Labor, Adam Clayton Powell permitted and participated in improper expenditures of government funds for private purposes.

Fifth, the refusal of Adam Clayton Powell to cooperate with the Select Committee and the Special Subcommittee on Contracts of the House Administration Committee in their lawful inquiries authorized by the House of Representatives was contemptuous and was conduct unworthy of a Member; Now, therefore, be it

RESOLVED, That said Adam Clayton Powell, Member-Elect from the Eighteenth District of the State of New York, be and the same hereby is excluded from membership in the 90th Congress, and that the Speaker shall notify the Governor of the State of New York of the existing vacancy.

Thereafter, Appellants brought the suit from which the present appeal derives. Because of its importance to the resolution of the issues here presented, some attention must be devoted to the nature of the present claims. By their own statement of this case, Appellants *585 **362 sued the Members of the present House of

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Representatives in a class action. Their complaint in the District Court named Representatives John W. McCormack, Carl Albert, Gerald R. Ford, Emanuel Celler, Arch A. Moore, Jr., and Thomas B. Curtis 'individually and, pursuant to Rule 23(a) of the Federal Rules of Civil Procedure, as representatives of a class of citizens who are presently serving in the 90th Congress as members of the House of Representatives.'Speaker McCormack was also named in his official capacity. The Clerk of the House of Representatives, the Sergeant-at-Arms and the Doorkeeper were each named individually and in their official capacities.

Appellants' complaint challenged the action of the House by claiming that 'House Resolution No. 278 is null and void and in violation of the Constitution of the United States, in particular Article I, Section 2(2) thereof which sets forth the exclusive qualifications for membership in the House of Representatives,' and also because 'it violates Article I, Section I (2, cl. 1) of the Constitution of the United States which provides that members of the House shall be elected by the people of each state.'It further alleged that the House action violated the 'basic rights' of the electors of the 18th Congressional District of New York and that, as non-white citizens, these electors were being denied their rights under the fifth, thirteenth, and fifteenth amendments, and, as females, certain of the electors were being denied their rights under the nineteenth amendment. The complaint also attacked House Resolution 278 as a bill of attainder, an ex post facto law and as cruel and unusual punishment. Appellants further asserted that the hearings conducted by the Select Committee violated the fifth and sixth amendments by denying 'the elemental rights of due process, including but not limited to notice of charges, the right of confrontation of witnesses, effective representation by counsel who could cross-examine witnesses in regard to any matter alleged. * * *'

Appellants' complaint also challenged the actions of certain of the individuals here sued as follows. Speaker McCormack was alleged to have violated the fifth amendment in declaring a vacancy in the 18th Congressional District contrary to Article I, section 2(4), (5), section 3(6), (7) and section 5(2), and 2 U.S.C. § 8 (1964). The Speaker was also challenged for his refusal to administer the oath to Mr. Powell ('under color and authority of his office and the illegal and unconstitutional actions of the House of Representatives') and for his threat to exclude Mr. Powell from occupancy of his office space. The complaint further stated that the Clerk of the House threatened to refuse to perform the services for Mr. Powell to which a duly- elected Congressman is entitled, that the Sergeant-at-Arms refused to pay Mr. Powell his salary, and that the Doorkeeper threatened to refuse to admit Mr. Powell to the House Chamber.

We take special notice of the manner in which Appellants characterized their action: 'this is a proceeding to restrain the enforcement, operation or execution of House Resolution No. 278. * * *'The relief prayed for by the Appellants was that a statutory three-judge court be convened, that it grant a permanent injunction restraining Appellees from executing House Resolution 278, and that it issue a permanent injunction restraining Speaker McCormack from refusing to administer the oath, the Clerk from refusing to perform the duties due a Member of the House, the Sergeant-at-Arms from refusing to pay Mr. Powell, and the Doorkeeper from refusing to admit Mr. Powell to the Chamber. The requested injunction would also restrain the named Representatives 'and all other members of the class of citizens they represent who are members of the House of Representatives from taking any action to enforce House Resolution No. 278 or nay other action which will deny to plaintiff Adam Clayton Powell, Jr., the right to be seated. * * *'The complaint also asked for declaratory judgment that the denial of his seat violated *586 **363 the Constitution. In addition Appellants requested writs of mandamus to require Speaker McCormack to administer the oath of office and to compel the relief requested against the other named officials. Finally, Appellants requested preliminary injunctions granting similar relief pending adjudication of the claims.

After detailed pleading and arguments of counsel, the District Court denied Appellants' application for a three-judge court, dismissed the complaint 'for want of jurisdiction of the subject matter,' and

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denied the motion for a preliminary injunction. Powell v. McCormack, 266 F.Supp. 354, 360 (D.D.C.1967). On April 27, 1967, this court denied Appellants' motion for summary reversal. Appellants' petition for writ of certiorari prior to judgment in this court was denied by the Supreme Court on May 29, 1967, Powell v. McCormack, 387 U.S. 933, 87 S.Ct. 2056, 18 L.Ed.2d 995 (1967).

While these legal proceedings were pending Mr. Powell was re-elected to the House of Representatives on April 11, 1967. The formal certification of election was received by the House on May 1, 1967. Mr. Powell has not presented himself again to the House or asked to be given the oath of office.

Claims and Issues

The issues on this appeal raise profound questions of constitutional law which go to the very heart of our form of government of powers delegated to separate branches by a written constitution. Inextricable are fundamental aspects of our commitment to representative government with elected legislators responsible directly to the people.

Appellants contend:

(a) that dismissal of the complaint in the District Court for want of jurisdiction was error;

(b) that the claims are justiciable;

(c) that refusal to seat Mr. Powell who was over twenty-five year of age, more than seven years a citizen and an inhabitant of New York violated Article I, sections 2 and 5 of the Constitution;

(d) that House Resolution 278 inflicted on Mr. Powell a punishment in violation of the Constitution;

(e) that Mr. Powell's exclusion from the House violated Due Process;

(f) that Mr. Powell's exclusion from the House violated rights of the voters of his district to a free choice of their representative;

(g) that federal courts have power to grant relief requested; and

(h) that the District Court erred in refusing to certify the necessity for a three-judge court.

The Appellees contend:

(a) that the Speech or Debate Clause of Article I is an absolute bar to the action;

(b) that there is no federal subject matter jurisdiction;

(c) that the complaint presents a political question; and

(d) that the claims asserted are not justiciable

Constitutional Provisions

Because we will have frequent occasion to refer to the text of certain constitutional provisions, we set out here some of the pertinent sections involved in this case:

Art. I, § 2, clause 2: 'No Person shall be a Representative who shall not have attained to the age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.'

Art. I, § 5, clause 1: 'Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of Absent Members, in such Manner, and under such Penalties as each House may provide.'

*587 **364 Art. I, § 5, clause 2: 'Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.'

Art. I, § 6, clause 1: 'The Senators and Representatives shall receive a Compensation for

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their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony, and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.'

Art. III, § 2, clause 1: 'The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; * * *.'

PART I

CAN THE COURT ACT?

JURISDICTION

Historically there have been at least two concepts of the exercise of federal jurisdiction. One is the classical concept that once jurisdiction was found, a court could not decline to act. In Cohens v. Virginia, 19 U.S. (6 Wheat.) 264, 404, 5 L.Ed. 257 (1821), for example, Chief Justice Marshall articulated the view that:

We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the constitution.

See Marbury v. Madison, 5 U.S. (1 Cranch) 137, 177-178, 2 L.Ed. 60 (1803); Wechsler, Toward Neutral Principles of Constitutional Law, 73 HARV.L.REV. 1, 2-9 (1959). A second view is that, where a court finds jurisdiction, it may nevertheless decline to exercise its power. L. HAND THE BILL OF RIGHTS 14-18 (1958); Finkelstein, Judicial Self-Limition, 37 HARV.L.REV. 338 (1923).[FN22]

FN22. Both competing theories are discussed in BICKEL, THE LEAST DANGEROUS BRANCH 46-65 (1962). Professor Bickel himself comes very close to the second concept in his views on prudential techniques for avoiding the exercise of jurisdiction. Bickel, Foreword: The Passive Virtues, 75 HARV.L.REV. 40 (1961). A more thorough analysis is set forth in Scharpf, Judicial Review and the Political Question: A Functional Analysis, 75 YALE L.J. 517 (1966).

Much of what has been said and written on the concepts of jurisdiction, discretionary jurisdiction, justiciability, case or controversy, and political question, and any effort to fix firm boundaries defining these concepts, is now merged into a series of cases,[FN23] the most significant of which for our purposes is Baker v. Carr, 369 U.S. 186, 82 S.Ct. 691, 7 L.Ed.2d 663 (1962). Almost imperceptibly at first, but quite clearly by the 1962 holding in Baker, the Supreme Court had established more comprehensive guidelines for identifying federal subject matter jurisdiction and justiciability. Since the present case turns on a constitutional grant of power to a coequal branch, the application of these guidelines presents what Mr. Justice Brennan termed in Baker,'a delicate exercise in constitutional interpretation,'id. at 211, 82 S.Ct. at 706.

FN23. See, e.g., Gomillion v. Lightfoot, 364 U.S. 339, 81 S.Ct. 125, 5 L.Ed.2d 110 (1960); Colegrove v. Green, 328 U.S. 549, 66 S.Ct. 1198, 90 L.Ed. 1432 (1946); Coleman v. Miller, 307 U.S. 433, 59 S.Ct. 972, 83 L.Ed. 1385 (1939).

When a court finds that the subject matter of the case is inappropriate for judicial consideration, Baker now establishes that it is nonjusticiable and the court declines to exercise admitted jurisdiction:

The District Court was uncertain whether our cases withholding federal judicial relief rested upon a lack of federal jurisdiction or upon the inappropriateness of the subject matter for ***588 **365** judicial consideration- what we have designated ' nonjusticiability.' The distinction between the two grounds is significant. In the instance of

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nonjusticiability, consideration of the cause is not wholly and immediately foreclosed; rather, the Court's inquiry necessarily proceeds to the point of deciding whether the duty asserted can be judicially identified and its breach judicially determined, and whether protection for the right asserted can be judicially molded. In the instance of lack of jurisdiction the cause either does not 'arise under' the Federal Constitution, laws or treaties (or fall within one of the other enumerated categories of Art. III, § 2), or is not a 'case or controversy' within the meaning of that section; or the cause is not one described by any jurisdictional statute.

Baker v. Carr, supra, at 198, 82 S.Ct. at 700.

The difficulties arising from the terms used on this elusive subject are suggested by the comments of other members of the Court in Baker. Mr. Justice Harlan, for example, described the majority holding as an 'abrupt departure * * * from judicial history.' He went on to note:

Once one cuts through the thicket of discussion devoted to 'jurisdiction,' 'standing,' 'justiciability, ' and 'political question,' there emerges a straightforward issue * * *. Does the complaint disclose a violation of a federal constitutional right * * *, a claim over which a United States District Court would have jurisdiction under 28 U.S.C. § 1343(3) and 42 U.S.C. 1983? The majority opinion does not actually discuss this basic question, but, as one concurring Justice (Stewart) observes, seems to decide it 'sub silentio.' Ante, p. 261,82 S.Ct. p. 733 .

Baker v. Carr, supra, at 330-331, 82 S.Ct. 691, 771 (Harlan, J., dissenting).

In Baker, where the Court was dealing with state action, what the Court said, perhaps as much as what it did, staked out something of the new dimensions of federal subject matter jurisdiction, justiciability, the political question and other doctrines. If Baker was, as Mr. Justice Frankfurter thought, 'a massive repudiation of the experience of our whole past,'id. at 267, 82 S.Ct. at 737 (dissenting opinion), it is a holding which points the way for us as to the issues of jurisdiction and justiciability.

Mr. Justice Brennan in Baker enumerated three criteria each of which must be present to establish the existence of federal subject matter jurisdiction:

(1) the cause must 'arise under' the Federal Constitution, laws, or treaties (or fall within one of the other enumerated categories of Article III, section 2), and (2) the cause must be a 'case or controversy' within the meaning of Article III, section 2, and (3) the cause must be described in a jurisdictional statute enacted by Congress.

Id. at 198, 82 S.Ct. at 700.

1. Arising Under the Federal Constitution.

[1] Subject to congressional enactment, Article III, section 2, grants federal courts jurisdiction on over ' all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their authority; * * *.' In 1875 Congress used similar language in a statute granting federal courts general and original jurisdiction over such cases. Act of March 3, 1875, ch. 137, § 1, 18 Stat. 470. See 28 U.S.C. § 1331(a) (1964). A commentator has recently noted that:

the key phrase, both in the Constitution and in the statute, is 'arises under.' Though the meaning of this phrase has attracted the interest of such giants of the bench as Marshall, Waite, Bradley, the first Harlan, Holmes, Cardozo, and Frankfurter, and has been the subject of voluminous scholarly writing, it cannot be said that any clear test has yet been developed*589 **366 to determine which cases ' arise under' the Constitution, laws, or treaties of the United States.

C. WRIGHT, FEDERAL COURTS 48 (1963).

Appellants' complaint in the District Court is predicated on the several Article I powers of the House, Article III, and on the Bill of Rights and Civil Rights Amendments. Neither the litigants nor the District Court [FN24] challenged the substantiality and importance of the constitutional

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claims, one of the most significant factors in the determination of subject matter jurisdiction.[FN25] Thus, leaving for subsequent discussion the question of whether the case 'arises under' in the context of the statutory grant of jurisdiction, this case would appear to present a substantial claim which arises 'directly' under the Constitution,[FN26] and thus 'arises under' in the context of the constitutional grant of jurisdiction of Article III. This conclusion is fortified by the broad reading given to Article III by Chief Justice Marshall in Osborn v. President, etc., Bank of the United States, 22 U.S. (9 Wheat.) 738, 846-858, 6 L.Ed. 204 (1824). See WRIGHT, supra, at 48-52; Chadbourn & Levin, Original Jurisdiction of Federal Questions, 90 U.Pa.L.Rev. 639, 649 (1942).

FN24.Powell v. McCormack, 266 F.Supp. 354, 355-356 (D.D.C.1967).

FN25. Dismissal of the complaint upon the ground of lack of jurisdiction of the subject matter would, therefore, be justified only if that claim were 'so attenuated and unsubstantial as to be absolutely devoid of merit,'Newburyport Water Co. v. City of Newburyport, 193 U.S. 561, 579, 24 S.Ct. 553, 557, 48 L.Ed. 795 or 'frivolous,' Bell v. Hood, 327 U.S. 678, 683, 66 S.Ct. 773, 90 L.Ed. 939. That the claim is unsubstantial must be 'very plain.' Hart v. B. F. Keith Vaudeville Exchange, 262 U.S. 271, 274, 43 S.Ct. 540, 67 L.Ed. 977.
Baker v. Carr, supra, 369 U.S. at 199, 82 S.Ct. 691.

FN26. Mishkin, The 'Federal Question' in the District Courts, 53 COLUM.L.REV. 157, 165-68 (1953).

Appellees argue that the issue presented by this case arises exclusively and finally under Article I, section 5, and thus the case is withdrawn from the judicial power articulated in Article III. Their argument, which has the support of various contemporary constitutional authorities,[FN27] is that the text of the Constitution- 'Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members'- carved out from the Article III judicial powers all jurisdiction of the courts to review congressional judgment under this clause. Stated in another way, Appellees' argument is that the Constitution assigned this special kind of judging function to the Legislative Branch.[FN28] If so, it is the Constitution's allocation of powers that requires this result, rather than any failure of the claim to arise under the Constitution.Article III grants judicial power to cases 'arising under' the Constitution as a whole, not under any particular provision of it.

FN27. See Frank, Political Questions, in SUPREME COURT AND SUPREME LAW 36 (E. Cahn ed. 1954); Scharpf, supra note 22, at 539-40; Wechsler, supra, at 8.

FN28. Appellees' argument finds its logical basis in the classical theory of judicial review previously discussed. Under that view, as Professor Wechsler noted, the primary question is whether the Constitution commits the 'autonomous determination' of the issue to another coordinate branch. Wechsler, supra, at 7-9.

2. Case or Controversy.

[2] It is clear from the debates at the Philadelphia Convention that the Framers intended Article III's requirement of 'case or controversy' to mean cases or controversies 'of a judiciary nature.' E.g., 2 M. FARRAND, RECORDS OF THE FEDERAL CONVENTION OF 1787, at 430 (rev. ed. 1966). Analysis of English and Colonial precedents shows that after a long and bitter struggle judicial bodies were denied the power of review over legislative judgments concerning elections and qualifications of members. See 1 H. REMICK, THE POWERS OF CONGREES IN RESPECT TO MEMBERSHIP AND ELECTIONS 1-62 (1929); see generally M. CLARKE, PARLIAMENTARY PRIVILEGE IN THE AMERICAN*590 **367 COLONIES (1943); C. WITTKE, THE HISTORY OF ENGLISH PARLIAMENTARY PRIVILEGE (1921). Nothing at the Convention suggests that the

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'case or controversy' language of Article III was intended to change this familiar and historical allocation of powers. See 2 M. FARRAND, supra, at 39, 132-33, 186.Indeed, where departures from English precedents were intended they were explicitly written into Article III; for example, the provision extending judicial power to include cases in equity, 2id. at 428.

No cases have been cited as directly holding, and our search has not revealed any basis for saying, that a claim to a seat in the House is of a kind traditionally the concern of courts in the sense, for example, that Mr. Justice Frankfurter viewed traditional cases as those which English courts dealt with at the time of our Convention, Joint Anti-Fascist Refugee Committee v. McGrath, 341 U.S. 123, 71 S.Ct. 624, 95 L.Ed. 817 (1951) (Frankfurter, J., concurring); Coleman v. Miller, 307 U.S. 433, 460, 59 S.Ct. 972, 83 L.Ed. 1385 (1939) (Frankfurter, J., concurring); see Atlas Life Ins. Co. v. W. I. Southern, Inc., 306 U.S. 563, 568, 59 S.Ct. 657, 83 L.Ed. 987 (1939). All traditions must have a genesis, however, and legal traditions are no exception. One might view Bond v. Floyd, 385 U.S. 116, 87 S.Ct. 339, 17 L.Ed.2d 235 (1966), for example, as departing from existing federal traditions when it found jurisdiction over a state legislator's claim to his seat. It is interesting, however, that nowhere in the opinions of the three-judge Bond court is there any discussion of ' case or controversy.' Bond v. Floyd, 251 F.Supp. 333 (N.D.Ga.1966). Nor did the Supreme Court opinion in Bond elaborate on the 'case or controversy' aspect. The presence of a case or controversy was seemingly taken for granted or decided sub silentio. The same is true in Baker v. Carr.Although Baker explicitly tabulates 'case or controversy' as one of three indispensable factors for jurisdiction, nowhere in that opinion is there any discussion indicating just how the reapportionment of state electoral districts fell within the scope of matters 'of a judiciary nature.'[FN29]Yet the holding plainly assumes that a case or controversy was presented.

FN29. The Court merely stated: 'Our conclusion * * * that this cause presents no nonjusticiable 'political question' settles the only possible doubt that it is a case or controversy.'Baker v. Carr, supra, 369 U.S. at 198, 82 S.Ct. at 700.

Against this background we can hardly conclude that Mr. Powell's claim to a seat in the House fails to present a case or controversy as those terms must now be construed.

3. Statutory Grant of Jurisdiction.

[3] Even where the requisites of Article III, section 2 are met- that is, the claim presents a case or controversy which 'arises under' the Constitution or laws of the United States- jurisdiction of federal courts is dependent on an affirmative grant by Congress. U.S. CONST. art. III, § 1; Baker v. Carr, supra, 369 U.S. at 198, 82 S.Ct. 691; Ex parte McCardle, 74 U.S. (7 Wall.) 506, 19 L.Ed. 264 (1868).

Our examination of the various jurisdictional statutes relied upon by Appellants reveals that jurisdiction can be based only on 28 U.S.C. § 1331(a) (1964), [FN30] the relevant provision of which ***591 **368** is: 'The district courts shall have original jurisdiction of all civil actions * * * (which arise) under the Constitution, laws, or treaties of the United States.'Although there is a paucity of legislative history for the statute, see generally FRANKFURTER & LANDIS, THE BUSINESS OF THE SUPREME COURT 65-69 (1927), commentators agree that a broad grant of jurisdiction was intended. Mishkin, supra note 26, at 160; Chadbourn & Levin, supra, at 644-645 (1942); Forrester, The Nature of a 'Federal Question,' 16 TULANE L. REV. 362, 374-385 (1942). We have already determined that this case ' arises under' the Constitution for the purposes of the Article III definition of judicial power. While section 1331 is not to be equated with the potential for federal jurisdiction in Article III, see e.g., Zwickler v. Koota, 389 U.S. 241, 246-247 n. 8, 88 S.Ct. 391, 19 L.Ed.2d 444 (1967), and cases cited therein, we conclude that the statute is broad enough to operate as an affirmative jurisdictional grant here. See, e.g., Gully v. First Nat'l Bank, 299 U.S. 109, 112-114, 57 S.Ct. 96, 81 L.Ed. 70 (1936);

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Bergman, Reappraisal of Federal Question Jurisdiction, 46 MICH.L.REV. 17, 39-45 (1947). [FN31]

FN30. Appellants also rely on the Declaratory Judgment Act, 28 U.S.C. §§ 2201, 2202 (1964), and the Three Judge Court statute, 28 U.S.C. § 2282 (1964), but it is clear that these statutes are not jurisdictional.Skelly Oil Co. v. Phillips Petroleum Co., 339 U.S. 667, 671-672, 70 S.Ct. 876, 94 L.Ed. 1194 (1950) (declaratory judgment); Cadillac Publishing Co. v. Summerfield, 97 U.S.App.D.C. 14, 227 F.2d 29,cert. denied, 350 U.S. 901, 76 S.Ct. 179, 100 L.Ed. 791 (1955) (same); Van Buskirk v. Wilkinson, 216 F.2d 735 (9th Cir. 1954) (three judge court). The civil rights statutes relied upon, 42 U.S.C. §§ 1971(a)(1), 1981, 1983 (1964), and 42 U.S.C. § 1971(a)(2) (1964), as amended, § 15, 79 Stat. 445 (1965), are not applicable because they deal either with state action or with specific acts of voter discrimination which are not alleged to have been involved here. Appellants' final jurisdictional predicate, 28 U.S.C. 1343(4) (1964) is equally unavailing. To the extent that it might confer jurisdiction as to federal deprivation of civil rights protected by Acts of Congress, those very acts, we have just noted, are not applicable here.

FN31. Appellees argue that 28 U.S.C. § 1344 (1964), conferring jurisdiction to recover possession of office but excluding the office of Representative in the House, plainly denied jurisdiction in cases like this. See Johnson v. Stevenson, 170 F.2d 108 (5th Cir. 1948), cert. denied, 336 U.S. 904, 69 S.Ct. 491, 93 L.Ed. 1069 (1949). That statute, however, is limited to election disputes. In addition, it requires that the sole question involved arise out of the denial of voting rights on account of race, color or servitude.

For other dismissals based on lack of a jurisdictional statute see Peterson v. Sears, 238 F.Supp. 12 (N.D.Iowa 1964) (suit to enjoin voting officials from unlocking voting machines after congressional election); Keogh v. Horner, 8 F.Supp. 933 (S.D.Ill.1934) (suit for writ of prohibition against Governor's issuance of certificate of election of Congressman).

PART II

SHOULD THE COURTS ACT?

JUSTICIABILITY- DISCRETION TO ACT

[4] Having found that under Baker jurisdiction arises, we now turn to the inquiry as to the appropriateness or inappropriateness of the subject matter of Appellants' claims for judicial consideration. Absent federal subject matter jurisdiction there would be nothing on which a court could act, but 'in the instance of nonjusticiability, consideration of the cause is not wholly and immediately foreclosed; rather, the court's inquiry necessarily proceeds' to determine whether a duty and its breach can be identified and determined and a remedy molded.Baker v. Carr, supra, 369 U.S. at 198, 82 S.Ct. at 700.

Appellees argue that the cause presents on its face a 'political question.' [FN32]But the fact that a claim seeks the enforcement of a political right or a claim to political office, as here, does not necessarily mean that it raises a 'political question.' See, e.g., Bond v. Floyd, supra. The term 'political' has been used to distinguish questions which are essentially for decision by the political branches from those which are essentially for adjudication by the judicial branch.

FN32. The standard authorities on the nature of a 'political question' are: Frank, supra note 27, at 36-43; POST, THE SUPREME COURT AND POLITICAL QUESTIONS (1936); Field, The Doctrine of Political Questions in the Federal Courts, 8 MINN.L.REV. 485 (1924); Finkelstein, Judicial Self-Limitation, 37 HARV.L.REV. 338 (1924); Finkelstein,

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Further Notes on Judicial Self-Limitation, 39 HARV.L.REV. 221 (1926); McCloskey, Foreword: The Reapportionment Case, 76 HARV.L.REV. 54, 59-64 (1962); Scharpf, supra note 22; Weston, Political Questions, 38 HARV.L.REV. 296 (1925).

*592 **369 In some areas the political question can be readily discerned; for example, the conduct of foreign policy is vested exclusively in the Executive, e.g., United States v. Curtiss-Wright Export Corp., 299 U.S. 304, 319, 57 S.Ct. 216, 81 L.Ed. 255 (1936); Oetjen v. Central Leather Co., 246 U.S. 297, 302, 38 S.Ct. 309, 62 L.Ed. 726 (1918), whereas the power to declare war or raise armies is vested in the Congress, U.S. CONST. art. 1, § 8. Even in these areas questions can arise on the peripheries so that the labels of 'foreign policy' or 'state of war' are not automatic barriers to all judicial scrutiny, e.g., The Three Friends, 166 U.S. 1, 63-66, 17 S.Ct. 495, 41 L.Ed. 897 (1897); Baker v. Carr, supra, 369 U.S. at 212-213, 82 S.Ct. 691, and cases cited therein. No purpose would be served in pursuing delineation and we refer to it only to indicate that the law does not pivot on labels, even those of constitutional origin.

Appellees stress the applicability of a series of cases containing language indicating that the exercise of congressional power to judge the qualifications of members is beyond the scope of the judicial power, i.e., the courts have no jurisdiction at all. In the cases cited to us, either the issue of jurisdiction was never reached,[FN33] or the language relied upon is dictum.[FN34]Nevertheless, we note that they treat this congressional power as exclusive.[FN35]

FN33. E.g., Seymour v. United States, 77 F.2d 577, 584, 99 A.L.R. 880 (8th Cir. 1935).

FN34.Reed v. County Commissioners, 277 U.S. 376, 388, 48 S.Ct. 531, 72 L.Ed. 924 (1928); Jones v. Montague, 194 U.S. 147, 153, 24 S.Ct. 611, 48 L.Ed. 913 (1904); Johnson v. Stevenson, 170 F.2d 108, 110 (5th Cir. 1948), cert. denied, 336 U.S. 904, 69 S.Ct. 491, 93 L.Ed. 1069 (1949); Application of James, 241 F.Supp. 858, 860 (S.D.N.Y.1965); Peterson v. Sears, 238 F.Supp. 12, 13-14 (N.D.Iowa 1964); Keogh v. Horner, 8 F.Supp. 933, 935 (S.D.Ill.1934); In re Voorhis, 291 F. 673, 675 (S.D.N.Y.1923.)

In three of these case, Johnson, Peterson, and Keogh, the decision was based on lack of an appropriate jurisdictional statute.

FN35. For state cases to a similar effect see Laxalt v. Cannon, 80 Nev. 588, 397 P.2d 466 (1964); In re Williams' Contest, 198 Minn. 516, 270 N.W. 586 (1936).

The only holding of this court which bears directly on the issue is Sevilla v. Elizalde, 72 App.D.C. 108, 112 F.2d 29 (1940). In Sevilla, a resident of the Philippine Commonwealth sought a bill in equity to enjoin the resident commissioner of the Philippines from holding office because he lacked the requisite qualifications. The qualifications were specified in the Independence Act which provided for the resident commissioner to have a seat but no vote in the United States House of Representatives. The court characterized his role as partly a diplomatic resident of a 'foreign' state and partly a territorial delegate to Congress. Nothing that the question of the qualifications of foreign diplomats was committed to the Executive, and the question of the qualifications of a delegate was committed to Congress, this court held that the case presented a political question:

Courts have no jurisdiction to decide political questions. These are such as to have been entrusted by the sovereign for decision to the so-called political departments of government, as distinquished from questions which the sovereign has set to be decided in the courts.Article I, section 5 of the Constitution provides that 'each house shall be the judge of the elections, returns and qualifications of its own members * * *.' And the Supreme Court has recognized that although these powers are judicial, as distinguished from legislative or executive, in type, they have nevertheless been lodged in the legislative branch by the Constitution.

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Id. at 111, 116, 112 F.2d at 32, 37. The Sevilla holding standing alone might well be dispostive of the instant appeal but it must be read in light of cases since then, culminating in Baker.

***593 **370** The Supreme Court case on which the Sevilla court relied in reaching its conclusion is Barry v. United States ex rel. Cunningham, 279 U.S. 597, 49 S.Ct. 452, 73 L.Ed. 867 (1929). There a Senate investigation into the election of a Senator involved the subpoena of a witness to testify as to the source of campaign contributions. He refused to appear and the Senate ordered him arrested and brought to the Chamber. The Supreme Court held that the Senate had the power to bring a witness before it by arrest warrant pursuant to the exercise of its power to judge the qualifications of its Members.[FN36] More importantly, the Supreme Court noted that the power to judge encompassed the power to 'render a judgment which is beyond the authority of any other tribunal to review,'id. at 613, 49 S.Ct. at 455. See Mr. Justice Douglas' concurring opinion in Baker v. Carr, supra, 369 U.S. at 242 n. 2, 82 S.Ct. at 723:'Of course each House of Congress, not the Court, is 'the Judge of the Elections, Returns, and Qualifications of its own Members.''

FN36. In Barry the Senate was not judging qualifications in the sense here involved but inquiring into whether, because of fraud and illegal conduct of the candidate, no 'election' had been held.

Nonjusticiability of a question because it is found to be essentially political is declared by Baker to be a doctrine peculiar to confrontations within the federal establishment and derives from the fundamental structure of our system of divided and separate powers.[FN37] In Baker and Bond any possible confrontation was between federal power and a state. Cautiously avoiding any attempt to state the exclusive criteria for identifying a political question, Mr. Justice Brennan in Baker suggested six factors to be found 'prominent on the surface' of a political question case. They bear restatement:

FN37. In the Guaranty Clause cases and in the other 'political question' cases, it is the relationship between the judiciary and the coordinate branches of the Federal Government, and not the federal judiciary's relationship to the States, which gives rise to the 'political question.' Baker v. Carr, supra, at 210, 82 S.Ct. 706. See McCloskey, supra note 32, at 62.

Luther v. Borden, 48 U.S. (7 How.) 1, 12 L.Ed. 581 (1849), is the foremost of the guaranty clause cases. Although the dispute there arose within a state, the court focused on the potential conflict between the federal judicial power and the obligation of the legislative and executive branches to fulfill the guaranty clause.

(1) a textually demonstrable constitutional commitment of the issue to a coordinate political department; (2) or a lack of judicially discoverable and manageable standards for resolving it; (3) or the impossibility of deciding without an initial policy determination of a kind clearly for nonjudicial discretion; (4) or the impossibility of a court's undertaking independent resolution without expressing lack of the respect due coordinate branches of government; (5) or an unusual need for unquestioning adherence to a political decision already made; (6) or the potentiality of embarrassment from multifarious pronouncements by various departments on one question.

Baker v. Carr, supra, at 217, 82 S.Ct. at 710.

Treating these as 'symptoms' of a nonjusticiable political question, rather than as the exclusive criteria for identifying one, we turn to their application to this record, having in mind that under Baker the presence of any one of these six factors may be a bar to justiciability. This much Baker has settled.

(1) Article I, section 5 of the Constitution would seem in plain terms to vest in the House 'a texually demonstrable constitutional commitment of the issue ' of a judging function concerning the ***594 **371** elections, returns and qualifications of its own Members. The language that 'Each House shall be the judge' can hardly mean less than that the

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Members, for this purpose, become 'judges,' withdrawing judging of qualifications from the judicial branch.

Mr. Powell and the class Appellants contend that what was textually committed to the House by Article I, section 5, was the narrow power to judge whether a Member-elect met the Article I, section 2, criteria of age, citizenship and inhabitancy and no more. On its face, section 5 commits the power to judge qualifications to the House in some measure. FN38 Although it may not be necessary to decide whether the power is confined to section 2 criteria or limited in some other respect, it is clear that a general power of judging has been committed by the Constitution to the House. If other factors, now to be considered, render the claims inappropriate for consideration, we need not rely on what seems to be a textual commitment.

> FN38. Deciding whether a matter has in any measure been committed by the Constitution to another branch of government, or whether the action of that branch exceeds whatever authority has been committed, is itself a delicate exercise in constitutional interpretation, and is a responsibility of this Court as ultimate interpreter of the Constitution.

Baker v. Carr, supra, at 211, 82 S.Ct. at 706 (emphasis added).

(2) Are there 'judicially discoverable and manageable standards for resolving' the issues raised? Laying aside for the present the availability of an efficient judicial remedy, it would be difficult to say that there are no 'manageable standards' for adjudicating the issues raised. Familiar judicial techniques are available to construe the meaning of Article I, section 2, criteria of age, citizenship, and inhabitancy and to decide whether these are the sole grounds on which a Member-elect may constitutionally be excluded. The language of Baker, 'manageable standards for resolving' the claims, must, however, be read in light of the earlier formulation inquiring 'whether protection for the right asserted can be judicially molded.'When we consider whether the available 'manageable standards' are adequate for resolving the question in the sense of solving and settling it, we are forced to conclude that courts do not possess the requisite means to fashion a meaningful remedy to compel Members of the House to vote to seat Mr. Powell or to compel The Speaker to administer the oath.

(3) This case does not present aspects to which the third criterion of Baker applies since the determination of the scope of a constitutional grant of power is not an 'initial policy determination of a kind clearly for nonjudicial discretion,' such as a declaration of war.

(4) It is difficult to see, assuming a decision favorable to Mr. Powell, that there could be an efficient judicial resolution which was contrary to the action of the House 'without expressing lack of respect due coordinate branches of government.' Appellants urge that the courts should not concern themselves with the prospect of a direct confrontation because Members of the House, or a majority of them, would as a matter of comity, respect a holding of this court and abide by its rulings. The issue is not, however, what reaction could be expected from the coordinate branch, but the nature of the judicial mandate requested.

(5) There does not seem to be present, except as it arises out of paragraphs (1) and (4) above, 'an unusual need for unquestioning adherence to a political decision already made.'This fifth criterion of Baker has no direct relevance here as it would for example to a specific foreign policy determination within the scope of Executive power. See, e.g., Chicago & Southern Air Lines, Inc. v. Waterman S.S. Corp., 333 U.S. 103, 68 S.Ct. 431, 92 L.Ed. 568 (1948); Eminente v. Johnson, 124 U.S.App.D.C. 56, 361 F.2d 73,cert. denied, 385 U.S. 929, 87 S.Ct. 287, 17 L.Ed.2d 211 (1966); **595**372Pauling v. McNamara, 118 U.S.App.D.C. 50, 331 F.2d 796 (1963), cert. denied, 377 U.S. 933, 84 S.Ct. 1336, 12 L.Ed.2d 297 (1964).

(6) There is, in only a limited sense, and perhaps not at all in the sense contemplated by Baker, a ' potentiality of embarrassment from multifarious pronouncements by various departments on one

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question.'However, if we view the risk of conflicting pronouncements by the House and the courts as within this criterion, the potential for embarrassment is rather obvious. A judicial mandate to seat Mr. Powell would in effect be a command to The Speaker to administer the oath contrary to the terms of House Resolution 278. The command to seat Mr. Powell might be obviated were we to hold that our mandate constituted an ' equity substitute' for a resolution of the House, the effect of which would be to treat him as having been sworn and seated. But the resulting confusion from such conflicting pronouncements seems clear.

It would therefore appear that not one but probably several of the Baker 'symptoms' of nonjusticiability are prominent on the surface of the claims asserted and indeed are inextricable from them; this alone might well be sufficient to warrant a conclusion of ' the inappropriateness of the subject matter for judicial consideration.'Baker v. Carr, supra, 369 U.S. at 198, 82 S.Ct. at 700. Baker, it will be recalled, emphasizes the difference between jurisdiction and justiciability. After stating that the distinction 'is significant,' the Court noted:

In the instance of nonjusticiability, consideration of the cause is not wholly and immediately foreclosed; rather, the Court's inquiry necessarily proceeds to the point of deciding whether the duty asserted can be judicially identified and its breach judicially determined, and whether protection for the right asserted can be judicially molded.

Ibid.

If we read 'duty' and 'breach' in the conventional judicial sense, good arguments can be advanced that we can judicially identify the asserted duty of the House to seat a qualified Member-elect, and that a breach of such a duty can, in the abstract, be judicially determined. We will assume, arguendo, that these hurdles are cleared. However, when we come to the next inquiry, 'whether protection for the right asserted can be judicially molded,' we are confronted with problems quite different from and indeed not present in adjudications of conventional equitable claims or claims involving state action. Although Professor Wechsler was not pointing to precisely the problem we have here, his characterization of political questions is apropos: ' what is crucial * * * is not the nature of the question but the nature of the answer that may validly be given by the courts.'Wechsler, supra, at 15.

In Baker, the Supreme Court concluded that protection for the rights arising under the equal protection clause could be molded, saying 'we have no cause at this stage to doubt the District Court will be able to fashion relief * * *.'Baber v. Carr, supra, at 198, 82 S.Ct. at 699. No further elucidation of this is found in the Court's opinion. The only other reference to the scope and mechanics of the relief to be molded is the comment of Mr. Justice Douglas that 'any relief accorded can be fashioned in the light of well-known principles of equity.'Id. at 250, 82 S.Ct. at 727 (Douglas, J., concurring opinion).

Can the District Court mold relief which will protect the rights here asserted? Looking first to the complaint in the District Court, we find that after the prayer for a three-judge court, the complaint asks judgment:

(1) to enjoin execution of House Resolution 278; (2) to require The Speaker of the House to administer the oath to Mr. Powell; (3) to enjoin all Members of the House from any action to enforce Resolution *596 **373 278 or otherwise to deny Mr. Powell his seat; (4) for declaratory judgment declaring House Resolution 278 null and void; (5) for injunctive and mandatory relief addressed to non-elected employees of the House relating to access to the House, pay, and other perquisites of the office of a Member.

Any judgment which enjoined execution of House Resolution 278, or commanded the Speaker of the House to administer the oath, or commanded Members of the House as to any action or vote within the Chamber would inevitably bring about a direct confrontation with a co-equal branch and if that did not indicate lack of respect due that Branch, it would at best be a gesture hardly comporting with our ideas of separate co-equal branches of the federal establishment. These circumstances would give rise to a classic political question and fall

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within the definition of such a question under Baker. On this record, therefore, the claims of Appellants for coercive equitable relief are inappropriate for judicial consideration.

Appropriateness of Subject Matter for Declaratory Relief

[4] Although we have determined that we cannot mold relief in coercive form, we next consider Appellants' claims for a declaratory judgment independent of the coercive equitable relief sought. [FN39] Cf. Zwickler v. Koota, 389 U.S. 241, 253-254, 88 S.Ct. 391, 19 L.Ed.2d 444 (1967). The Declaratory Judgment Act provides:

> In a case of actual controversy within its jurisdiction, except with respect to Federal taxes, any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such.

28 U.S.C. § 2201 (1964).[FN40]

FN39. One of the reasons, not present here however, that declaratory relief should be considered independently of other relief is the fact that coercive relief 'looks only to some immediate need, whereas the declaration of rights, by clarifying the legal relations, has prospective value in stabilizing the legal position. * * *' BORCHARD, DECLARATORY JUDGMENTS 433 (2d ed. 1941).

FN40. All authorities agree that the purpose of a declaratory judgment is to settle actual controversies before they ripen into violations of law or breaches of duty and to afford relief from uncertainty and insecurity by a 'premature' adjudication. See, e.g., BORCHARD, supra note 39, at 299; Luckenbach S.S. Co. v. United States, 312 F.2d 545 (2d Cir. 1963); Scott-Burr Stores Corp. v. Wilcox, 194 F.2d 989 (5th Cir. 1952).

A declaratory judgment is sui generis, neither strictly legal nor equitable, United States Fidelity & Guaranty Co. v. Koch, 102 F.2d 288, 290-291 (3d Cir. 1939). In common with equitable relief, however, it recognizes judicial competence to declare rights without imposing a duty to do so, i.e., its exercise is discretionary. Public Affairs Associates, Inc. v. Rickover, 369 U.S. 111, 112, 82 S.Ct. 580, 7 L.Ed.2d 604 (1962).[FN41] It is clear that this discretion must be exercised judiciously and cautiously, with regard for the circumstances of the case and the purpose of a declaratory judgment. The Supreme Court recently noted:

> The propriety of declaratory relief in a particular case will depend upon *597 **374 a circumspect sense of its fitness informed by the teachings and experience concerning the functions and extent of federal judicial power.

Public Service Commission v. Wykoff, supra note 41, 344 U.S. at 243,73 S.Ct. at 240. Some of the same factors which led us to hold that judicial consideration of the claims was not appropriate, dictate a holding that we decline to undertake declaratory relief. Declaratory relief in this case is particularly inappropriate since it could not finally

FN41. See Zemel v. Rusk, 381 U.S. 1, 85 S.Ct. 1271, 14 L.Ed.2d 179 (1965); Public Service Commission v. Wykoff Co., 344 U.S. 237, 73 S.Ct. 236, 97 L.Ed. 291 (1952); Eccles v. Peoples Bank, 333 U.S. 426, 68 S.Ct. 641, 92 L.Ed. 784 (1948); Great Lakes Dredge & Dock Co. v. Huffman, 319 U.S. 293, 63 S.Ct. 1070, 87 L.Ed. 1407 (1943); Brillhart v. Excess Ins. Co., 316 U.S. 491, 62 S.Ct. 1173, 86 L.Ed. 1620 (1942); Lampkin v. Connor, 123 U.S.App.D.C. 371, 360 F.2d 505 (1966); Marcello v. Kennedy, 114 U.S.App.D.C. 147, 312 F.2d 874 (1962), cert. denied, 373 U.S. 933, 83 S.Ct. 1536, 10 L.Ed.2d 692 (1963).

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terminate the controversy,[FN42] indeed, it might well tend to resurrect the very conflict our holding of inappropriateness seeks to avoid.[FN43] Our conclusion is reinforced by Mr. Justice Frankfurter's opinion in Colegrove v. Green, 328 U.S. 549, 66 S.Ct. 1198, 90 L.Ed. 1432 (1946), which, although modified in other aspects by Baker and its progeny, remains relevant with respect to the discussion of declaratory judgments:

> FN42. Cf. Cha-Toine Hotel Apartments Bldg. Corp. v. Shogren, 204 F.2d 256, 258 (7th Cir. 1953); United States v. Jones, 176 F.2d 278, 280 (9th Cir. 1949).
>
> FN43. See Sellers v. Johnson, 69 F.Supp. 778, 786 (S.D.Iowa 1946), rev'd on other grounds, 163 F.2d 877 (8th Cir. 1947), cert. denied, 332 U.S. 851, 68 S.Ct. 356, 92 L.Ed. 421 (1948); Doehler Metal Furniture Co. v. Warren, 76 U.S.App.D.C. 60, 129 F.2d 43 (1942) (dictum).

And so, the test for determining whether a federal court has authority to make a declaration such as is here asked, is whether the controversy 'would be justiciable in this Court if presented in a suit for injunction * * *.'Nashville, C. & St. L.R. Co. v. Wallace, 288 U.S. 249, 262, 53 S.Ct. 345, 348, 77 L.Ed. 730, 87 A.L.R. 1191.

Id. at 551-552,66 S.Ct. at 1199. See also Aetna Life Ins. Co. v. Haworth, 300 U.S. 227, 57 S.Ct. 461, 81 L.Ed. 617 (1934); 6A MOORE, FEDERAL PRACTICE P57.14, at 3078 (2d ed. 1964) ('The Declaratory Judgment Act does not attempt, nor can it be used to avoid this fundamental judicial principle (political questions).').

The Claims of Voters

We cannot be unmindful of the claims which relate to the highly important constitutional rights to vote and to be represented by the choice reflected by the voting process. These are by no means unimportant claims. The 'right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government.'Reynolds v. Sims, 377 U.S. 533, 555, 84 S.Ct. 1362, 1378, 12 L.Ed.2d 506 (1964); see Wesberry v. Sanders, 376 U.S. 1, 13, 84 S.Ct. 526, 11 L.Ed.2d 481 (1964). The right of all voters who meet a state's qualifications to vote is protected by the Constitution and by congressional acts, Ex Parte Yarbrough, 110 U.S. 651, 4 S.Ct. 152, 28 L.Ed. 274 (1884); United States v. Classic, 313 U.S. 299, 61 S.Ct. 1031, 85 L.Ed. 1368 (1941), and the qualifications established by the states may not discriminate either in terms of race or color, U.S. CONST. amend. XV, or in terms of sex, U.S. CONST. amend. XIX, or by weighing unfairly the votes of those in one geographical area or electoral district over the votes of others, e.g., Wesberry v. Sanders, supra.

The rights so protected, however, relate to the initial right to vote- the right to say who shall be the representative. They do not directly extend to the right to have that particular representative be seated in Congress under all circumstances. The Constitution itself, as we have noted earlier, sets explicit limits on the right of electors to have whomever they choose sit in Congress: it fixes eligibility requirements of age, citizenship and inhabitancy in Article I, section 2; additionally Congress can determine the times, places and manners of holding the elections under Article I, section 4; and Congress is granted exclusion and expulsion powers. Certainly these provisions make clear that the carefully guarded right to vote for whomever the elector desires does not necessarily carry ***598 **375** with it a concomitant right to have that person seated in the Congress. In United States v. Classic, supra, the Court made clear that the right is not absolute: 'That the free choice by the people of representatives in Congress, subject only to the restrictions to be found in §§ 2 and 4 of Article I and elsewhere in the Constitution, was one of the grest purposes of our constitutional scheme of government cannot be doubted,'id. at 316, 61 S.Ct. at 1038.[FN44]

> FN44. We think the language of the court in Barry v. United States ex rel. Cunningham, supra, while not directly

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> dealing with the right to vote as here developed, is relevant to the relationship between the power of Congress to exclude or expel and the right of a citizen to vote:
>
> The equal representation clause is found in Article V, which authorizes and regulates amendments to the Constitution, 'provided, * * * that no state, without its consent, shall be deprived of its equal suffrage in the Senate.'This constitutes a limitation upon the power of amendment, and has nothing to do with a situation such as the one here presented. The temporary deprivation of equal representation which results from the refusal of the Senate to seat a member pending inquiry as to his election or qualifications is the necessary consequence of the exercise of a constitutional power, and no more deprives the state of its 'equal suffrage' in the constitutional sense than would a vote of the Senate vacating the seat of a sitting member or a vote of expulsion.
>
> Id. 279 U.S. at 615-616, 49 S.Ct. at 455-456.

We have already noted that the holding in Bond v. Floyd, supra, was bottomed on state action which imposed a penalty on Bond for exercising his first amendment rights to discuss public issues. The Supreme Court's rationale would apply equally if Bond had been excluded from the state university because of his speeches. The Court did not reach the question of the standing of Bond's constituents to assert claims on their own behalf.Id. 385 U.S. at 137 n. 14, 87 S.Ct. 339. The class Appellants have not argued their claims in terms of first amendment rights, but lurking in the language of the Court in Bond can be detected some hint of a possible relationship between first amendment rights to political expression and the related right of voters to have their views articulated for them in Congress. FN45

> FN45. The germ of this concept can be found in the language of the Court in Bond that a legislator's speech is protected so that the people may hear from their legislator and 'also so they may be represented in governmental debates by the person they have elected.'Bond v. Floyd, supra, at 136-137, 87 S.Ct. at 349-350.See also Meiklejohn, The First Amendment Is an Absolute, 1961 SUP.CT.REV. 245, 254; Comment, 35 U.CHI.L.REV. 151, 170-172 (1967).

The essence of representative government is the one speaking for the many; hence the rights of those who are to be represented must always be accorded high standing and any infringment must be carefully scrutinized. Nevertheless, we have seen that even this crucial right is hedged in by various restrictions which arise out of the Constitution itself. The same Constitution which guarantees the right to expression and the right to vote also limits the powers of courts.

The right to vote is not an academic right; its primary objective is frustrated when the person elected cannot assume the powers and responsibilities of office. Nevertheless, the subject matter of Mr. Powell's claim and the voting claims of the class Appellants are so interrelated that neither can be regarded as having an existence entirely independent of the other; in the context of this case, they stand or fall together. It must follow that as Mr. Powell's claims are inappropriate for judicial consideration, so also are those of the class Appellants.

Our conclusion that the subject matter of the suit is inappropriate for judicial consideration is not inconsistent with the conclusion of Judge Hart. Powell v. McCormack, Cormack, 266 F.Supp. 354 (D.D.C.1967). He found that the subject matter embraced a 'political question' under Baker ***599 ****376** and relied on this to conclude that there was no jurisdiction. Our application of Baker leads to the conclusion that the presence of a 'political question' does not invariably preclude jurisdiction but rather affords a basis for declining to exercise it. The decisions of the District Court and of this court both are bottomed on concepts of separation of powers. FN46

> FN46. As I read the concurring observations of my colleagues, a majority agrees on the essential holdings that (a) the court has jurisdiction, (b) the claims in this

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> case are inappropriate for judicial consideration, and (c) a three-judge court was not required. Baker is definitive, it is recent, and it is authoritative; and there is no need to press beyond the new outer limits it establishes for jurisdiction, justiciability and political questions. I do not express a view as to whether exclusion may be accomplished for reasons outside section 2 criteria, nor do I rely on the fact that more than two-thirds of the House voted for Resolution 278 in its final form. The Speaker had made a ruling that a simple majority was sufficient and it is the essence of speculation to place any reliance on the quantum of the vote as actually cast. The Speaker ruled that Members were voting on exclusion, not on expulsion. The contention which merges exclusion and expulsion powers seems to me part of what is inappropriate for judicial consideration.

PART III

THE SPEECH OR DEBATE CLAUSE

Appellees treat the Speech or Debate Clause under their argument on jurisdiction and urge that it bars any court from questioning Members of the House of Representatives, individually or collectively, with respect to legitimate legislative activities and that this includes the exercise of their constitutional responsibility to vote on the seating of a Memberelect. Treatment of this claim has been deferred because it is not entirely clear whether it goes to jurisdiction or some other bar to granting the relief sought. For our purposes we need not resolve that classification. Since two of the four Supreme Court holdings on the Clause are barely two years old the point merits some comment.

The Clause confers personal immunity on each Member of the House but it is not strictly a personal right since its purpose is to protect the legislative process in our system of representative government. The broad sweep of the bar is suggested by what the Supreme Court said about a legislator's burdens of responding to and defending a suit growing out of his legislative activities in Tenney v. Brandhove, 341 U.S. 367, 377, 71 S.Ct. 783, 788, 95 L.Ed. 1019 (1951):

> Legislators are immune from deterrents to the uninhibited discharge of their legislative duty, not for their private indulgence but for public good. * * * The privilege would be of little value if they could be subjected to the cost and inconvenience and distractions of a trial upon a conclusion of the pleader, or to the hazards of a judgment against them based on a jury's speculation as to motives.

The language of Article I, section 6, clause 1 is simply that 'for any Speech or Debate in either House, they (Members) shall not be questioned in any other Place.' That Clause had its genesis in the English Bill of Rights proclaimed by the Parliament of 1688-89.[FN47] The *600 * *377 struggles arising in England were re-en-acted in the American colonies where immunity for acts within the legislative chambers was asserted by the colonial lawmakers, see JOURNALS OF THE HOUSE OF BURGESSES OF VIRGINIA: 1727-1740, at 242 (1910); see generally, M. CLARKE, PARLIAMENTARY PRIVILEGE IN THE AMERICAN COLONIES 93-97 (1943). Indeed, the Supreme Court as recently as 1951 noted that ' freedom of speech and action in the legislature was taken as a matter of course by those who served the Colonies from the Crown and founded our Nation.' Tenney v. Brandhove, supra, at 372, 71 S.Ct. at 786. [FN48]

> FN47. 'That the freedom of speech, and debates or proceedings in Parlyament ought not to be impeached or questioned in any court or place out of Parlyament.' 1 Will. v. Mary s. 2, c. 2 (1689), reprinted in T. TASWELL-LANGMEAD, ENGLISH CONSTITUTIONAL HISTORY 449, 451 (Plucknett ed. 1960).

The privilege of freedom of speech and debate was first included in the Speaker's petition to the King requesting certain Parliamentary privileges in 1541. An earlier indication of this privilege occurred during the reign of Richard II, when a member of Parliament who had introduced a bill containing

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reflections upon the King's extravagance was condemned to death. In a subsequent reign, the member's petition to annul the judgment on the ground that it was introduced and debated in Parliamend was granted. C. WITTKE, THE HISTORY OF ENGLISH PARLIAMENTARY PRIVILEGE 23-24 (1921).

As is pointed out in United States v. Johnson, 383 U.S. 169, 182-183 n. 13, 86 S.Ct. 749, 15 L.Ed.2d 681 (1966), language similar to that ultimately codified in 1688 was adopted in a statute of 1513, 4 Henry VIII, c. 8, as a result of the prosecution of Strode, a member of the House of Commons, for introducing certain mining legislation in which he had a personal interest. All of the early cases reveal a struggle between privilege and prerogative-between King and Parliament or its members whom the King believed to be meddling in non-Parliamentary affairs. The struggle reached culmination in the prosecution of Eliot and other members of Commons for making seditious speeches and conspiring to restrain the Speaker from adjourning the session. The defendants pleaded Strode's Act but the court held it to be a private bill. Eliot's Case, 3 How.St.Tr. 294, 309 (1629). Thereafter, in 1667, Parliament declared Strode's Act to be a general law. See T. TASWELL-LANGMEAD, supra, at 246-50, 377-78.

> FN48. That the privilege was firmly embedded in English practice is revealed from Blackstone's writings:

For, as every court of justice hath laws and customs for its direction, some of the civil and canon, some of the common law, others their own peculiar laws and customs, so the high court of parliament hath also its own peculiar law, called the lex et consuetudo parliamenti. * * * It will be sufficient to observe Parliament has its original from this one maxim, 'that whatever matter arises concerning either house of parliament, ought to be examined, discussed, and adjudged in that house to which it relates, and not elsewhere.

1 BLACKSTONE'S COMMENTARIES *163.

So well known and accepted was this legislative immunity doctrine that the records of the Constitutional Convention show it was written into Article I without opposition or debate.[FN49] The objectives of the delegates can be gleaned from the writings of James Wilson, perhaps the most influential member of the Committee on Detail which drafted the provision for the convention:

> FN49. The first notation of the Clause comes from a document in James Wilson's handwriting, considered by the Committee on Detail. 2 M. FARRAND, RECORDS OF THE FEDERAL CONVENTION OF 1787, at 156 (rev. ed. 1966). Subsequent documents contain the first full expression of the Clause as it was reported to the convention and adopted. 2 id. at 166, 181, 246.

In order to enable and encourage a representative of the public to discharge his public trust with firmness and success, it is indispensably necessary, that he should enjoy the fullest liberty of speech, and that he should be protected from the resentment of everyone, however powerful, to whom the exercise of that liberty may occasion offense.

2 WORKS OF JAMES WILSON 421 (McCloskey ed. 1967).

The scope of the Clause has been considered by the Supreme Court four times. First, in Kilbourn v. Thompson, 103 U.S. 168, 26 L.Ed. 377 (1880), the plaintiff, a recalcitrant witness before a House committee, was arrested and imprisoned by the Sergeant-at-Arms pursuant to a resolution of the House. The Supreme Court held that, although the imprisonment of Kilbourn was indeed unlawful, the Speech or Debate Clause constituted a bar to civil claims against the Speaker and the Members of the House, id. at 205, 26 L.Ed. 377.[FN50]

> FN50. The Court remanded the case as to the officers of the House, and plaintiff eventually recovered against them, Kilbourn v. Thompson, 11 Dist.Col. (MacArthur & Mackey) 401 (1883).

It seems to us that the views expressed in the

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authorities we have cited are sound and are applicable to this *601 **378 case. It would be a narrow view of the constitutional provision to limit it to words spoken in debate. The reason of the rule is as forcible in its application to written reports presented in that body by its committees, to resolutions offered, which, though in writing, must be reproduced in speech, and to the act of voting, whether it is done vocally or by passing between the tellers. In short, to things generally done in a session of the House by one of its members in relation to the business before it.

Id. at 204, 26 L.Ed. 377.

Tenney v. Brandhove, 341 U.S. 367, 71 S.Ct. 783, 95 L.Ed. 1019 (1951), was the second case to come before the Supreme Court on the Speech or Debate Clause. Brandhove was called to testify before a state legislative committee and when he refused to respond was held in contempt. The Supreme Court relied upon the general doctrine of legislative immunity, reflected in Article I, to insulate the members of the state legislature from suit. The opinion focused on the historical immunity of legislators from civil or criminal liability for their exercise of the privileges of speech and debate, within the sphere of legitimate legislative activity. Id. at 377-378, 71 S.Ct. 783.

In the third case to reach the Supreme Court, United States v. Johnson, 383 U.S. 169, 86 S.Ct. 749, 15 L.Ed.2d 681 (1966), a former Congressman challenged his conviction for violation of federal conflict of interest laws and conspiracy, asserting the immunities of the Clause. The conspiracy count was based in part on a speech delivered by him in the House, for which the Congressman was found to have received substantial sums of money claimed by the prosecution to be a bribe. The Fourth Circuit reversed and Chief Judge Sobeloff phrased the issue in terms of jurisdiction:

> This is the first case, within our knowledge, squarely raising the question whether the congressional privilege deprives a court of jurisdiction to try a member on a criminal charge of accepting money to make a speech in the House of which he is a member.

337 F.2d 180, 186 (4th Cir. 1964).

In affirming the Fourth Circuit the Supreme Court accepted the linkage of the Article I Clause with the English and Colonial precedents, characterizing its adoption into Article I as a culmination of the

> history of conflict between the Commons and the Tudor and Stuart monarchs during which successive monarchs utilized the criminal and civil law to suppress and intimidate critical legislators.

383 U.S. at 178, 86 S.Ct. at 754. That the Clause must be 'read broadly to effectuate its purposes,' is made abundantly clear:

> The privilege was not born primarily of a desire to avoid private suits such as those in Kilbourn and Tenney, but rather to prevent intimidation by the executive and accountability before a possibly hostile judiciary.

Id. at 181, 86 S.Ct. at 755. The Supreme Court did not discuss the claim of Johnson in jurisdictional terms.[FN51]

> FN51. The entire thrust of the opinion suggests that the holding rests on the fact that a criminal indictment charged a Member of the House with conduct basely motivated- 'precisely what the Speech or Debate Clause generally forecloses from executive and judicial inquiry.'United States v. Johnson, 383 U.S. 169, 180, 86 S.Ct. 749, 755 (1966). If Appellants' claims are read as asserting that the votes of the House Members were racially motivated it is clear that the Supreme Court views motives of legislators, however unworthy, as irrelevant. Mr. Justice Frankfurter's statement in Brandhove is sweeping:
>
> The claim of an unworthy purpose does not destroy the (Speech or Debate) privilege. * * * The holding of this Court in Fletcher v. Peck, 6 Cranch 87, 130, 3 L.Ed. 162, that it was not consonant with our scheme of government for a court to inquire into the motives of legislators, has remained unquestioned.

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See cases cited in State of Arizona v. State of California, 283 U.S. 423, 455, 51 S.Ct. 522, 526, 75 L.Ed. 1154.
Tenney v. Brandhove, supra, 341 U.S. at 377, 71 S.Ct. at 788.

*602 **379 The most recent of the four cases involving the Clause is Dombrowski v. Eastland, 387 U.S. 82, 87 S.Ct. 1425, 18 L.Ed.2d 577 (1967). This court affirmed summary judgment for the defendants in a suit against a Senate Committee Chairman and its chief counsel for injunctive relief and damages flowing from an alleged conspiracy between the defendants and Louisiana state officials to seize property and records of the petitioners in violation of their fourth amendment rights. Dombrowski v. Burbank, 123 U.S.App.D.C. 190, 358 F.2d 821 (1966) (per curiam). The Supreme Court affirmed as to the Committee Chairman. It reversed and ordered a new trial only as to the chief counsel:

It is the purpose and office of the doctrine of legislative immunity, having its roots as it does in the Speech or Debate Clause of the Constitution, Kilbourn v. Thompson, 103 U.S. 168, 204, 26 L.Ed. 377 (1881), that legislators engaged 'in the sphere of legitimate legislative activity', Tenney v. Brandhove, supra, 341 U.S. 367, at 376, 71 S.Ct. 783, 95 L.Ed. 1019, should be protected not only from the consequences of litigation's results but also from the burden of defending themselves.

387 U.S. at 84-85, 87 S.Ct. at 1427.

If the Members of the House who are Appellees here cannot be 'questioned in any other Place,' it would seem that they need not answer in any other place, including courts. From this it is arguable that had the class defendants elected to ignore the complaint, the District Court might have had an obligation to apply sua sponte the bar of the Clause; however, we need not decide that point.

Having in mind the breadth accorded the Clause in Kilbourn, Tenney and Dombrowski and the ' prophylactic purposes of the clause,' United States v. Johnson, supra, 383 U.S. at 182, 86 S.Ct. 749, it would seem, although we need not decide, that, however characterized, the Clause would operate as a bar to the maintenance of this suit.[FN52]

FN52. In both Kilbourn and Dombrowski money damages were sought and officers of the House and Senate were held not to share the absolute immunity accorded Members. In the instant case Appellants seek, not money damages, but extraordinary coercive equitable relief against employees of the House directly contrary to commands of the House itself.

PART IV

THREE JUDGE COURT

[5] In their complaint in the District Court, Appellants applied for the convening of a three-judge court pursuant to 28 U.S.C. § 2282 (1964).[FN53] The District Court denied the application of the ground that a resolution of one House, such as House Resolution 278, excluding Appellant Powell from the House was not an 'Act of Congress' within the meaning of the statute. Powell v. McCormack, 266 F.Supp. 354, 355 (D.D.C.1967). Cf. Krebs v. Ashbrook, 275 F.Supp. 111, 118 (D.D.C.1967).

FN53.Section 2282 provides: 'An interlocutory or permanent injunction restraining the enforcement, operation or execution of any Act of Congress for repugnance ro the Constitution of the United States shall not be granted by any district court or judge thereof unless the application therefor is heard and determined by a district court of three judges under section 2284 of this title.'

The District Court's conclusion is amply supported by the plain meaning of 'Act of Congress' as used in the statute and by the legislative history and purpose of section 2282. The decided cases demonstrate that

the legislative history of § 2282 and of its

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complement, § 2281, requiring three judges to hear injunctive suits directed against federal and state legislation, respectively, indicates that these sections were enacted to prevent a federal judge from being able to paralyze totally the single operation *603 **380 of an entire regulatory scheme, either state or federal, by issuance of a broad injunctive order.

Kennedy v. Mendoza-Martinez, 372 U.S. 144, 154, 83 S.Ct. 554, 560, 9 L.Ed.2d 644 (1963). See Zemel v. Rusk, 381 U.S. 1, 7 n. 4, 85 S.Ct. 1271, 14 L.Ed.2d 179 (1965); Phillips v. United States, 312 U.S. 246, 248-251, 61 S.Ct. 480, 85 L.Ed. 800 (1941). The legislative purpose is not served by construing the statute to cover the resolution in this case since the statute is to be construed narrowly. Bailey v. Patterson, 369 U.S. 31, 33, 82 S.Ct. 549, 7 L.Ed.2d 512 (1962). House Resolution 278 is a resolution of one House only and relates to the organization and internal governing of the House of Representatives. It creates no broad statutory scheme which would be frustrated by injunctive relief, and it does not contain the attributes of the usual 'Act of Congress' which involves the House of Representatives, the Senate, and the President. FN54

FN54. Although there are no direct holdings in point, prior case law supports the District Court's conclusion. In Krebs v. Ashbrook, 275 F.Supp. 111 (D.D.C.1967). Rule XI of the House of Representatives, the charter of the House UnAmerican Activities Committee, was held not to be an 'Act of Congress' within the meaning of the statute. Contra Stamler v. Willis, 371 F.2d 413 (7th Cir. 1966).

Since we predicate our holding on the absence of an Act of Congress as required by the statute, we are not required to reach the alternative grounds suggested by Appellees, that even assuming that House Resolution 278 is an Act of Congress, a single district judge may dismiss the action for lack of federal jurisdiction. See Lion Mfg. Co. v. Kennedy, 117 U.S.App.D.C. 367, 330 F.2d 833 (1964); cf. Reed Enterprises v. Corcoran, 122 U.S.App.D.C. 387, 354 F.2d 519 (1965).

CONCLUSION

Our disposition of this appeal on the ground that the claims are nonjusticiable because of the inappropriateness of the subject matter for judicial consideration, makes it unnecessary to reach the claims on the merits. Nevertheless, some mention of the conflicting views is appropriate.

Debate on the scope and meaning of Article I, sections 2 and 5 began at Philadelphia and has engaged the attention of legal writers, including Members of both Houses, ever since. As with the debates over other issues arising under the Constitution, this debate has not been and possibly never will be judicially resolved. To vest in the members of a legislative body the powers intimated in the literal language of section 5 'to be the Judge' of matters as significant as the exclusion and expulsion of members plainly involves risks. Professor Chafee parades some of the horrendous possibilities which from time to time have been suggested:

If it (Congress) can add crime or disloyalty acts as bars, it can add profiteering as well. * * * A majority * * * can raise the minimum age to fifty * * * bar men of Jewish race, * * * require that members must be already enrolled in either the Republican or the Democratic Party, or recognize only a single party entitled to nominate candidates. There is no line to be drawn, once the legislature is allowed to cross the constitutional limits. It can turn our democracy into an oligarchy by imposing high property qualifications, or into a dictatorship of the proletariat by declaring ineligible all persons deriving income from rents and invested capital.

Z. CHAFEE, FREE SPEECH IN THE UNITED STATES 255 (1942).

But Professor Chafee acknowledges that there is much to be said for the view that requirements other than those of section 2 must be embraced in the less precise language of section 5 that each House is to be 'Judge' of the qualifications of its Members. He concludes by saying that neither of the extreme views, i.e., no exclusion power except for section 2 reasons, or unrestricted exclusion powers, is sound

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and that the actual practice and usage has long taken an intermediate ground.

*604 **381 As to elected persons satisfying all the requirements in the Constitution, we are not forced to choose between giving the House absolute power to unseat whomever it dislikes, and giving the voters absolute power to seat whomever they elect. A third alternative has been adopted, fairly close to the second view. The constitutional qualifications ordinarily suffice; but Congress has rather cautiously imposed some additional tests by statute, FN55 and the House of Representatives or the Senate has probably added a very few more qualifications by established usage (a sort of legislative common law) to cover certain obvious cases of unfitness.

> FN55. Professor Chafee's reference to a 'statute' is not followed by any citation. It may be that he had reference to a statute enacted in the Civil War period prescribing an oath of past loyalty, Act of July 2, 1862, ch. 128, 12 Stat. 502, or to a statute which forever renders a Senator, Representative, department head, or other officer of the government incapable of holding office under the United States if such person receives compensation for services in any matter in which the government is a party, Act of June 11, 1864, ch. 119, 13 Stat. 123; see Burton v. United States, 202 U.S. 344, 26 S.Ct. 688, 50 L.Ed. 1057 (1906).

Id. at 257.

Great reliance is placed by Appellants on the views of Professor Charles Warren, another constitutional writer. Professor Warren views section 2 as fixing the only qualifications for membership in the House. Referring to the Convention's refusal to adopt 'the proposal to give Congress power to establish qualifications in general (or adopt) * * * the proposal for a property qualification,' he concludes:

Such action would seem to make it clear that the Convention did not intend to grant to a single branch of Congress, either to the House or to the Senate, the right to establish any qualifications for its members, other than those qualifications established by the Constitution itself, viz., age, citizenship, and residence. For certainly it did not intend that a single branch of Congress should possess a power which the Convention had expressly refused to vest in the whole Congress. As the Constitution, as then drafted, expressly set forth the qualifications of age, citizenship, and residence, and as the Convention refused to grant to Congress power to establish qualifications in general, the maxim expressio unius est exclusio alterius would seem to apply.

C. WARREN, THE MAKING OF THE CONSTITUTION 421 (1937).

The protagonists for the conflicting views on the scope of exclusion powers of the House draw on the various aspects of history, custom and usage which support their respective positions.FN56 Most of this, of course, is addressed to what are the merits of the claims asserted by Appellants. Reference to these unresolved constitutional questions is made in order to indicate their scope and nature and to underscore what it is that we do not decide.

> FN56. E.g., Z. CHAFEE, supra, at 241-69; C. WARREN, supra, at 412-26; Wechsler, supra, at 8. Background historical material is set forth in 1 BLACKSTONE'S COMMENTARIES *162-163, *175-77; M. CLARKE, supra, at 174-205, 236-62; THE FEDERALIST No. 60, at 409 (Cooke ed. 1961) (Hamilton); J. GREENE, THE QUEST FOR POWER: THE LOWER HOUSES OF ASSEMBLY IN THE SOUTHERN ROYAL COLONIES 171-204 (1963); C. WITTKE, supra, at 55-74, 90-171. The relevant English cases, including the famous case of John Wilkes, are found in GLANVILLE, REPORTS OF CERTAIN CASES DETERMINED AND ADJUDGED IN PARLIAMENT (1776).

The instances in which the House of

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Representatives considered exclusions or expulsions are found in 1 A. HINDS, PRECEDENTS OF THE HOUSE OF REPRESENTATIVES 381-591 (1907); 2 A. HINDS, supra, at 795-860; 6 C. CANNON, PRECEDENTS OF THE HOUSE OF REPRESENTATIVES 50-63 (1935). See Hupman, Senate Election, Expulsion and Censure Cases, S.DOC. No. 71, 87th Cong., 2d Sess., (1962); 1 H. REMICK, supra, at 116-332.

Conflicts between our co-equal federal branches are not merely unseemly but often destructive of important values.*605 **382 In the interpretation of provisions which are pregnant with such conflicts the unavailability of a remedy and the consequences of any unresolved confrontation between coordinate branches weigh heavily in pointing to a conclusion either that no jurisdiction was intended or that if jurisdiction exists it should not be exercised.

The checks and balances we boast of can check and balance just so far. The Framers had hard choices in many areas. To allow, for example, total immunity for speech, debate and votes in the Congress risked irreparable injury to innocent persons if false or scurrilous charges were made on the floor of a Chamber; to allow the Executive exclusive power of foreign relations risked unwise policies which might lead to war; to tolerate the essential supremacy of constitutional interpretation in a Supreme Court meant the risk of unwise decisions by a transient majority. But that is the way our system is constructed. Under stress what some may think are weaknesses turn out to be strengths and the wisdom of Framers in dividing the spheres of delegated power becomes clear.

That each branch may occasionally make errors for which there may be no effective remedy is one of the prices we pay for this independence, this separateness, of each co-equal branch and for the desired supremacy of each within its own assigned sphere. When the focus is on the particular acts of one branch, it is not difficult to conjure the parade of horrors which can flow from unreviewable power. Inevitably, in a case with large consequences and a paucity of legal precedents, advocates tend to raise the spectre of hypothetical situations which would be permitted by the result they oppose. Our history shows scant evidence that such dire predictions eventuate and the occasional departures in each branch have been thought more tolerable than any alternatives that would give any one branch domination over another. That courts encounter some problems for which they can supply no solution is not invariably an occasion for regret or concern; this is an essential limitation in a system of divided powers. That courts cannot compel the acts Appellants would have us order in this case rece des into relative insignificance alongside the blow to representative government were judges either so rash or so sure of their infallibility as to think they should command an elected co-equal branch in these circumstances.

We should resist the temptation to speculate whether and under what circumstances courts might find claims to a seat in Congress which would be justiciable. We do well to heed the admonition of Mr. Justice Miller, uttered nearly a century ago, that judges confine themselves to the case at hand:

It is not necessary to decide here that there may not be things done, in the one House or the other, of an extraordinary character, for which the members who take part in the act may be held legally responsible. If we could suppose the members of these bodies so far to forget their high functions and the noble instrument under which they act as to imitate the Long Parliament in the execution of the Chief Magistrate of the nation, or to follow the example of the French Assembly in assuming the function of a court for capital punishment we are not prepared to say that such an utter perversion of their powers to a criminal purpose would be screened from punishment by the constitutional provision for freedom of debate.

Kilbourn v. Thompson, supra 103 U.S. at 204-205, 26 L.Ed. 377.

The judgment appealed from is Affirmed.

McGOWAN, Circuit Judge (concurring separately):

[4][5] My colleagues and I reach a common result, that is to say, (1) a threejudge court was not required for the reasons stated by Judge Burger, and (2) we do not think it either necessary or

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appropriate to direct the District Court to reinstate the complaint and to determine after*606 **383 trial whether the particular relief sought should be given. Because this second determination involves considerations peculiarly committed to judicial discretion, it is not surprising that, although our identification and weighing of relevant factors presents some overlap, each of us has preferred to characterize in his own words the route he has travelled.[FN1]

FN1. For example, the allegedly exclusive power of the House to pass upon the fitness of a member, and the claimed reach of the Speech and Debate Clause, have played no part whatsoever in my vote. I do not profess to know what their precise constitutional meaning is, nor do I say that they are wholly without relevance to a discretionary declination of jurisdiction. I simply have not found it necessary to take them into account in my determination.

This record demonstrates to me that, from the beginning, Representative Powell's view of the Constitution has explicitly and continuously been that, so long as he possesses the requisite qualifications of age, citizenship, and inhabitancy, his right to serve in the House is solely a matter between him and his constituents, not his colleagues. If the voters of his district do not like his conduct in office, they can turn him out at the next election; or, if that conduct be thought violative of the criminal laws, the proper authorities can seek indictments. But, so his reasoning proceeds, for his colleagues to make that conduct the occasion for severance of their association together in the House would be, without observance of the amending process, to add further qualification requirements to the three now stated in the Constitution.

Thus it was that, although the Select Committee expressly informed him that the scope of its inquiry included both (1) his qualifications in terms of age, citizenship, and inhabitancy, and (2) alleged misconduct in office warranting expulsion or other punishment, he persistently refused to answer any questions or supply any information except with respect to (1). Somewhat belatedly, he sought to fortify his legal position by asserting that the Committee could, at most, take up (2) only after he had been seated, even though he was at the moment of that claim continuing to receive full pay and other allowances and emoluments. But there is no reason to think that, had the Committee deferred the second aspect of its inquiry until after searing, his basic constitutional position would have been abandoned.

In the context of the kind of misconduct in office involved here,[FN2] I regard that position as untenable. In saying this, I distinguish very sharply between conduct abusing the privileges of House membership, on the one hand, and status or speech, on the other. If the House were to withhold recognition of a member because of his race, or religion, or political or philosophical views, there would indeed have been an addition to qualifications without benefit of constitutional amendment. But the allegations in the complaint which suggest that this is such a case are so purely conclusory in character as, under elemental pleading concepts, not to require a hearing on the merits.

FN2. It is argued that the misconduct cannot be assumed because Powell was denied procedural due process by his colleagues in the investigation of his activities. But no one can read the record of the Select Committee's relationships with Powell without concluding that there was no serious purpose upon Powell's part to participate in the ascertainment of the facts. This was unquestionably due to his fundamental constitutional theory that he was accountable for his conduct only to his constituents. One cannot escape the impression that any procedural problems would have been resolved satisfactorily if there had been willingness to accept the relevance of the alleged misconduct to his continuance in the House. Against this background, I see no need to reinstate the complaint solely to pursue the procedural

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issues.

Appellant Powell's cause of action for a judicially compelled seating thus boils down, in my view, to the narrow issue of whether a member found by his colleagues, after notice and opportunity for hearing, to have engaged in official misconduct*607 **384 must, because of the accidents of timing, be formally admitted before he can be either investigated or expelled. The sponsor of the motion to exclude stated on the floor that he was proceeding on the theory that the power to expel included the power to exclude, provided a 2/3 vote was forthcoming. It was.[FN3]Therefore, success for Mr. Powell on the merits would mean that the District Court must admonish the House that it is form, not substance, that should govern in great affairs, and accordingly command the House members to act out a charade.

> FN3. It is true that the Speaker, after inquiry to the Parliamentarian, announced that the motion would carry on a majority vote. All this suggests to me is that, in this instance, Representative Curtis was a better parliamentarian than the Parliamentarian. In any event, the result conformed to the more exacting standard; and for me to guess whether the result would have been different if the Speaker's ruling had been different would be to engage in the speculation Judge Burger deplores (fn. 46).

As to Judge Burger's implication that I have gotten into the merits, I note only that he, having decided that the words of the Constitution vest in the House the power to judge a member's fitness, concludes that jurisdiction may be declined to review its exercise in this instance. I, having read the text of the Constitution as declaring a power in the House to expel a member for misconduct in office by a 2/3 vote, conclude that jurisdiction may be declined to pursue the narrower question of whether the Constitution requires that the House must first seat before it expels. It would appear that each of us has, preliminarily to concluding whether jurisdiction must be exercised, gone no further in deciding questions of 'textual commitment' than is contemplated by the majority opinion in Baker v. Carr.

[1][2][3] Our already overtaxed courts arguably have more pressing work to do than this, including the hearing and determination of serious and substantial claims of deprivations of civil rights. The only question really presented by this complaint is whether the House must go through the formality of seating a member before it expels him for official misconduct. Unlike the District Court, I am prepared to say that even such a narrow issue confers subject-matter jurisdiction in the familiar sense of (a) a claim arising under the Constitution, (b) a case or controversy, and (c) a statute founding jurisdiction. But the Supreme Court in Baker v. Carr was at pains to make clear that the existence of jurisdiction does not invariably require its exercise. The question is one of whether, under all the circumstances and with a wise regard for the nature and capabilities of judicial power and for the respect it must always command, the court is bound to hear and determine a complaint on its merits.[FN4]

> FN4. The factors that are relevant to this kind of a determination obviously include the nature of the relief sought- in this case, injunction, mandamus, and declaratory judgment. All have traditionally been regarded as reposing peculiarly in the discretion of the court and as subject to denial, even after hearing on the merits, for reasons unrelated to the merits. The potential embarrassments and confusions, both within the House and between it and the judicial and executive branches, inevitable upon their grant in this case are worthy of sober remark. These and like matters are legitimately the setting in which are to be considered the urgencies, in terms of simple justice, of the bringing to bear of judicial power.

[2] The challenged action by the House in this case reflects in substance an equation by it of its power to expel for legislative misconduct by a 2/3 vote with a power to deny seating for the same reason and by the same vote. That action was rooted in the

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judgment of the House as to what was necessary or appropriate for it to do to assure the integrity of its legislative performance and its institutional acceptability to the people at large as a serious and responsible instrument of government. That is a judgment which, on this record, presents no impelling occasion for judicial scrutiny.

LEVENTHAL, Circuit Judge:

[1][2][3][5] I concur in the result. Judge Burger's opinion presents the background ***608 **385** of this case in detail. I agree with some aspects of his opinion- particularly the conclusions in Part I and Part IV. As to other aspects, I am either in disagreement or find it unnecessary to define my position. It would unduly protract and delay our disposition for me to make a point by point analysis. Accordingly I confine myself at this time to a relatively sparse, almost topic-sentence, statement of my approach, as follows:

1. The complaint on its face presents a matter within the subject-matter jurisdiction of the District Court. It alleges a claim arising under the Constitution, there is a case or controversy, and there exists a Federal statute giving district courts jurisdiction to consider such a case, namely, 28 U.S.C. § 1331. The fact that this is a novel law suit does not negative jurisdiction.Baker v. Carr. 369 U.S. 186, 82 S.Ct. 691, 7 L.Ed.2d 663 (1962).

2. I do not feel required to decide appellees' contention that the case lacks justiciability, a concept that I think was developed in Baker v. Carr as defining the kind of case or issue that is inherently inappropriate for determination by any court.

For example, I am not prepared to say at this juncture that a complainant charging an unconstitutional exclusion from Congress avowedly put on racial or religious grounds cannot obtain a declaratory judgment or other relief. Nor do I consider whether appellant Powell may have available other judicial remedies.

3. In my view the issue presented by the complaint is of such a nature that dismissal is appropriate in the exercise of sound judicial discretion. Plaintiffs were seeking remedies- mandamus; equity decree; declaratory judgment- each of which is not necessarily automatically available to one asserting (and even establishing) the underlying right. In an action seeking such remedies a court has discretion in deciding whether, when and how far to consider the merits.[FN1]

FN1. See Abbott Laboratories v. Gardner, 387 U.S. 136, 148, 87 S.Ct. 1507, 18 L.Ed.2d 681 (1967); Public Affairs Associates, Inc. v. Rickover, 369 U.S. 111, 82 S.Ct. 580, 7 L.Ed.2d 604 (1962).

4. For present purposes I assume appellants are correct in their assertion that Article I, Section 5, Cl. 1 of the Constitution is exclusive in stating conditions of eligibility for Congressmen. But that does not mean that appellant Powell was immune from exclusion on grounds that would justify expulsion under Article I, Section 5, Cl. 2.

The record before us shows that the exclusion by the House of appellant Powell was by a vote of 307 to 116, on a motion put forward by its sponsor, Congressman Thomas Curtis of Missouri, on the ground that Mr. Powell's conduct was such as to warrant his expulsion under Article I, Section 5, Cl. 2 of the Constitution if he were seated, and that he should therefore be excluded at the outset.

Certainly members of the House, who cannot be questioned in court for action taken within a 'sphere of legitimate legislative activity,'[FN2] can, without being ***609 **386** subject to court disapproval, expel a member they find to have mis-used travel credit cards, and kept on his payroll a person (his wife) who resided neither in his District nor in the District of Columbia. The fact that the House is not a court, with power to enter a judgment of conviction for violation of laws, does not preclude it from concluding that the pertinent acts were committed by the Congressman, as a part of an ultimate determination of lack of fitness for service in the House, a determination entrusted to the House by Article 1, Section 5, Clause 2 of the Constitution.

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FN2.Tenney v. Brandhove, 341 U.S. 367, 376, 71 S.Ct. 783, 95 L.Ed. 1019 (1951), quoted in Dombrowski v. Eastland, 387 U.S. 82, 84, 85, 87 S.Ct. 1425, 18 L.Ed.2d 577 (1967), confirms the principle inherent in separation of powers that such action is not subject to judicial scrutiny or cognizance.

Compare the rule establishing immunity from suit of judges of courts of general jurisdiction, considered a fundamental requirement of an independent judiciary.Bradley v. Fisher, 13 Wall. (80 U.S.) 335, 351, 20 L.Ed. 646 (1871), holds that such judges ' are not liable to civil actions for their judicial acts, even when such acts are in excess of their jurisdiction, and are alleged to have been done maliciously or corruptly.'The Court also stated (pp. 351-352, 20 L.Ed. 646):'Where there is clearly no jurisdiction over the subject-matter any authority exercised is a usurped authority, and for the exercise of such authority, when the want of jurisdiction is known to the judge, no excuse is permissible.'In Pierson v. Ray, 386 U.S. 547, 554, 87 S.Ct. 1213, 18 L.Ed.2d 288 (1967) the Court referred with approval to Bradley v. Fisher, and referred to the historic immunities of judges and legislators as 'equally well established.'

5. Appellant Powell seems to have been of the view that whatever grounds the House may have had to expel him once he was seated, they could not be used as grounds to exclude him without seating him.

On this point I think that in a case like Powell's where the record (including reports of legislative committees) provides abundant indication that there was at least a substantial question of misconduct in Congressional office, the view of Congressman Curtis was permissible under the Constitution, and appellants' contention to the contrary must be rejected.

As to the interim period, I am at least reassured by the provision in H.R.Res. 1 of the 90th Congress, 1st Sess., adopted after debate in which Mr. Powell participated, that pending the investigation and report by the Select Committee and House action thereon Mr. Powell was to receive the pay, allowances and emoluments authorized for Members of the House, though he was not to be sworn in or occupy a seat in the House.

As to the right of the other appellants to be represented during the interim period, they stand on no higher ground than the claim of appellant Powell to be seated.[FN3]

FN3. See Barry v. United States ex rel. Cunningham, 279 U.S. 597, 616, 49 S.Ct. 452, 456, 73 L.Ed. 867 (1929): 'The temporary deprivation of equal representation which results from the refusal of the Senate to seat a member pending inquiry as to his election or qualifications is the necessary consequence of the exercise of a constitutional power, and no more deprives the state of its 'equal suffrage' in the constitutional sense than would a vote of the Senate vacating the seat of a sitting member or a vote of expulsion.'

Appellants say in rebuttal, inter alia, that the theory advanced by Congressman Curtis is not available to appellees since the House did not accept the need for a 2/3 vote, which Mr. Curtis recognized as essential. The Speaker announced, on a parliamentary inquiry, that only a majority vote was required for exclusion of appellant Powell.

This contention is not without force. But assuming, arguendo, that the procedure used to exclude Powell may have been improper that does not mean he is entitled to maintain an action for discretionary relief of a nature that brings a court close to confrontation with members of the coordinate legislative branch of government. Thus, a court may decline to entertain an action based on such a procedural defect unless it appears not only that the defect may have been prejudicial but also that it probably was prejudicial, at least where as here the relief sought is extraordinary.

6. The fact that the House voted exclusion by a 2/3 vote is not irrelevant, even assuming the majority ground rule was improper for it at least generates a substantial doubt that a court declaration would

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provide Powell his seat- even assuming as I think we should, that the House would respect the court's declaratory judgment. Compare Bond v. Floyd, 385 U.S. 116, 87 S.Ct. 339, 17 L.Ed.2d 235 (1966). The House could immediately exclude on the same ground, by the same vote.

True, the House could do this, by hypothesis, only if the 'ground rule' were that a 2/3 vote was necessary. But it does not appear that appellant Powell ever staked his position on the need for a 2/3 ground rule.

***610 **387** 7. It is significant that appellant Powell, though duly re-elected in April 1967, has not availed himself of the legislative remedy available with this reelection to assert his claim to represent his district.

On the argument for stay Powell's counsel indicated that at least one reason, and apparently a major reason, why appellant Powell did not invoke that legislative remedy is that it would not maintain his seniority and chairmanship. Perhaps so, but a court would be going to the extreme edge of its authority if it were to declare his status as a Congressman. It cannot reasonably be asked to provide such extraordinary relief to enable complainant to obtain perquisites, however important, that are essentially a matter for legislative determination, and certainly are not assured by any constitutional clause. A court has a duty, in the sound exercise of discretion, to consider litigation seeking relief that raises problems of confrontation with a coordinate branch with an approach that will, wherever possible, confine relief narrowly.

8. If Powell had acquiesced in the premise that there was authority to exclude, but only by a 2/3 vote and 2/3 ground rule, there would likely have been a very different kind of legislative situation. He could not consistently have stood on the position that the House and its Select Committee were acting beyond the proper sphere of authority by considering matters other than age, citizenship and residence. He may have been unwilling to wage battle even on a 2/3 ground rule after a hearing that admittedly was warranted in inquiring into various financial and salary arrangements. The premise of permissible exclusion would have undercut the position that permitted him to defer as a matter of principle any explanation of those arrangements.

9. The various objections lodged by appellant Powell to the procedure of the House Committee must all be viewed in the light of his then position that the Committee's scope was restricted to the three issues of age, citizenship and residence. It cannot be assumed that procedural differences would have loomed as large, or been unmanageable, if appellant Powell had accepted what I think was a valid premise of the House and its Committee. That premise- which I uphold by a ruling on the merits on this issue- is that the Constitution gives the House legislative 'jurisdiction,' even prior to seating a member-designate, to make inquiry as to whether he has committed acts justifying punishment or expulsion of a member.

10. My approach may not hang tidily on the pegs of jurisprudence thus far called to may attention. It makes sense to me, however, and labels and concepts can emerge in due course.

What seems to have received most discussion in recent years is the concept of justiciability as a requirement in addition to subject-matter jurisdiction. As I read them the discussions of justiciability and non-justiciability have emerged primarily in terms of whether the issue is of a kind that lies within any province of any court at any time. I refrain from accepting absolutes about the case before us- to lay it down flatly either that no court may consider the issue and rule differently from the House, or that there may not be a state of facts that would properly call upon the District Court to grant declaratory and perhaps other relief. There are recent decisions indicating that when there is a determination of both subject-matter jurisdiction and justiciability for the issues, the courts are required to decide the issues and to vindicate the applicant's constitutional rights- to refrain from sidestepping this duty merely because the framing of judicial relief presents large difficulties,[FN4] and to take cognizance of a case seeking declaratory relief even where an injunction cannot properly be obtained.[FN5] By strict logic the same approach should ***611 **388** apply when

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there is a hypothesis of justiciability or at least a disinclination to enter a ruling of non-justiciability. Yet there have been instances when the courts have bypassed crucial jurisdictional issues and disposed of cases on the merits.[FN6] I think the spirit of those cases also justifies the course I follow- of deciding the merits on one key point and yet refraining, in the exercise of discretion, a full adjudication on the merits.

FN4.Wesberry v. Sanders, 376 U.S. 1, 84 S.Ct. 526, 11 L.Ed.2d 481 (1964).

FN5.Zwickler v. Koota, 389 U.S. 241, 88 S.Ct. 391, 19 L.Ed.2d 444 (1967).

FN6. See, e.g., Secretary of Agriculture v. Central Riog Ref. Co., 338 U.S. 604, 619-620, 70 S.Ct. 403, 94 L.Ed. 381 (1950); Ex parte Bakelite Corp., 279 U.S. 438, 448, 49 S.Ct. 411, 73 L.Ed. 789 (1929).

The Key point, to me, is that Congressman Powell erred in his assumption that his satisfaction of the Constitutional requirements (of residence, citizenship and age) meant that he had to be seated, and that grounds justifying expulsion could only be applied to those who had already been seated. My ruling on the merits of this Constitutional issue leads to the conclusion that the House had legislative jurisdiction to consider and appraise the activities and fitness of appellant Powell at the time he presented his credentials. It is not a full adjudication of the merits of the claim of appellant Powell that he was wronged. It does not necessarily mean either that the House acted properly when it failed to heed the ground rule of a 2/3 vote put forward by Congressman Curtis as the assumption of his motion to exclude, or that a court considering a different prayer for relief would be disabled from saying so upon a full consideration of Powell's case on its merits.

The case before us presents problems of confrontation with a coordinate branch and of molding relief. These are considerations that lead a court in some instances to find non-justiciability of the issue for any court.[FN7] They may also properly be invoked, I think, as backdrop and perspective for a ruling to decline to provide a full adjudication on the merits, even assuming justiciability. My reasoning is that the confrontations would likely have evolved in a quite different way if appellant Powell had recognized a power to exclude on grounds of misconduct (albeit on 2/3 vote) and had conducted himself on this premise from the start. Hence I do not think it mandatory for a court to consider and determine the constitutional issue as he has chosen to frame it, from an erroneous premise; and specifically, I think it proper to refrain from a full determination of the merits in a case where petitioner is seeking an extraordinary remedy yet had failed to invoke to the fullest extent the remedies and procedures available within the legislative branch.

FN7.Baker v. Carr, 369 U.S. 186, 82 S.Ct. 691, 7 L.Ed.2d 663 (1962).

C.A.D.C. 1968.
Powell v. McCormack
395 F.2d 577, 129 U.S.App.D.C. 354

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3. United States v. Rose, 28 F.3d 181 (D.C.Cir. 1994).

28 F.3d 181

28 F.3d 181, 307 U.S.App.D.C. 314, 63 USLW 2072
(Cite as: 28 F.3d 181)

U.S. v. Rose
C.A.D.C.,1994.

United States Court of Appeals,District of Columbia Circuit.
UNITED STATES of America
v.
Charles G. ROSE III, Appellant.
No. 92-5241.

Argued Nov. 12, 1993.
Decided July 12, 1994.

Department of Justice (DOJ) brought Ethics in Government Act suit against congressman. The United States District Court for the District of Columbia, Thomas Penfield Jackson, J., 790 F.Supp. 340, denied congressman's motion to dismiss, and congressman appealed. The Court of Appeals, Buckley, Circuit Judge, held that: (1) it had jurisdiction over congressman's appeal since his motion to dismiss raised claims of immunity based on speech or debate clause and on separation of powers doctrine; (2) congressman's testimony before House Committee on Standards of Official Conduct relating to allegations that he violated Act was not protected by speech or debate clause; and (3) separation of powers concerns did not bar DOJ from following its statutory mandate and prosecuting congressman for knowing and willful violations of Act.

Affirmed and remanded.

West Headnotes

[1] Federal Courts 170B ⇐571

170B Federal Courts
170BVIII Courts of Appeals
170BVIII(C) Decisions Reviewable
170BVIII(C)2 Finality of Determination
170Bk571 k. Necessity in General. Most Cited Cases
Courts of Appeal have jurisdiction only over final decisions of the district courts and thus may not entertain interlocutory appeals. 28 U.S.C.A. § 1291.

[2] Federal Courts 170B ⇐589

170B Federal Courts
170BVIII Courts of Appeals
170BVIII(C) Decisions Reviewable
170BVIII(C)2 Finality of Determination
170Bk585 Particular Judgments, Decrees or Orders, Finality
170Bk589 k. Dismissal and Nonsuit in General. Most Cited Cases
In general, district court orders denying motions to dismiss are not final decisions over which Courts of Appeal have jurisdiction because such orders ensure that litigation will continue in district court.

[3] Federal Courts 170B ⇐574

170B Federal Courts
170BVIII Courts of Appeals
170BVIII(C) Decisions Reviewable
170BVIII(C)2 Finality of Determination
170Bk572 Interlocutory Orders Appealable
170Bk574 k. Other Particular Orders. Most Cited Cases
District court decisions denying claims of speech or debate immunity are immediately appealable because speech or debate clause is designed to protect members of Congress not only from liability but also from cost and inconvenience of litigation. U.S.C.A. Const. Art. 1, § 6, cl. 1.

[4] Federal Courts 170B ⇐576.1

170B Federal Courts
170BVIII Courts of Appeals
170BVIII(C) Decisions Reviewable
170BVIII(C)2 Finality of Determination
170Bk576 Particular Actions, Interlocutory Orders Appealable
170Bk576.1 k. In General. Most

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Cited Cases
Court of Appeals had jurisdiction over congressman's appeal from district court's denial of his motion to dismiss Ethics in Government Act action brought against him by Department of Justice, where motion raised speech or debate claim. U.S.C.A. Const. Art. 1, § 6, cl. 1; Ethics in Government Act of 1978, §§ 101-109, 2 U.S.C.(1988 Ed.) §§ 701-709; §§ 201-212, 5 U.S.C.App. (1988 Ed.); §§ 301-309, 28 U.S.C.App. (1988 Ed.)

[5] Federal Courts 170B ⚿576.1

170B Federal Courts
170BVIII Courts of Appeals
170BVIII(C) Decisions Reviewable
170BVIII(C)2 Finality of Determination
170Bk576 Particular Actions, Interlocutory Orders Appealable
170Bk576.1 k. In General. Most Cited Cases
Court of Appeals had jurisdiction over congressman's appeal from district court's denial of his motion to dismiss Ethics in Government Act suit brought against him by Department of Justice, where motion claimed immunity based on separation of powers doctrine. Ethics in Government Act of 1978, §§ 101-109, 2 U.S.C.(1988 Ed.) §§ 701-709; §§ 201-212, 5 U.S.C.App.(1988 Ed.); §§ 301-309, 28 U.S.C.App.(1988).

[6] United States 393 ⚿12

393 United States
393I Government in General
393k7 Congress
393k12 k. Rights and Privileges of Senators and Representatives. Most Cited Cases
Congressional speech immunity is restricted to legislative acts and such acts include not only speech or debate in either House of Congress, but also any act that is integral part of the deliberative and communicative processes by which members participate in committee and House proceedings with respect to consideration and passage or rejection of proposed legislation or with respect to other matters which Constitution places within jurisdiction of either House. U.S.C.A. Const. Art. 1, § 6, cl. 1.

[7] United States 393 ⚿12

393 United States
393I Government in General
393k7 Congress
393k12 k. Rights and Privileges of Senators and Representatives. Most Cited Cases
Speech or debate clause does not protect acts that are not legislative in nature, even if they are performed in member's official capacity, nor does it insulate activities that are casually or incidentally related to legislative affairs but not a part of the legislative process itself. U.S.C.A. Const. Art. 1, § 6, cl. 1.

[8] United States 393 ⚿12

393 United States
393I Government in General
393k7 Congress
393k12 k. Rights and Privileges of Senators and Representatives. Most Cited Cases
Congressman's testimony before House Committee on Standards of Official Conduct relating to allegations that he violated Ethics in Government Act was not protected by speech or debate clause because congressman was not acting in a legislative capacity, but rather as a witness to facts relevant to congressional investigation of his private conduct. U.S.C.A. Const. Art. 1, § 6, cl. 1; Ethics in Government Act of 1978, § 101 et seq., 92 Stat. 1824.

[9] United States 393 ⚿12

393 United States
393I Government in General
393k7 Congress
393k12 k. Rights and Privileges of Senators and Representatives. Most Cited Cases
Speech or debate immunity does not hinge on Congress' choice of location in which it conducts its business, but rather on whether speech is related to legislative business. U.S.C.A. Const. Art. 1, § 6, cl. 1.

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[10] United States 393 ⚿12

393 United States
393I Government in General
393k7 Congress
393k12 k. Rights and Privileges of Senators and Representatives. Most Cited Cases
Congressman's testimony before House Committee on Standards of Official Conduct regarding allegations that he violated Ethics in Government Act was not protected under speech or debate clause on ground that he was speaking to other members of Congress; key factor for speech or debate immunity is subject matter of speech and not identity of listeners. U.S.C.A. Const. Art. 1, § 6, cl. 1; Ethics in Government Act of 1978, § 101 et seq., 92 Stat. 1824.

[11] United States 393 ⚿12

393 United States
393I Government in General
393k7 Congress
393k12 k. Rights and Privileges of Senators and Representatives. Most Cited Cases
Speech or debate clause does not protect congressman's testimony given in a personal capacity to congressional committee. U.S.C.A. Const. Art. 1, § 6, cl. 1.

[12] United States 393 ⚿18

393 United States
393I Government in General
393k7 Congress
393k18 k. Proceedings. Most Cited Cases
(Formerly 92k77)

Constitutional Law 92 ⚿2621

92 Constitutional Law
92XX Separation of Powers
92XX(D) Executive Powers and Functions
92k2621 k. Encroachment on Legislature. Most Cited Cases
(Formerly 92k77)
In bringing Ethics in Government Act suit against congressman, Department of Justice (DOJ) was fulfilling its constitutional responsibilities and not encroaching on Congress' and thus, DOJ's action in bringing suit did not offend separation of powers doctrine. Ethics in Government Act of 1978, § 101 et seq., 92 Stat. 1824; § 106, 2 U.S.C.(1988 Ed.) § 706.

[13] United States 393 ⚿21.5

393 United States
393I Government in General
393k7 Congress
393k21.5 k. Criminal Responsibility of Senators and Representatives. Most Cited Cases
(Formerly 92k77)

Constitutional Law 92 ⚿2621

92 Constitutional Law
92XX Separation of Powers
92XX(D) Executive Powers and Functions
92k2621 k. Encroachment on Legislature. Most Cited Cases
(Formerly 92k77)
Because House Committee on Standards of Official Conduct made public congressman's unprotected testimony before it by issuing a report, no separation of powers concerns barred Department of Justice from following its statutory mandate and prosecuting congressman for knowing and willful violations of Ethics in Government Act. Ethics in Government Act of 1978, § 106, 2 U.S.C.(1988 Ed.) § 708.

***182 **315** Appeal from the United States District Court for the District of Columbia (D.D.C. No. 89cv01469).

William C. Oldaker, Washington, DC, argued the cause and filed the briefs for appellant.
Charles Tiefer, Acting General Counsel, U.S. House of Representatives, Washington, DC, argued the cause and filed the brief for amici curiae Speaker and Bipartisan Leadership Group of the House of Representatives.
Douglas Letter, Appellate Litigation Counsel, U.S. Dept. of Justice, Washington, DC, argued the cause for appellee. With him on the brief was J. Ramsey Johnson, Acting U.S. Atty., Washington, DC, at the

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time the brief was filed.

Before BUCKLEY and RANDOLPH, Circuit Judges, and LEVIN H. CAMPBELL, FN* Circuit Judge, U.S. Court of Appeals for the First Circuit.

FN* Sitting by designation pursuant to 28 U.S.C. § 291(a).

Opinion for the court filed by Circuit Judge BUCKLEY.BUCKLEY, Circuit Judge:
Charles G. Rose III, a member of the United States House of Representatives, appeals the denial of his motion to dismiss a civil action brought by the Department of Justice under the Ethics in Government Act. Congressman Rose contends that the complaint relies upon his testimony before the House Committee on Standards of Official Conduct in violation of the Speech or Debate Clause of the Constitution. He also argues that the separation of powers doctrine prohibits the Justice Department from bringing ***183 * *316** this action because the Committee has already investigated him.

Rejecting both arguments, we affirm. Congressman Rose's testimony is not protected by the Speech or Debate Clause because it is unrelated to legislative matters. And the separation of powers doctrine does not bar this action because a prior investigation of Congressman Rose by the Committee does not prevent the Department of Justice from enforcing the Ethics in Government Act.

I. BACKGROUND

A. The Ethics in Government Act

Congress enacted the Ethics in Government Act of 1978 ("Ethics Act" or "Act"), Pub.L. No. 95-521, 92 Stat. 1824 (1978), in the aftermath of Watergate. Among other things, the Act established financial reporting requirements for key personnel in each of the three branches of the federal government, allocating these requirements to the three different parts of the U.S.Code governing the legislative, executive, and judicial branches. *See*2 U.S.C. §§ 701-09 (1988) (legislative); 5 U.S.C. app. §§ 201-12 (1988) (executive); and 28 U.S.C. app. §§ 301-09 (1988) (judicial). (Although Congress has since consolidated the three sets of provisions under one title of the U.S.Code, we will refer to the provisions of the Act by their original designations to conform to the citations in the parties' briefs and the district court's opinion.)

Under the Ethics Act, Members of Congress must file a "full and complete" financial disclosure report by May 15th of each year. 2 U.S.C. §§ 702(a), 701(a). This report must include, *inter alia*, the " source, type, and amount or value" of non-U.S. government income aggregating $100 or more, *id.* § 702(a)(1)(A); gifts from a non-relative aggregating $100 or more, *id.* § 702(a)(2)(B); and liabilities to creditors over $10,000, except certain secured loans, *id.* § 702(a)(4).

Congress itself oversees its Members' compliance with these provisions. Representatives and Senators must file their reports, respectively, with the Clerk of the House and the Secretary of the Senate. *Id.* § 703(a), (b). Committees designated by the House and Senate must review these reports and "determine whether [they] are filed in a timely manner, are complete, and are in proper form." *Id.* § 705(a). If a committee determines that a report was not properly filed, it "shall so inform the reporting individual and direct him to take all necessary corrective action." *Id.* The committees also may issue advisory opinions, which immunize those who rely upon them:
[T]he designated committee[s] ... have power ... to render any advisory opinion interpreting this chapter, in writing, to persons covered by this chapter. Notwithstanding any other provisions of law, the individual to whom a public advisory opinion is rendered ... who ... acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of such act, be subject to any sanction provided in this chapter.

Id. § 705(b). The "designated committee" in the House is the House Committee on Standards of Official Conduct. Rules of the House of Representatives, 101st Cong., 2d Sess., Rule X, cl.

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1(t).

The House of Representatives has taken an additional step to ensure that its Members comply with the Ethics Act: Pursuant to its constitutional authority to regulate the conduct of its Members, *see* U.S. Const. art. I, § 5, cl. 2 ("Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member"), the House has adopted the full text of the Act as a House Rule. *See* House Rule XLIV, cl. 2.

While Congress has retained much of the task of ensuring compliance with the Ethics Act by its own Members, it has authorized
[t]he Attorney General [to] bring a civil action in any appropriate United States district court against any individual who knowingly and willfully falsifies or who knowingly and willfully fails to file or report any information that such individual is required to report pursuant to section 702 of this title.

***184** ****317** 2 U.S.C. § 706. The section also authorizes the assessment of a civil penalty against such individual in an amount not to exceed $5,000. *Id.* It is under this provision that the Department of Justice ("DOJ") is suing Congressman Rose.

B. Procedural History

In October 1986, the House Committee on Standards of Official Conduct ("Committee") received a complaint that Congressman Rose had failed to report various financial transactions in violation of House rules and the Ethics Act. The alleged transactions included personal loans from banks and from the Congressman's campaign committee totalling some $138,000. The complaint also charged that Congressman Rose had failed to report foregone interest on loans from his campaign committee and the use of a campaign committee asset as collateral for a personal loan. The Committee conducted an extensive investigation in which Congressman Rose cooperated and gave testimony.

On March 23, 1988, the Committee issued a report on its investigation. *In the Matter of Representative Charles G. Rose III,* H.R.Rep. No. 526, 100th Cong., 2d Sess. (1988) ("the Rose Report " or "the Report"). The Report concluded that Congressman Rose had violated both House rules and the Ethics Act. *Id.* at 25. Specifically, it found that he had (a) "borrowed from his campaign on eight separate occasions from 1978 to 1985, in violation of House Rule XLIII, clause 6"; (b) " pledged a $75,000 certificate of deposit belonging to his campaign on a personal loan ..., in violation of House Rule XLIII, clause 6"; (c) "failed to list as liabilities to his campaign the borrowings referred to [in (a) above] on his Financial Disclosure Statements" for the years 1982 through 1986, in violation of the Ethics Act and House Rule XLIV, clause 2; and (d) "failed to list liabilities to certain financial institutions on his Financial Disclosure Statements, in violation of the [Act]." *Id.*

In accordance with the Report's recommendation, the Committee sent "a formal and public letter of reproval" to Congressman Rose "as a public rebuke for the violations." *Id.* at 26, 523-25. The Report did not say whether the Committee had found the violations to be knowing and willful.

Meanwhile, the DOJ began investigating whether Congressman Rose had "knowingly and willfully" filed inaccurate financial statements. *See*2 U.S.C. § 706. In a letter dated January 26, 1989, Acting Assistant Attorney General Brent Hatch advised the Committee that the DOJ was contemplating bringing a civil action against Congressman Rose and solicited the Committee's views on the matter. Appendix Exhibits at 22-25. The letter stated that " [b]ased on a review of the Complaint filed with the Committee on Standards, and [the Rose Report], we believe that Representative Rose has violated the disclosure requirements of the [Ethics Act]" and that "there is evidence that he knowingly and willfully failed to report" various loans and financial transactions. *Id.* at 22. Commenting on the DOJ's authority, Assistant Attorney General Hatch asserted that the Committee's investigation does not "preclude[ ] a civil penalty action [by the DOJ] for the failures to report the loans" and that " [t]he Attorney General's authority is not limited to instances in which the House either has not acted on

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such violations or has referred the matter [to the DOJ] for an enforcement action." *Id.* at 24-25.

The Chairman and Ranking Minority Member of the Committee responded in a letter dated February 9, 1989, urging the DOJ to drop its plans to proceed against Congressman Rose. Appendix Exhibits at 26-29. According to the letter, the Committee's investigation had led it to conclude that Congressman Rose had not knowingly and willfully violated the Ethics Act: "Instead, the Committee concluded that the congressman's disclosures were the result of the sincerely held, albeit incorrect, belief that his campaign organization owed him the funds disbursed." *Id.* at 27. The letter also suggested that a DOJ action against Congressman Rose would raise separation of powers concerns:
The United States Constitution, at Article I, clause 5, empowers the Congress to discipline its own Members. As a matter of policy, the Committee takes the position that it will be impaired in carrying out this ***185 **318** constitutional mandate[ ] if it must factor in with each case reviewed the actions another branch of government might take based on Committee actions. While not implying that the Department of Justice is precluded by law from pursuing the matter, it is critical that in the subject case the Committee did not fail to act consistent with its duties under [the Ethics Act].... Initiation of litigation as contemplated by the Department would not only be inconsistent with fairness, precedent and policy, but would also give rise to the inference that the Committee did not satisfy its responsibilities under House rules and statute [sic].

Id. at 28-29.

Notwithstanding the Committee's request, the DOJ filed this action against Congressman Rose on May 19, 1989. The complaint alleged six knowing and willful reporting violations between the years 1979 and 1985 and sought fines totalling $30,000. Congressman Rose moved to dismiss the complaint on three grounds. First, he asserted that the Rose Report constituted an advisory opinion under the Ethics Act, *see*2 U.S.C. § 705(b), and thus provided him with immunity from suit. Second, he claimed that the action was barred by the Speech or Debate Clause because the complaint made use of his testimony before the Committee. Third, he argued that the separation of powers doctrine barred the DOJ from suing him after the Committee had fully investigated him.

Noting that claims of speech or debate immunity are subject to immediate appeal, the district court considered only Congressman Rose's argument that the DOJ's use of his testimony violated the Speech or Debate Clause. *United States v. Rose,* 790 F.Supp. 340, 340-41 (D.D.C.1992). The court held that Congressman Rose's testimony concerning his financial reporting was not a "legislative act" protected by the Clause because it fell "outside the deliberative and communicative functions of the House." *Id.* at 343 (quoting *United States v. Hansen,* 566 F.Supp. 162 (D.D.C.), *aff'd,*No. 83-1689 (D.C.Cir. Aug. 1, 1983) (unpublished order)). Accordingly, the court denied the motion to dismiss.

On appeal, Congressman Rose renews only his speech or debate and separation of powers claims. The Speaker and Bipartisan Leadership Group of the House of Representatives ("House Leadership Group") has filed an amicus curiae brief in support of these claims. We first consider whether they are properly before us.

II. ANALYSIS

A. Appellate Jurisdiction

[1][2][3][4] "Though the parties have not contested our subject-matter jurisdiction, we must independently satisfy ourselves that it exists." *International Bhd. of Teamsters v. Pena,* 17 F.3d 1478, 1481 (D.C.Cir.1994). Courts of appeal have jurisdiction only over "final decisions of the district courts,"28 U.S.C. § 1291 (1988), and thus may not entertain interlocutory appeals. *United States v. Hollywood Motor Car Co., Inc.,* 458 U.S. 263, 264-65, 102 S.Ct. 3081, 3082, 73 L.Ed.2d 754 (1982). In general, orders denying motions to dismiss are not "final decisions" because such orders "ensure [ ] that litigation will continue in the District Court." *Lauro Lines s.r.l. v. Chasser,* 490

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U.S. 495, 498, 109 S.Ct. 1976, 1978, 104 L.Ed.2d 548 (1989) (internal quotation marks and citation omitted). Denials of claims of speech or debate immunity, however, fall within a well-recognized exception to this rule; such rulings are immediately appealable because the Speech or Debate Clause is designed to protect Members of Congress not only from liability but also from the cost and inconvenience of litigation. *Helstoski v. Meanor,* 442 U.S. 500, 506-08, 99 S.Ct. 2445, 2448-49, 61 L.Ed.2d 30 (1979); *see also Browning v. Clerk, U.S. House of Representatives,* 789 F.2d 923, 926 n. 6 (D.C.Cir.1986). Thus, Congressman Rose's Speech or Debate Clause claim is properly before us.

[5] We conclude that we also have jurisdiction over his separation of powers claim. Three other circuits have recognized claims of immunity based on the separation of powers doctrine as an additional exception to the general rule against interlocutory appeals. *See United States v. Claiborne,* 727 F.2d 842, 844 (9th Cir.1984) (federal judge arguing that ***186 **319** separation of powers doctrine immunized him from criminal prosecution could immediately appeal district court's denial of his motion to dismiss); *United States v. Hastings,* 681 F.2d 706, 708-09 (11th Cir.1982) (same); *United States v. Myers,* 635 F.2d 932, 935-36 (2d Cir.1980) (permitting congressional defendant in criminal prosecution to raise separation of powers defense as well as Speech or Debate Clause defense on pre-trial appeal).

The *Myers* case is particularly instructive because it involved a congressional defendant who, like Congressman Rose, brought an interlocutory appeal based on both the Speech or Debate Clause and the separation of powers doctrine. The court held that it had jurisdiction over both claims:

> Though [the separation of powers] doctrine does not provide as precise a protection as the Speech or Debate Clause, there are equivalent reasons for vindicating in advance of trial whatever protection it affords as a defense to prosecution on criminal charges. If, because of the separation of powers, a particular prosecution of a Member of Congress is constitutionally prohibited, the policies underlying that doctrine require that the Congressman be shielded from standing trial.

Id. at 935. While this case is a civil action and *Myers* was a criminal prosecution, we do not find that difference material. Like speech or debate immunity, separation of powers immunity should protect legislators from the burden of litigation and diversion from congressional duties, whether the litigation be civil or criminal. *See Helstoski,* 442 U.S. at 506-08, 99 S.Ct. at 2448-49 (interlocutory appeal of speech or debate claim allowable in criminal prosecution of Member of Congress); *Browning,* 789 F.2d at 926 n. 6 (interlocutory appeal of speech or debate claim in civil action against Speaker of House, Clerk of House, and others).

B. The Speech or Debate Claim

We first must decide whether the complaint filed by the DOJ makes use of Congressman Rose's testimony. The DOJ contends that its complaint " does not mention [Rose's] testimony in any way." DOJ Brief at 41. While that may be true, there can be little doubt that the DOJ relied on the testimony in preparing the complaint. In opposing a discovery motion by Congressman Rose in the district court, the DOJ stated that

> [t]he allegations set forth in the government's complaint are largely taken from [the Rose Report] issued by the House Committee on Standards of Official Conduct, before which Mr. Rose defended his actions. They relate to a finite number of Mr. Rose's own transactions, which have been well ventilated in the Committee process.

Plaintiff's Opposition to Defendant's Motion for Extension of Time to Respond to Discovery at 2 n. 3, Civ. No. 89-1469 (D.D.C.1989). In addition, the letter from Acting Assistant Attorney General Hatch to the Committee makes clear that the DOJ's decision to sue Congressman Rose was "[b]ased on a review of the complaint filed with the Committee on Standards, and [the Rose Report]." Appendix Exhibits at 22. Much of the Rose Report consists of transcripts of Congressman Rose's testimony before the Committee. *See* Rose Report at 184-92,

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302-405, 462-70, 498-99.

These statements persuade us that Congressman Rose's testimony was used to prepare the complaint; and if that testimony is protected, using it as background material for a complaint would clearly violate the Speech or Debate Clause. *See United States v. Helstoski,* 635 F.2d 200, 204-05 (3d Cir.1980) (quashing indictment that was based on materials that were protected by Speech or Debate Clause, and noting that "the mere threat of an indictment is enough to intimidate the average congressman and jeopardize his independence").

In determining whether Congressman Rose's testimony is protected, it is helpful to begin with a brief history of the speech or debate privilege. It was formulated in seventeenth-century England following a long "history of conflict between the [House of] Commons and the Tudor and Stuart monarchs during which successive monarchs utilized the criminal and civil law to suppress and intimidate critical legislators." *United States v. Johnson,* 383 U.S. 169, 178, 86 S.Ct. 749, 754, 15 L.Ed.2d 681 (1966) (footnote ***187 **320** omitted). The enshrinement of the privilege in the English Bill of Rights of 1689 thus represented "the culmination of a long struggle for parliamentary supremacy." *Id.; see also* The English Bill of Rights of 1689, 1 W. & M., Sess. 2, c. 2 (1689), *quoted in Johnson,* 383 U.S. at 178, 86 S.Ct. at 754 ("That the Freedom of speech, and Debates or Proceedings in Parliament, ought not to be impeached or questioned in any Court or Place out of Parliament.").

Like much of the English legal tradition, the speech or debate privilege was transplanted to American soil and ultimately took root in the Constitution, where it appears in the following form: "[F]or any Speech or Debate in either House, [Senators and Representatives] shall not be questioned in any other Place." U.S. Const. art. I, § 6, cl. 1. The rationale for including this provision in the nation's charter was explained by Thomas Jefferson and James Madison in these terms:

In order to give to the will of the people the influence it ought to have, and the information which may enable them to exercise it usefully, it was a part of the common law, adopted as the law of this land, that their representatives, in the discharge of their functions, should be free from the cognizance or coercion of the co-ordinate branches, Judiciary and Executive....

8 *Works of Thomas Jefferson* 322-23 (1797), *reprinted in* Philip B. Kurland & Ralph Lerner, 2 *The Founder's Constitution* 336 (1987).

But while the constitutional privilege was recognized as a necessary guarantor of legislative independence, it was also understood to be limited to the legislative sphere. Thus Jefferson would instruct that the privilege " 'is restrained to things done in the House in a Parliamentary course.... For [the Member] is not to have privilege contra morem parliamentarium, to exceed the bounds and limits of his place and duty.' " *Hutchinson v. Proxmire,* 443 U.S. 111, 125, 99 S.Ct. 2675, 2683, 61 L.Ed.2d 411 (1979) (quoting Thomas Jefferson, *A Manual of Parliamentary Practice* 20 (1854)). Indeed, the American speech or debate privilege was to be a more modest shield than its English ancestor:

We should bear in mind that the English system differs from ours in that their Parliament is the supreme authority, not a coordinate branch. Our speech or debate privilege was designed to preserve legislative independence, not supremacy.

United States v. Brewster, 408 U.S. 501, 508, 92 S.Ct. 2531, 2535, 33 L.Ed.2d 507 (1972) (footnote omitted).

[6][7] To further the privilege's core purpose of " prevent[ing] intimidation by the executive and accountability before a possibly hostile judiciary," *United States v. Johnson,* 383 U.S. 169, 181, 86 S.Ct. 749, 755, 15 L.Ed.2d 681 (1966), without unduly trampling "the rights of private individuals," *Gravel v. United States,* 408 U.S. 606, 624 n. 15, 92 S.Ct. 2614, 2626 n. 15, 33 L.Ed.2d 583 (1972), the Supreme Court has restricted congressional speech immunity to "legislative acts." *Id.* at 624-25, 92 S.Ct. at 2626-27; *see also Johnson,* 383 U.S. at 185, 86 S.Ct. at 757 ("Our decision does not touch a prosecution which ... does not draw in question the legislative acts of the defendant member of Congress or his motives for performing

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them."). Such acts include not only speech or debate in either House, but also any act that is

an integral part of the deliberative and communicative processes by which Members participate in committee and House proceedings with respect to the consideration and passage or rejection of proposed legislation or with respect to other matters which the Constitution places within the jurisdiction of either House.

Gravel, 408 U.S. at 625, 92 S.Ct. at 2627. The Clause thus does not protect acts that are not " legislative in nature," even if they are performed in a Member's "official capacity." *Id.* Nor does it insulate "activities that are casually or incidentally related to legislative affairs but not a part of the legislative process itself." *Brewster,* 408 U.S. at 528, 92 S.Ct. at 2545.

Applying these principles, the Court has held that the Speech or Debate Clause immunizes voting and various committee activities, such as "authorizing an investigation," ****321 *188** "holding hearings," " preparing a report," and "authorizing the publication and distribution of that report." *Doe v. McMillan,* 412 U.S. 306, 313, 93 S.Ct. 2018, 2025, 36 L.Ed.2d 912 (1973) (dismissing claim against Committee members and staff for the acts of compiling and releasing a committee report); *see also Gravel,* 408 U.S. at 624, 92 S.Ct. at 2626 (holding that Senator who convened subcommittee hearing and read into record portions of top secret Defense Department documents was protected by Speech or Debate Clause and noting that "voting by Members and committee reports are protected"); *Minpeco, S.A. v. Conticommodity Services, Inc.,* 844 F.2d 856, 860 (D.C.Cir.1988) ("the process by which a committee takes statements and prepares them for publication clearly qualifies as an activity within the legislative sphere") (internal quotation marks omitted). Conversely, the Court has found that many activities routinely engaged in by lawmakers, such as constituent services, communications with government agencies, assistance in securing government contracts, and speeches delivered outside of Congress, do not qualify for immunity. *Brewster,* 408 U.S. at 512, 92 S.Ct. at 2537; *Gravel,* 408 U.S. at 625, 92 S.Ct. at 2627; *see also Hutchinson,* 443 U.S. at 133, 99 S.Ct. at 2687 (privilege does not protect newsletters and press releases of Member).

[8] Our survey of the history and scope of the Speech or Debate Clause leads us to conclude that it does not protect Congressman Rose's testimony before the Committee. The testimony related to allegations that Congressman Rose had violated the Ethics Act by failing to report various personal loans and included detailed explanations of each financial transaction at issue. The testimony was not addressed to a pending bill or to any other legislative matter; it was, instead, the Congressman's defense of his handling of various personal financial transactions. *See* Rose Report at 301-503. In short, Congressman Rose was acting as a witness to facts relevant to a congressional investigation of his private conduct; he was not acting in a legislative capacity.

[9] The House Leadership Group nevertheless argues that if Congressman Rose had given his testimony on the House floor, rather than in a committee room, he would clearly qualify for speech or debate immunity. To the extent that this argument suggests that speech or debate immunity should not hinge on Congress's choice of the location in which it will conduct its business, we agree. By its terms, the Speech or Debate Clause prohibits questioning Members "for any Speech or Debate in either House"; it does not say where "in either House"-on the floor or in the committee room-the speech must occur. *See Coffin v. Coffin,* 4 Mass. 1, 28 (1808) (in construing the speech or debate privilege in the Massachusetts Constitution, Mass. Const. Ann. Pt. 1, art. 21, the court noted: " If a member ... be out of the chamber, sitting in committee, executing the commission of the house, it appears to me that such member is within the reason of the article, and ought to be considered within the privilege"); *see also Kilbourn v. Thompson,* 103 U.S. 168, 202-03, 26 L.Ed. 377 (1880) (examining *Coffin* for "general idea" of speech or debate privilege "in the minds of the members of the constitutional convention").

But to the extent that the argument suggests that the Clause protects "speech ... in either House" that is wholly unrelated to legislative business, we

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disagree. The Supreme Court has held that "the Speech or Debate Clause prohibits inquiry only into those things generally *said or done in the House or the Senate in the performance of official duties* and into the motivation for those acts." *Brewster,* 408 U.S. at 512, 92 S.Ct. at 2537 (emphasis added); *see also Coffin,* 4 Mass. 1, 28 ("[A Member] ought therefore to be protected from civil or criminal prosecutions for *every thing* [sic] *said or done by him in the exercise of his functions,* as a representative in committee, either in debating, in assenting to, or in draughting a report.") (emphasis added). Thus, we rely not on the fact that Congressman Rose testified in a committee room but on the fact that his testimony was given in a personal capacity rather than "in the performance of [his] official duties"; we focus on what Congressman Rose said, not where he said it.

Ray v. Proxmire, 581 F.2d 998 (D.C.Cir.1978), which is relied upon by the House ***189 **322** Leadership Group, is thus distinguishable. In *Ray,* we found that Senator Proxmire's letter to the Chairman of the Senate Select Committee on Standards and Conduct was protected by the Speech or Debate Clause. *Id.* at 1000. The letter was in response to an allegation that Senator Proxmire had misused Senate rooms, an allegation that directly touched the institution of the Senate and raised a possible violation of Senate Rules. Indeed, the *Ray* court pinned its holding on a finding that the Senate inquiry was into the "exercise of [Senator Proxmire's] official powers." *Id.* By contrast, in this case, the House Ethics Committee was probing allegations that Rose had failed to report certain personal financial transactions.

[10] Our focus on the content of the speech also disposes of the argument by the House Leadership Group that Congressman Rose's testimony is protected because he was speaking to other Members; the key factor is the subject matter of the speech, not the identity of the listener. We are not alone in reaching this result. In *Federal Election Comm'n v. Wright,* 777 F.Supp. 525 (N.D.Tex.1991) , a case that is almost on all fours with this one, the court held that the Speech or Debate Clause did not protect former House Speaker James Wright's testimony before the Committee on Standards of Official Conduct about the use of his campaign funds: "[A]ny testimony given by Wright to the Committee on Standards was given by him in his capacity as a witness and not in his legislative capacity with the consequence that no immunity attached by virtue of the Clause." *Id.* at 530.

United States v. Myers, 692 F.2d 823 (2d Cir.1982), and *United States v. Hansen,* 566 F.Supp. 162 (D.D.C.), *aff'd,*No. 83-1689 (D.C.Cir. Aug. 1, 1983) (unpublished order), offer further support for this position. Both cases held that the filing by Members of Congress of financial disclosure reports under the Ethics Act was not a protected " legislative act." *See Myers,* 692 F.2d at 849 (" Disclosure of income from sources other than employment by the United States is no part of [the] deliberative and communicative processes [by which Members participate in committee and House proceedings.]") (internal quotation marks and citations omitted); *Hansen,* 566 F.Supp. at 169-70. It is but a short step from those rulings to hold that testimony by a Member of Congress about the filing of a financial disclosure report under the Ethics Act is not protected.

Two courts, however, have drawn the line differently. In *United States v. Eilberg,* 465 F.Supp. 1080, 1082-83 (E.D.Penn.1979), the district court found that a congressman's testimony before the Committee on Standards of Official Conduct was protected by the Speech or Debate Clause. The court relied on the statement from *Gravel* that "a member's conduct at legislative committee hearings ... is within the sphere of legitimate legislative activity." *Id.* at 1083 (quoting *Gravel,* 408 U.S. at 624, 92 S.Ct. at 2626 (internal quotation marks omitted)). But the "member's conduct" referred to in *Gravel* was Senator Gravel's convening and chairing of a subcommittee meeting, and his reading into the record portions of the Pentagon Papers. Congressman Rose, by contrast, was neither a member of the Ethics Committee nor one of its agents. Thus, we do not think he was participating in the Committee's deliberations in the way envisaged by the *Gravel* Court.

[11] *United States v. Durenberger,* No. 3-93-65, 1993 WL 556454 (D.Neb. Dec. 6, 1993), which

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held that representations by a Senator and his aide to the Senate Ethics Committee were protected, likewise rests on a misreading of Supreme Court precedent. The *Durenberger* court read *Doe v. McMillan,* 412 U.S. 306, 313, 93 S.Ct. 2018, 2025, 36 L.Ed.2d 912 (1973), for the proposition that legislative acts include "providing testimony," a phrase that nowhere appears in *Doe. Durenberger,* slip op. at 2, 1993 WL 556454. Indeed, the Supreme Court has never decided if the Speech or Debate Clause protects a Member's testimony given in a personal capacity to a congressional committee. We conclude that it does not based on our review of the history and purpose of the Clause.

C. The Separation of Powers Claim

Congressman Rose argues that the constitutional provision granting each House the power to regulate the conduct of its Members,***190 **323** *see*art. I, § 5, cl. 2, bars the DOJ from bringing an action charging "knowing and willful violations" of the Ethics Act after the Committee has determined that the violations were inadvertent. Congressman Rose also contends that allowing the DOJ to ignore Committee decisions would hinder the Committee because Members of Congress would refuse to cooperate with Committee investigations lest the DOJ turn their testimony against them in a subsequent civil action, and because Committee members would worry that their findings might serve as ammunition in a subsequent DOJ lawsuit.

[12] We do not think the DOJ's action against Congressman Rose offends the separation of powers doctrine. The DOJ brought this action under section 706 of the Ethics Act, which authorizes it to investigate and prosecute "knowing and willful" violations of the Act. 2 U.S.C. § 706. It is true that the disclosure requirements of the Ethics Act applicable to Members of Congress have been incorporated into the House Rules, *see* House Rule XLIV, cl. 2 (adopting full text of Ethics Act), which are enforced by the House pursuant to its constitutional power to discipline its Members. But by codifying these requirements in a statute, Congress has empowered the executive and judicial branches to enforce them; in bringing this action, then, the DOJ was fulfilling its constitutional responsibilities, not encroaching on Congress's.

Moreover, Congressman Rose's assertion that lawsuits by the DOJ will discourage Members of Congress from cooperating with the Committee does not trouble us because the Committee has the power to refer evidence of ethical violations disclosed in a committee investigation to the DOJ. *See* House Rule X, cl. 4(e)(1)(C); *see also*H.R.Rep. No. 1817, 95th Cong., 2d Sess., at 59 (noting that testimony by former Members involved in Korean influence-peddling scandal was sent to DOJ for consideration of possible perjury charges). Thus, even if we dismissed this action, Members would have no guarantee that their voluntary cooperation with the Committee would not be used against them in a subsequent DOJ action.

We are conscious of the Committee's concern, as expressed by its Chairman and Ranking Minority Member in their letter to Acting Assistant Attorney General Hatch, that the Committee "will be impaired in carrying out [its constitutional mandate] if it must factor in with each case reviewed the actions another branch of government might take based on Committee action." Appendix Exhibits at 28-29. With respect, however, we see no "risk of control, interference, or intimidation [of the Committee] by [an]other branch [ ],"*Nixon v. Fitzgerald,* 457 U.S. 731, 761, 102 S.Ct. 2690, 2707, 73 L.Ed.2d 349 (1982) (Burger, C.J., concurring), merely because the Committee's deliberations might be affected by an awareness that the DOJ might make use of its proceedings to bring an action against a Member. Executive agencies are fully aware that their actions might trigger a congressional response, and it is common knowledge that they will at times trim their sails as a consequence. Yet no one suggests that the separation of powers is threatened by this interaction between the two branches as each pursues its constitutional responsibilities.

[13] Nevertheless, should the Committee find its work inhibited by the ability of the DOJ to make use of it, the Committee is quite capable of protecting its interests. For example, if the Committee had wished to prevent the DOJ from

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using any part of its proceedings to prosecute Congressman Rose, it could have declined to issue a report or issued one in redacted form. And if Congress as a whole feels threatened by DOJ actions such as this one, it can amend the Ethics Act to restrict the jurisdiction of the DOJ or to exempt Members of Congress. But as the Committee has made public Congressman Rose's unprotected testimony by issuing a report, we see no separation of powers concerns that should bar the DOJ from following its statutory mandate.

III. CONCLUSION

For the foregoing reasons, the district court's decision is affirmed; and the case is ***191 **324** remanded to the district court for further proceedings.

So ordered.

C.A.D.C.,1994.
U.S. v. Rose
28 F.3d 181, 307 U.S.App.D.C. 314, 63 USLW 2072

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4. Justice Joseph Story, Commentaries on the Constitution of the United States, Vol. II, Sections 835 and 836 (Boston 1883).

COMMENTARIES

ON THE

CONSTITUTION OF THE UNITED STATES;

WITH

A PRELIMINARY REVIEW

OF

THE CONSTITUTIONAL HISTORY OF THE COLONIES AND STATES,

BEFORE THE ADOPTION OF THE CONSTITUTION.

BY JOSEPH STORY, LL. D.,

DANE PROFESSOR OF LAW IN HARVARD UNIVERSITY.

IN THREE VOLUMES.

"Magistratibus igitur opus est; sine quorum prudentiâ ac diligentiâ esse civitas non potest; quorumque descriptione omnis Reipublicæ moderatio continetur."

CICERO DE LEG. lib. 3. cap. 2.

"Government is a contrivance of human wisdom to provide for human wants."

BURKE.

VOLUME II.

BOSTON:

HILLIARD, GRAY, AND COMPANY.

CAMBRIDGE:

BROWN, SHATTUCK, AND CO.

1833.

CHAPTER XII.

PRIVILEGES AND POWERS OF BOTH HOUSES OF CONGRESS.

§ 835. The next clause is, "each house may determine the rules of its proceedings, punish its members "for disorderly behaviour, and, with the concurrence of "two thirds, expel a member." No person can doubt the propriety of the provision authorizing each house to determine the rules of its own proceedings. If the power did not exist, it would be utterly impracticable to transact the business of the nation, either at all, or at least with decency, deliberation, and order. The humblest assembly of men is understood to possess this power; and it would be absurd to deprive the councils of the nation of a like authority. But the power to make rules would be nugatory, unless it was coupled with a power to punish for disorderly behaviour, or disobedience to those rules. And as a member might be so lost to all sense of dignity and duty, as to disgrace the house by the grossness of his conduct, or interrupt its deliberations by perpetual violence or clamour, the power to expel for very aggravated misconduct was also indispensable, not as a common, but as an ultimate redress for the grievance. But such a power, so summary, and at the same time so subversive of the rights of the people, it was foreseen, might be exerted for mere purposes of faction or party, to remove a patriot, or to aid a corrupt measure; and it has therefore been wisely guarded by the restriction, that there shall be a concurrence of two thirds of the members, to justify

an expulsion.[1] This clause, requiring a concurrence of two thirds, was not in the original draft of the constitution, but it was inserted by a vote of ten states, one being divided.[2] A like general authority to expel, exists in the British house of commons; and in the legislative bodies of many of the states composing the Union.

§ 836. What must be the disorderly behaviour, which the house may punish, and what punishment, other than expulsion, may be inflicted, do not appear to have been settled by any authoritative adjudication of either house of congress. A learned commentator supposes, that members can only be punished for misbehaviour committed during the session of congress, either within, or without the walls of the house; though he is also of opinion, that expulsion may be inflicted for criminal conduct committed in any place.[3] He does not say, whether it must be committed during the session of congress or otherwise. In July, 1797, William Blount was expelled from the senate, for "a high misdemeanour, entirely inconsistent with his public trust and duty as a senator." The offence charged against him was an attempt to seduce an American agent among the Indians from his duty, and to alienate the affections and confidence of the Indians from the public authorities of the United States, and a negotiation for services in behalf of the British government among the Indians. It was not a statuteable offence; nor was it committed in his official character; nor was it committed during the session of congress; nor at the seat of government.

1 Mr. J. Q. Adams's Report to the senate in the case of John Smith, 31 Dec. 1807; 1 Hall's Law Journ. 459; Sergeant on Const. Law, ch. 28, p. 287, 288.

2 Journal of Convention, 218, 243.

3 Rawle on the Constitution, ch. 4, p. 47.

Yet by an almost unanimous vote[1] he was expelled from that body; and he was afterwards impeached (as has been already stated) for this, among other charges.[2] It seems, therefore, to be settled by the senate upon full deliberation, that expulsion may be for any misdemeanour, which, though not punishable by any statute, is inconsistent with the trust and duty of a senator. In the case of John Smith (a senator) in April, 1808, the charge against him was for participation in the supposed treasonable conspiracy of Colonel Burr. But the motion to expel him was lost by a want of the constitutional majority of two thirds of the members of the senate.[3] The precise ground of the failure of the motion does not appear; but it may be gathered from the arguments of his counsel, that it did not turn upon any doubt, that the power of the senate extended to cases of misdemeanour, not done in the presence or view of the body; but most probably it was decided upon some doubt as to the facts.[4] It may be thought difficult to draw a clear line of distinction between the right to inflict the punishment of expulsion, and any other punishment upon a member, founded on the time, place, or nature of the offence. The power to expel a member is not in the British house of commons confined to offences committed by the party as a member, or during the session of parliament; but it extends to all cases,

1 Yeas 25, nay 1.

2 See Journal of Senate, 8 July, 1797; Sergeant's Const. Law, ch. 28, p. 286; 1 Hall's Law Journ. 459, 471.

3 Yeas 19. Nays 10.

4 1 Hall's Law Journ. 459, 471; Journ. of Senate, 9 April, 1808; Sergeant's Const. Law, ch. 28, p. 287, 288. See also proceedings of the senate in the case of Humphrey Marshall, 22 March, 1796; Sergeant's Const. Law, ch. 28, p. 285.

where the offence is such, as, in the judgment of the house, unfits him for parliamentary duties.[1]

§ 837. The next clause is, "each house shall keep "a journal of its proceedings, and from time to time "publish the same, except such parts, as may in their "judgment require secrecy. And the yeas and nays of "the members of either house on any question shall, at "the desire of one fifth of those present, be entered on "the journal."

§ 838. This clause in its actual form did not pass in the convention without some struggle and some propositions of amendment. The first part finally passed by an unanimous vote; the exception was carried by a close vote of six states against four, one being divided; and the remaining clause, after an ineffectual effort to strike out "one fifth,"-and insert in its stead, "if every member present," was finally adopted by an unanimous vote.[2] The object of the whole clause is to ensure publicity to the proceedings of the legislature, and a correspondent responsibility of the members to their respective constituents. And it is founded in sound policy and deep political foresight. Intrigue and cabal are thus deprived of some of their main resources, by plotting and devising measures in secrecy.[3] The public mind is enlightened by an attentive examination of the public measures; patriotism, and integrity, and wisdom obtain their due reward; and votes are ascertained, not by vague conjecture, but by positive facts. Mr. Justice Blackstone seems, indeed, to suppose, that

1 1 Black. Comm. 163, and Christian's note; Id. 167 and note. See also *Rex* v. *Wilkes*, 2 Wilson's R. 251; Com. Dig. *Parliament*, G. 5. See 1 Hall's Law Term, 459, 466.

2 Journal of the Convention, p. 219, 243, 244, 245, 354, 373.

3 1 Tucker's Black. Comm. App. 204, 205; 2 Wilson's Lect. 157, 158.

5. Cushing, The Law and Practice of Legislative Assemblies, pp. 250-270 (Boston 1874).

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5. *Secrecy of Debates and Proceedings*

623. This subject has already been considered, in the greater part, under the head of proceeding with open or closed doors;[1] and, for the same reason, that, according to the theory of legislative assemblies, it is one of their essential privileges to be secret in their proceedings and debates, and, therefore, to exclude all strangers from witnessing them, no person, whether a member or other person accidentally or otherwise present, or any of its officers or servants, is allowed to promulgate or publish what is said and done, either by speaking, writing, or printing the same, without the leave of the assembly.

624. But this prohibition to publish any account of the proceedings of a legislative assembly, without previously obtaining its permission, though still existing potentially, as it did actually, from time out of mind, until about the middle of the last century, is now practically abandoned in England, the reporters for daily journals being allowed places, by the indulgence of the presiding officers, for the exercise of their functions. In this country, if this restraint can be said ever to have had any existence in fact, (though in theory, the right to conduct their proceedings, in secret, evidently includes a right to restrain any one from publishing them,) it is certainly abandoned in theory, as well as in fact, in those States where the proceedings are required to be in public, except on occasions when secrecy is requisite. In all the other States, it seems to have been practically abandoned. The senate of the United States, which, besides being one branch of congress, is also an executive council, has never conducted its proceedings in the latter capacity with open doors.[2] It must be competent, however, to every legislative assembly to enjoin secrecy, upon its members and officers, as well as others, either in respect to a particular matter, or to its proceedings generally; and any breach of its injunction in this respect, or any invasion of its right of secrecy will, of course, be punishable as a contempt.[3]

6. *Expulsion or Discharge of a Member.*

625. The power to expel a member is naturally and even necessarily incidental to all aggregate, and especially all legislative bodies;[4] which, without such power, could not exist honorably, and

[1] Ante, § 344 to 353.

[2] Ante, § 343.

[3] See the case of *Mr. Senator Pickering*, of Massachusetts, J. of S. IV. 536.

[4] Male, 44. See, in the fourth volume of the Journals of the Senate of the United States the case of *Mr. Senator Smith*, of Ohio, against whom a resolution of expulsion was reported, for his participation in Burr's conspiracy, by a committee, of which Mr John Quincy Adams was chairman.

fulfil the object of their creation. In England, this power is sanctioned by continued usage, which, in part, constitutes the law of parliament. It is in its very nature discretionary, that is, it is impossible to specify beforehand all the causes, for which a member ought to be expelled; and, therefore, in the exercise of this power, in each particular case, a legislative body should be governed by the strictest justice; for if the violence of party should be let loose upon an obnoxious member, and a representative of the people discharged of the trust conferred upon him by his constituents, without good cause, a power of control would thus be assumed by the representative body over the constituent, wholly inconsistent with the freedom of election.[1]

626. The power to expel also includes in it a power to discharge a member, for good cause, without inflicting upon him the censure and disgrace implied in the term expulsion; and this has accordingly been done, in some instances, by the house of commons.[2]

627. Analogous to the right of expulsion, is that of suspending a member from the exercise of his functions as such, for a longer or shorter period; which is a sentence of a milder character than the former, though attended with somewhat different effects; for during the suspension, the electors are deprived of the services of their representative, without power to supply his place; but the rights of the electors are no more infringed by this proceeding, than by an exercise of the power to imprison.[3]

7. *Protection against Personal Violence.*

628. All attacks upon the persons of the members, or officers, of a legislative assembly, or others attending and privileged, as witnesses and parties, whether by actual violence, or by threats, and all disorders, in, near, or about the place of sitting, have been always deemed high breaches of privilege and punishable accordingly.

8. *Protection against Slanderous and Libellous Attacks.*

629. No form of attack, upon the rights and privileges of a legislative assembly, has been more common, or subjected offenders to a severer punishment, than this. When the libel is on the assembly itself, there can be but little doubt of its authority to punish the

[1] Male, 44.
[2] Male, 44.
[3] Comm. Jour. II. 128; Same, VIII. 280; Same, IX. 105; Same, X. 846; May, 55.

offender; but, when it is committed against a member, it can hardly be considered a breach of privilege, unless it attack him in that capacity, or on account of something said or done by him as a member.[1]

9. *Protection against Corruption.*

630. Bribery or attempts to bribe, or otherwise improperly influence or corrupt members or officers,[2] are high breaches of privilege and punishable accordingly. So it is an offence to suborn or tamper with witnesses attending.[3]

10. *Right to be informed by Public Officers.*

631. In England, it has always been deemed the right of both houses of parliament, (and this right, it is believed, is incidental to every legislative assembly,) to call on the officers connected with other branches or departments of the government for information touching public affairs, sometimes by a direct application, and sometimes through the head of the executive department.

632. In some of the States, it is expressly provided by constitution, and, in all of them, it is understood to be the duty of the chief executive officer, that the latter shall give information of the state of public affairs to the legislature, on their assembling and organization, and from time to time afterwards, as may be deemed proper; and, though this leaves it in some degree discretionary with the executive, as to the time, manner, and extent of the communication, yet it is the constant practice in all our legislative assemblies to ask for, and for the executive to communicate, information touching the public affairs, at any time, during the session of the assemblies. When a communication is made by the executive, without being called for by either branch, it is usually addressed to both; though, when the subject of it relates particularly to the functions of one, it may be addressed to that one alone; but it is the right of either, without the concurrence of the other, to request information.

[1] For a case of the first description, see the proceedings in the case of *William Duane* in the senate of the United States, J. of S. III. 87; Jefferson's Manual, Sec. III.; see also J. of S. 29th Cong. 1st Sess. 101; Cong. Globe, XV. 525; and for the case of a libellous attack upon an individual member, see Cong. Globe, XV. 457, 458

[2] See the case of *Whitney and Randall*, J. of H. II. 389; and that of *John Anderson*, J. of H. 15th Cong. 1st Sess. 117.

[3] See the *case of William Williams*, in the proceedings concerning the conduct of the Duke of York, Hans. (1), XII. 460.

In a few of the States, there is a provision of the constitution conferring upon the governor, for this purpose, among others, the right to require information of the officers of the executive department upon any subject relating to the duties of their respective offices.

11. *Right to require Opinions of the Judges.*

633. In England, the judges of the superior courts are technically considered as assistants in the house of lords, and are summoned to attend as such. In this country, the right to call upon the superior courts, for their opinions on important questions of law, and on solemn occasions, is conferred upon the legislative bodies, by express constitutional provision, only in the States of New Hampshire, Maine, and Massachusetts.[1] In the other States, where there is no such constitutional provision, the right cannot be considered to exist.

12. *Right of Investigation.*

634. It has always, at least practically, been considered to be the right of legislative assemblies, to call upon and examine all persons within their jurisdiction, as witnesses, in regard to subjects, in reference to which they have power to act, and into which they have already instituted, or are about to institute an investigation. Hence they are authorized to summon and compel the attendance of all persons, within the limits of their constituency, as witnesses, and to bring with them papers and records, in the same manner, as is practised by courts of law. When an assembly proceeds by means of a committee, in the investigation of any subject, the committee may be, and usually is, authorized by the assembly to send for persons, papers, and records.[2]

635. Witnesses before a legislative assembly, or a committee, are not sworn, unless there is some express provision of law or constitution, authorizing their examination in that manner; but they give their testimony under the penalty of being adjudged guilty of a contempt, and punished accordingly, if they prevaricate, or testify falsely.

[1] These opinions, although given upon the arguments of persons interested, which, of course, must be voluntary, are not considered by the court as binding precedents in actions subsequently arising. *Adams* v. *Bucklin*, Pickering's Reports, VII. 125.

[2] In the constitution of Maryland it is provided that the house of delegates may inquire, on the oath of witnesses, into all complaints, grievances, and offences, as the grand inquest of the State, and may commit any person for any crime to the public jail, there to remain until discharged by due course of law.

636. The right of investigation implies that of hearing parties and their counsel, as well as witnesses; and, consequently, the house of commons in England has, from the earliest times, exercised the right of giving the protection and privilege of the house to the several persons who have been ordered to attend the house or committees, or who, either on public or private concerns, were attending the service or business of the house; and in many of such cases, the house has given orders, that such persons, having been arrested by process from the courts of law, should be delivered out of custody.[1]

637. There are precedents for the granting of this protection to persons attending to prefer or prosecute a private bill,[2] or as the solicitor of a party,[3] to prosecute a petition,[4] to claim a seat as a member,[5] or to attend an election committee,[5] summoned to testify as a witness, either before the house, or a committee.[6]

638. In all cases of the above description, if the person privileged is arrested, he is to be discharged in the same manner, and by the same proceeding, as in the case of members; if not yet arrested, but only in danger, he may give information thereof to the assembly, and thereupon an order will be passed, that the protection of the assembly be allowed to such person, during the pendency of the matter or business which entitles him to privilege. This order is equivalent to the writ of privilege, granted to parties, witnesses, etc., by the ordinary tribunals. It does not seem to be necessary in the case of members, whose official character is supposed to be known to everybody (all persons being bound to take notice of who are members returned of record);[7] but, in the case of other persons, it may be of utility in preventing an arrest, or in rendering the officer making it liable to an action.[8]

13. *Freedom from Interference.*

639. It has been already seen with how much care the parliamentary law has guarded against all interference in the proceedings of a legislative assembly, on the part of private persons. The same jealous watchfulness is also manifested to protect them from all

[1] Comm. Jour. XLVIII. 424.
[2] Comm. Jour. I. 700, 702, 921, 924.
[3] Comm. Jour. IX. 472; Same, XXIV. 170.
[4] Comm. Jour. II. 72.
[5] Comm. Jour. XXXIX. 83; Same, XLVIII. 426.
[6] Comm. Jour. I. 863; Same, VIII. 525; Same, IX. 20, 366; Same, XII. 304.
[7] Ante, § 554.
[8] See *McNeil's Case*, Mass. Rep. III. 288, and Same, VI. 264, as to the effect of a writ of privilege. See also Comm. Jour. XLVIII 406, 423

influence of one another, or of other coördinate departments of the government. In England, accordingly, it is held to be a high breach of privilege, for the king to interfere in or take notice of any proceeding in either branch, except in such manner as he is constitutionally authorized to do; and it is also a high breach of privilege for either branch to interfere, in any other than the regular and constitutional manner, in the proceedings of the other; though either house, when sending a bill to the other, may signify its wish to have it attended to, and may, in the course of business, send to the other for information in regard to the state of any bill or other matter, in which it has a common concern. The same principles prevail here, both as regards the executive, and both branches of the legislature.

CHAPTER FOURTH.

OF THE INCIDENTAL POWERS OF A LEGISLATIVE ASSEMBLY.

640. The powers incidental to a legislative assembly, like the rights and immunities, which, under the name of privileges, have been considered, are such only as are necessary to enable it to perform its principal or legislative and administrative functions. These powers are of two kinds, the inquisitorial and the judicial.

641. A legislative assembly being authorized, in the exercise of its constitutional functions, both administrative and legislative, to institute inquiries into all grievances of the citizen, which are remediable by legislative enactment, and into all abuses of power by persons in office, with a view either to their removal by address, or to their punishment by impeachment, it has a power to investigate all such subjects, by the examination of witnesses, or otherwise, in the same manner, as is practised by grand-juries; and, as a consequence of this authority, the assembly itself, its officers, and servants, and all persons connected with every such investigation, enjoy a perfect immunity for every thing fairly said, done, or published, in the course of such inquiry.

642. The other incidental powers of a legislative assembly, being more strictly analogous to those exercised by judicial tribunals, constitute its judicial powers, as distinguished from its legislative; and

accordingly, in the exercise of these functions, a legislative assembly is considered as a court, and the journal of its proceedings as a record. The judicial powers, anciently claimed and exercised by the house of commons, in England, were much more extensive than they are at present; having, in the course of many conflicts with the courts, and by the gradual progress of knowledge on the subject of the separation of the legislative and judicial functions of government, been reduced from a vague, uncertain, and indefinite mass of powers to those alone, which are considered necessary to enable it to discharge its peculiar functions as the depositary of the legislative, and, in part, of the administrative power of the State.

643. The judicial powers,[1] exercised by a legislative assembly, as incidental to or in aid of its general functions, must be carefully distinguished from those which it exercises as a branch of its legislative duties or in the course of the latter. Thus, in the exercise of its general functions of administration or legislation, a legislative assembly frequently has occasion to pass upon the private rights of individuals, in conflict either with those of other individuals, or with those of the public. The railroad legislation of modern times furnishes abundant example of the exercise of judicial functions of this description. So, likewise, in the exercise of its supreme and sovereign power, where such power is not expressly restrained, a legislative assembly may find it necessary to try, convict, and punish offenders, out of the common course of criminal jurisdiction, by means of acts of attainder, and of pains and penalties. Legislative proceedings of this description, though frequent in the earlier periods of parliamentary history, have, in modern times, become extremely infrequent; partly, in consequence of the improvements which have taken place in the criminal law and its administration; but chiefly, perhaps, from an unwillingness to administer criminal justice through the forms of legislation. In all these cases, the proceedings are to a greater or less extent judicial, and conducted accordingly. Judicial functions of this description, not coming under the head of incidental powers, will be treated of in another place. These functions can only be exercised by the concurrent act of the two branches and the consent of the executive. The judicial powers, which are incidental, are exercised by each branch separately and independently of the other.

644. In treating of those judicial powers of a legislative assem-

[1] In the exercise of its judicial functions, a legislative body is governed by its ordinary rules of proceeding. See Reg. of Deb. VIII Part 2, 2548; Cong. Globe, IV. 176.

bly, which are now in question, namely, those which are incidental to its general functions, it will be convenient to consider, first, the jurisdiction; second, the mode of proceeding; third, in what manner the judgments of the assembly are enforced; and fourth, what punishments it may inflict; and, under each head, to state the differences, if there are any, between cases in which the proceedings relate to members, and those in which they relate to other persons.

SECTION I. — OF THE INCIDENTAL JURISDICTION OF A LEGISLATIVE ASSEMBLY.

645. This jurisdiction, being conferred for the purpose of enabling a legislative assembly to discharge its peculiar functions, in a free, independent, and intelligent manner, is in its very nature, original, exclusive, and final.

646. It is original, because, being conferred for the benefit of the assembly itself, and not for the advantage of any private individual, it arises only in reference to matters growing out of the proceedings, or connected with the official character of the members of the assembly.

647. It is exclusive, because, otherwise, the objects for which it is conferred, namely, the freedom and independence of the assembly, would fail of their attainment; inasmuch as a portion of the means, by which the assembly is enabled to perform these functions, would be restrained, by the concurrent or appellant jurisdiction of some other tribunal.

648. But this jurisdiction is not exclusive in any other sense than this, that no other tribunal can control the action, set aside the judgments, or revise the proceedings, of the assembly; though, whenever any question, which has already been decided by the assembly itself, or which belongs within its jurisdiction, arises incidentally in any other court or tribunal, and for any other purpose than that for which it is entertained by, or comes within the jurisdiction of, the assembly, such tribunal may judge of and decide that question, for the purposes of the proceeding in reference to which it has arisen. Thus, the assembly is the judge of the election of its members, and may consequently, for that purpose, decide upon the right of an elector to vote; but, notwithstanding, an elector, whose vote has been refused, by the returning officers, may also bring his action against them for damages, for such refusal, and for that purpose may establish his right to vote, at law, though the assembly may have decided otherwise in determining the election.

649. The jurisdiction of a legislative assembly, acting judicially is necessarily final, that is, its proceedings cannot be revised, nor its judgment suspended, by any other court or tribunal. Thus, when a member is expelled, no other court can revise the doings of the assembly, and reinstate such member in his place. So, if a legislative assembly commit a member or other person as a punishment for a contempt or other offence, no other court or tribunal can discharge the prisoner, on the ground of his having been illegally committed, provided the cause of the commitment appear with the requisite certainty. In cases of this kind, therefore, it should clearly appear, in the warrant, that the assembly has jurisdiction of the matter for which the commitment takes place; but the particular facts of the case, upon which the assembly has predicated its judgment, should not be stated; if they are, they will be subject to revision.

650. The jurisdiction of a legislative assembly, as a judicial tribunal, is both civil and criminal, but chiefly the latter, and for contempts.

1. *Civil Jurisdiction.*

651. As a civil tribunal, a legislative assembly, at the present day, claims and exercises no other jurisdiction, than to decide upon the returns and elections of its members, and upon the question of their rights as such, as affected by disqualifying circumstances subsequently arising. Formerly, the house of commons, in England, under pretence of privilege, entertained jurisdiction of cases of mere civil right, in which members were concerned; but this course of proceeding, which appears to have commenced with the long parliament, and to have terminated only about the year 1768,[1] is now wholly abandoned. In this country, no such pretence was ever set up, and the only civil jurisdiction of a judicial nature, exercised in our legislative assemblies, either before or since the revolution, is that of deciding upon the returns and elections of their members.

2. *Criminal Jurisdiction.*

652. The criminal jurisdiction of a legislative assembly is much more extensive than the civil; embracing the misconduct or disorderly behavior of its own members, as well as misdemeanors and offences committed by other persons. In both cases, the offence

[1] Pemberton, 91. See ante, 8, 537.

may be committed either against the assembly itself, or against its members individually.

653. Members may be guilty of misconduct, either towards the assembly itself, towards one another, or towards strangers. Misconduct of members towards the assembly, besides being the same in general as may be committed by other persons, consists of any breaches of decorum or order, or of any disorderly conduct, disobedience to the rules of proceeding, neglect of attendance, etc.; or of any crime, misdemeanor, or misconduct, either civil, moral, or official, which, though not strictly an attack upon the house itself, is of such a nature as to render the individual a disgrace to the body of which he is a member. Misconduct of members towards one another consists of insulting remarks in debate, personal assaults, threats, challenges, etc., in reference to which, besides the ordinary remedies at law or otherwise, the assembly interferes to protect the member, who is injured, insulted, or threatened. Offences by members towards other persons, of which the assembly has cognizance, consist only of injurious and slanderous assertions, either in speech or by writing, which, as there is no other remedy, the assembly itself, if it thinks proper, takes cognizance of and punishes.

654. The offences against a legislative assembly, which may be committed by persons who are not members of it, are exceedingly multifarious; embracing all offences against its members individually, all breaches of privilege, whether personal or collective, and all wilful obstructions to its regular proceedings, and to the free, independent, and full performance of its various functions.

3. *Jurisdiction of Contempts.*

655. Like every other tribunal, a legislative assembly is authorized to punish persons, whether members or others, who are guilty of any contempt towards it, by disorderly or contumacious behavior in its presence, or by any wilful disobedience to its orders. It seems necessary to observe, that the contempts punishable by a legislative assembly are not confined to proceedings in its judicial capacity, but may arise in the course of its legislative or other functions.

SECTION II.—OF THE MODE OF PROCEEDING BY A LEGISLATIVE ASSEMBLY, IN THE EXERCISE OF ITS JUDICIAL FUNCTIONS.

656. It will be most convenient, as well as intelligible, to consider the mode of proceeding, under the several heads which have already been adopted in treating of the jurisdiction, namely:—first, civil proceedings; second, criminal proceedings; and, third, contempts.

1. *Civil Proceedings.*

657. The only subjects, which come within the civil jurisdiction of a legislative assembly, relate to the rights of members to their seats; in reference to which, the proceedings are either between parties adversely interested, or *ex parte*. Cases of the first kind arise where a member is returned, and the return, election, or right of the member returned to sit, is controverted by the electors or some of them, or by an opposing candidate. Cases of the latter kind occur, when an inquiry is instituted by the assembly itself, on the motion or suggestion of some member. In the former class of cases, which constitute what are usually called controverted elections, if the proceedings are not otherwise regulated by law, as they are in England and in some of the United States, the trial may be either at the bar of the assembly, or, in the first instance, before a committee appointed for the purpose, and, in either case, the proceedings are as closely assimilated, as the nature of the subject will admit, to those which usually take place on the trial of an action at law in the ordinary courts; the parties being commonly assisted by counsel, and witnesses examined, as in other cases, except that they are not necessarily or perhaps usually upon oath. Where an inquiry is instituted *ex parte*, on the motion or suggestion of a member, the subject is generally referred to a committee; and if the right of a member or other person happens to be involved in the proceedings, they may assume the form of a controverted election, in which case, they will be the same as already mentioned; but, where the investigation is one-sided, the committee may examine witnesses or arrive at the knowledge of the facts in such other way as it may think proper. Members, if interested in such investigation, are to withdraw from the assembly, after being heard, in the manner stated under the head of Criminal Proceedings.

658. Witnesses may be summoned to appear and give their testimony, before the assembly, or before a committee, either by a warrant from the presiding officer, issued in pursuance of a general

order previously adopted, authorizing him to send "for persons, papers, and records," or in pursuance of a special order to the same effect, relating to the particular case or person; or they may be summoned by the special order of a committee, in pursuance of a similar general or special order. The summons may be served by the sergeant-at-arms, a messenger, or by any other officer, or in such other manner, as will be legal in other cases, according to the laws of the particular State.[1]

659. If the person, whose testimony is wanted as a witness, is in custody, it is the practice for the presiding officer, by the order and direction of the assembly, to issue his warrant to the officer having such person in custody, and to the sergeant-at-arms of the assembly, for the production of the witness at the bar, or before the committee. When the witness is in the custody of the assembly itself, he may be brought to the bar or before the committee, by an order to that effect to the sergeant-at-arms. It is usual, also, where the testimony of a witness in the custody of the sergeant is wanted before a committee, for the assembly to order, that when the committee requires the attendance of the witness, it may send for him.[2]

660. With regard to the expenses of the witnesses, the rule in legislative assemblies is analogous to that which prevails in courts of law, not to compel a witness to give his testimony, until his reasonable charges have been paid or tendered.[3] Where a witness is summoned on the behalf and at the request of an individual, such party is bound to pay the expenses; but where the investigation is *ex parte*, he can only receive payment of his expenses, in the same manner that government witnesses are paid according to the laws of the particular State. In all cases, however, it seems, that witnesses are bound to appear, in obedience to the summons, without being previously paid their expenses.[4]

661. The only difference, between the examination of witnesses, before a legislative assembly or committee, and their examination before other tribunals, is, that in the former, the testimony is not usually given under oath; a legislative assembly, unless there is particular provision to that effect by law, not being authorized to administer oaths.[5] Whether, however, the testimony is given under oath or not, if a witness prevaricates, testifies falsely, or other-

[1] The subject of witnesses, which is here and elsewhere in this chapter mentioned, only incidentally, is fully treated of in the fifth part.

[2] Rogers on Election Committees, 86.

[3] Rogers, 87.

[4] Rogers, 88.

[5] This power is expressly conferred by the constitution of Vermont.

wise misbehaves himself, in giving or refusing to give his testimony, he will be guilty of a contempt, and punishable accordingly. If such misbehavior occurs at the bar of the assembly, the offender may be proceeded against at once; if, before a committee, it must first be reported to the assembly, for its interposition.

662. If a witness, being duly summoned, in either of the modes above mentioned, refuses or neglects to appear, and such refusal or neglect is made manifest to the assembly, by the non-appearance of the witness at the time appointed, or upon the report of the committee, the witness may be ordered to be taken into custody by the sergeant-at-arms, and will also be punishable as for a contempt.

663. Parties and witnesses, attending as such, or having occasion, or ordered, to attend as such, before a legislative assembly or its committees, are entitled to the same protection in going, staying, and returning, as they would receive in a court of law; and, if arrested, will be entitled to their discharge in the same manner as members, and by the same form of proceeding. When they are apprehensive of an arrest, and make that fact known to the assembly, it is usual for that body to order that its protection be allowed to such persons, during the pendency of the business which entitles them to privilege, or their necessary attendance as witnesses.[1]

2. *Criminal Proceedings.*

664. The conduct of members may become implicated either incidentally in the course of other proceedings, or it may be the subject of a direct complaint, verbal or in writing, by other members, or by other persons; and, in all these cases, the proceedings do not differ essentially from what they would be in the case of private persons, except that it is not necessary, in all cases, to place the member accused at the bar. When a complaint is to be made against a member, it appears to be the practice to give him notice beforehand,[2] or to procure an order to be passed, requiring his attendance at a particular time to hear the complaint, and otherwise not to make it in his absence. Where the member remains in his place in the assembly, during the preliminary proceedings, it is the rule, that when the question is stated in the assembly, the

[1] As to the effect of these orders of protection, see ante, 638, note.

[2] In the case of *Mr. Senator Smith*, the committee to whom his case was referred, gave notice when they were ready to report, and thereupon, at the suggestion of the chairman, an order was passed for the attendance of Mr. Smith in his place. Ann. of Cong. 10th Cong. 1st Sess. I. 39, 56.

member implicated should be first heard, and then withdraw from the assembly, until the question is decided. This is the established practice in the house of commons, and is founded in the indecency of a man's sitting as a judge in his own cause. If the member does not withdraw of his own accord, he may be ordered to do so by the assembly. If the case be not perfectly clear, as to the propriety of a member's withdrawing, he may himself make a question to the assembly for their opinion.

665. But where the immediate question before the assembly is not the one in which a member is interested, but only relates to the time at which that question is to be tried,[1] or is a mere question of order involving the precedence of business, with relation thereto,[2] it has been held in this country that such member may nevertheless vote thereon.

666. When, in consequence of words spoken in debate, or in the course of any other proceeding of the house, or of a committee either select or of the whole or otherwise, a quarrel arises between members, which the speaker sees may lead to injurious results, it is his duty to interfere at once without waiting for the previous authority of the house, and, by means of a retraction or apology, compel such members to settle their quarrel immediately, or, by ordering them into the custody of the sergeant-at-arms, prevent them from leaving the house until they pledge themselves that the quarrel shall go no further.[3] The propriety of this course is still more manifest where the parties, as sometimes happens, resort to blows or other acts of violence.[4] The speaker, instead of proceeding at once, of his own authority, or the implied sanction of the house, may wait for it to take or indicate such course as it may think proper. The former method is most generally adopted by the speaker of the house of commons; the latter has been most commonly pursued by presiding officers in this country. The sending of a challenge by one member to another, or by any person to a member, for words spoken by the latter in debate, is a breach of privilege, and will be dealt with accordingly, unless a full and ample apology is offered to the house and to the member offended.[5]

667. The most usual course of proceeding, where a person not a member has been guilty of some misconduct, of which the assembly has judicial cognizance, is, in the first place, upon the complaint or

[1] J. of H. 26th Cong. 1st Sess. 1283.
[2] Cong. Globe, VIII. 531.
[3] May, 258
[4] See J. of H. 30th Cong. 1st Sess. 586; Cong. Globe, X. 451; Cong. Globe, XIII. 576.
[5] May, 258. See also J. of C. III. 232, 233, 236.

motion of some member to ascertain the facts, and then to declare them to be an offence, and to order the individual implicated or supposed to be guilty, into the custody of the sergeant-at-arms. When that officer has informed the assembly, through the speaker, that he has the offender in custody, he is brought to the bar of the assembly, and being there informed of the charge against him, is interrogated as to his guilt or innocence. He is then heard in his defence, by counsel, if he desires it, and such subsequent proceedings are adopted as may be deemed proper. If he refuses to answer the interrogatories, he will be punishable as for a contempt. If he denies the facts alleged against him, they may be investigated either by the assembly itself, or by a committee. If the proceedings require more than one sitting, the accused is to be retained in the custody of the sergeant-at-arms, and brought to the bar whenever the assembly may order. Sometimes the supposed offender, instead of being ordered into the custody of the sergeant-at-arms, and brought to the bar by that officer, is merely summoned to appear before the assembly at an appointed time, to answer to the offence alleged against him.[1] An offender may be discharged, at any time upon causing a petition, expressing proper contrition for his offence, to be presented to the assembly.[2]

668. When the matter complained of is something published in a newspaper, the newspaper must be produced, in order that the paragraphs complained of may be read; and, in one case, in the house of commons, where a member, who complained of the manner in which his speech was published in a newspaper, was proceeding to address the house, he was stopped by the speaker for the reason that he had no copy of the newspaper on which to found his complaint. The member, who makes the complaint, must also be prepared with the names of the printer or publisher if he intends to follow up his complaint with a motion.[3]

669. According to Mr. May,[4] "It is the present practice" in parliament, "when a complaint is made, to order the party complained of to attend the house; and on his appearance at the bar, he is examined and dealt with according as the explanations of his conduct are satisfactory or otherwise; or as the contrition expressed by him for his offence conciliates the displeasure of the house. If there

[1] See the proceedings of the senate of the United States, in 1800, against *William Duane* for a libel on the senate, published in the Aurora; and the proceedings of the house of representatives, in 1832, in the *case of Samuel Houston*, for an assault on William Stanbury, a member.

[2] May, 94.

[3] May, 88, 89.

[4] May, 89

be any special circumstances arising out of a complaint of a breach of privilege it is usual to appoint a select committee, to inquire into them, and the house suspends its judgment until their report has been presented."

670. If there are, in the particular State, by the authority of whose legislative assemblies a commitment takes place, any constitutional or legal provisions relating to the subject of criminal commitments generally, it will be safest to follow such provisions; but the warrant should only state the fact of the offence, in general terms, in order to show that the assembly has jurisdiction of it without setting forth the particular facts, which are supposed by the assembly, to constitute the offence.

3. *Proceedings in case of Contempt.*

671. A contempt of the authority of a legislative assembly may be committed either in or out of its presence. In the former case, it may be either by a person already in custody of the sergeant-at-arms, or by some person attending as a party or witness, or as a spectator or auditor of the proceedings. Where the contempt is in the presence of the assembly, if the offender is not in custody, the first thing is to order him to be taken into custody, and then, which is also the case where the offender is already in custody, the assembly proceeds at once, the offence being apparent, to pass such sentence upon him as it may think proper.

672. Contempts committed out of the presence of the assembly usually consist of disobedience to its orders. In these cases, the first step is to adjudge the disobedience a contempt, and then to order the offender into custody. He is then brought to the bar and interrogated, and such further proceedings had as may be deemed proper. Where the offender is a member, the proceedings do not differ, except in his being required to withdraw when the question is made.

SECTION III. IN WHAT MANNER THE JUDGMENTS OF A LEGISLATIVE ASSEMBLY ARE ENFORCED.

673. One of the modes by which the orders or judgments of a legislative assembly may be enforced, is, to bring the person refusing or disobeying to the bar, and there require him to submit himself to the assembly; and, on his refusing, in their presence, so to do, to punish him as for a contempt.

674. It was formerly the practice, in both houses of the British parliament, to require offenders to receive the judgment of the house kneeling at the bar. But the practice has long since been discontinued in both houses; though in the lords, the entries in the journals still assume that the prisoners "are on their knees" at the bar. In the house of commons, in the year 1750, Mr. Alexander Murray obstinately refused to receive his sentence kneeling at the bar, and was severely punished for his contempt of the authority of the house.[1] But, afterwards, in 1772, and probably in consequence of this refusal, the house ordered, that whenever any person should thenceforth be brought to the bar for judgment, or to be discharged, he should receive the judgment of the house standing, unless, it should be otherwise directed in the order.[2]

SECTION IV. OF THE PUNISHMENTS WHICH A LEGISLATIVE ASSEMBLY MAY INFLICT.

675. The punishments, besides the withdrawal of privileges conferred,[3] which are usually within the competency of a legislative assembly to inflict, are those of fine, imprisonment, and reprimand, to which must be added, where the offender is a member, that of expulsion.

1. *Fine.*

676. In England, both houses of parliament were anciently in the practice of imposing the payment of a fine by way of punishment; and this is understood, at the present day, to be the practice of the lords; but the commons appear to have long since waived or abandoned this form of punishment; and it has even been laid down that they now have no such power. In this country, with one or two exceptions, in which there is a special constitutional provision to that effect, the legislative assemblies are not authorized to impose a fine by way of punishment. The house of commons, however, does, in some sort inflict a fine; persons in the custody of the sergeant-at-arms being usually required, before being discharged, to pay the fees of that officer. Where this punishment is inflicted, the order is that the offender pay such a sum, and, in the mean time, stand committed to the custody of the sergeant-at-arms.

[1] Comm. Jour. XXVI. 48; Hans. P. H. XIV. 994; Walpole's Memoirs of Geo. II. 15.

[2] Comm. Jour. XXXIII. 594.

[3] As for example that of a reporter. J. of H. 24th Cong. 1st Sess. 983, 1020, 1021

2. *Imprisonment.*

677. This mode of punishment is, in general, the only one now authorized or resorted to, in ordinary cases, by legislative assemblies. According to the parliamentary law of England, there is a difference between the lords and commons, in this respect, the former being authorized, and the latter not, to imprison for a period beyond the session. In this country, the power to imprison is either incidental to or expressly conferred upon all our legislative assemblies; and in some of the States, it is also regulated by express constitutional provision. Where it is not so regulated it is understood, that the imprisonment terminates with the session.

678. Where there is no provision regulating the time of imprisonment, if a commitment is general, the prisoner will be entitled to his discharge on the termination of the session; if it is for a certain time, the prisoner will be entitled to his discharge on the expiration of the time, or the termination of the session, whichsoever first happens.

679. Where the time of imprisonment is regulated and limited, a commitment for any period not exceeding that time may be made, notwithstanding the termination of the session in the mean time; but, if a commitment is general, without limitation of time, the case must be deemed the same, as if it had been for the utmost limit of time, and such commitment will accordingly terminate either with the expiration of that time, or with the session.

680. Where this form of punishment is adopted, a warrant is issued by the presiding officer, by order of the assembly, reciting the judgment or order of the assembly, and directing the sergeant-at-arms, to commit the prisoner to such a prison, and the keeper thereof to receive him into his custody, and safely keep him to the expiration of the sentence.

681. In the house of commons, when an offender is punished by imprisonment, the form of the sentence is, that he be committed to the custody of the sergeant-at-arms, or to Newgate, or the Tower, during the pleasure of the house; and the practice is, to keep offenders, so committed, in custody, until they present petitions praying for their release, and expressing contrition for their offences, or, until upon motion made in the house, it is resolved that they shall be discharged. They are then to be brought to the bar, and after an admonition or reprimand from the speaker, are discharged on

the payment of their fees.[1] Under peculiar circumstances, however, attendance at the bar,[2] and the admonition or reprimand,[3] have been dispensed with, and the payment of fees remitted.[4]

3. *Reprimand.*

682. Where this form of punishment is inflicted upon a person who is not a member, the offender is brought to the bar of the assembly, by the sergeant-at-arms, and there reprimanded by the presiding officer, in the name, and by the authority of the assembly. The offender is then discharged. Where the offender is a member, he receives the reprimand standing in his place. Admonition may be considered as a mild form of reprimand. What is said by the presiding officer on these occasions, is usually ordered to be entered on the journal.

4. *Expulsion.*

683. The three forms of punishment already mentioned may be inflicted upon all persons, whether members or not; but expulsion can only be inflicted upon members. Where no provision is made relating to this subject, expulsion takes place in the same manner with any other proceeding. In some of the constitutions, there are express provisions upon this subject, which in those States, of course, must be observed.

SECTION V. IN WHAT MANNER AND TO WHAT EXTENT THE INCIDENTAL POWERS OF LEGISLATIVE ASSEMBLIES IN THE UNITED STATES HAVE BEEN AFFECTED BY CONSTITUTIONAL AND LEGAL PROVISIONS.

684. The constitutions of the United States, and of almost all the States, contain provisions relating to the incidental powers of their legislative assemblies, which, although widely differing among themselves, in some cases, as to the number of powers enumerated, come clearly within the first two rules[5] already mentioned in regard to the privileges of members, and do not, in any degree, change,

[1] May, 94.
[2] Comm. Jour. LXXV. 467.
[3] Comm. Jour. LXXXVI. 388; Same, XC. 532; Same, CI. 768.
[4] Comm. Jour. LVIII. 221; Same, LXXX. 470; Same, LXXXIII. 199; Same, XC. 522 Same, LXXIV. 192; LXXXV. 465.
[5] Ante, 542, 543.

either by enlarging or diminishing, the powers of jurisdiction recognized by the ordinary parliamentary law. The only changes, made by these provisions, relate to the kind, form, and duration of the punishments to be inflicted. It may be laid down, therefore, first, that every legislative assembly in the United States possesses all the powers of jurisdiction, in a judicial way, which are recognized by the common parliamentary law; and, second, that they possess authority to punish agreeably to the rules of that law, as modified by express constitutional or legal provision. It only remains, therefore, to state these modifications; first, those which relate to the members themselves, and, second, those which relate to other persons.

ARTICLE I. *Incidental Powers relating to Members.*

685. In all the constitutions except those of New Hampshire, Vermont, Massachusetts, New York, North Carolina, Michigan, and California, there is inserted an express provision authorizing each branch of the legislature thereby established, "to punish its members for disorderly behavior;" to which the constitution of Rhode Island adds a general authority to punish for contempt, and that of Maryland the word "disrespectful."

686. In the constitution of New Hampshire the power to punish members appears to be included in that of punishing generally; that of Vermont, after enumerating certain powers, declares, of the general assembly, that "they shall have all other powers necessary for the legislature of a free and sovereign State;" whilst those of Massachusetts, New York, North Carolina, Michigan, and California, are altogether silent on the subject. In all these States, therefore, members of the legislative assemblies are amenable to their respective houses according to the principles of the common parliamentary law.

687. In the States of Massachusetts, New Hampshire, New York, and North Carolina, there being no constitutional provision on this subject, the power to expel exists, as a necessary incident to every deliberative[1] body, and may be exercised at the discretion of the assembly, and in the usual way of proceeding.

688. In the constitutions of the United States, and of all the other States, the power to expel is expressly recognized and declared; but, in all of them, except those of Vermont and Geor-

[1] It does not belong to every collective body which deliberates, as for instance, a committee, or a board of trustees or bank directors, or other similar officers.

gia, in which the usual majority only is required, the concurrence of two thirds is necessary. In Illinois, Michigan, Missouri, and Wisconsin, two thirds of all the members elected are requisite to a vote of expulsion.

689. In the constitutions of Maine, Rhode Island, Connecticut, Pennsylvania, Maryland, Virginia, South Carolina, Florida, Kentucky, Tennessee, Ohio, Indiana, Louisiana, Mississippi, Illinois, Alabama, Michigan, Arkansas, Texas, Iowa, Wisconsin, and Missouri, there is a prohibition against expelling a member a second time for the same offence; in those of Vermont and Michigan, there is a prohibition against expulsion for causes known to the constituents of a member antecedent to his election; and in Georgia, the power to expel is restrained, as to cause, to disorderly behavior, and to conviction of any felonious or infamous offence. The constitutions of Illinois and Michigan require the reasons for the expulsion to be entered on the journal with the names of the members voting on the question.

ARTICLE II. *Incidental Powers relating to Persons not Members.*

690. In the American constitutions, this subject, though important as regards the independence of the legislature, is very diversely treated; some contain no provision at all, or a general one, relating to it; others enumerate the offences that may be committed against a legislative assembly by persons not members of it with considerable detail; while all, which contain any thing on the subject, unite in prescribing imprisonment as the mode of punishment.

691. The constitution of Maine gives authority to each branch of its legislature, during the session, to punish any person not a member by imprisonment not extending beyond the session. "Each house, during its session, may punish, by imprisonment, any person not a member, for disrespectful or disorderly behavior in its presence; for obstructing any of its proceedings; for threatening, assaulting, or abusing any of its members for any thing said, done, or doing, in either house; provided, that no imprisonment shall extend beyond the period of the same session." This provision is apparently broad enough to include all the incidental powers of a legislative assembly, in regard to persons not members, by the common parliamentary law. The mode and duration of punishment are also the same.

6. 29 Syracuse Law Review 1071 (1978).

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
		ALABAMA		
Constitution Art. 4, § 53	In 2007, Sen. Charles Bishop punched Sen. Lowell Barron on the Senate floor.	The Senate president appointed a five-member bipartisan Senate Ethics and Conduct Committee to review the complaint.	The committee hired an attorney to assist it in the review.	Investigation is on-going.
		ALASKA		
Constitution Art. 2, Sec. 12	In 1993, Sen. George Jacko used or attempted to use his position to gain sexual favors from a 17-year-old legislative page.	The 7-member Senate subcommittee of the Select Committee on Legislative Ethics (5 private citizens and 2 senators) held three public hearings on five charges of ethics violations by Sen. Jacko. The committee took two days to review the testimony and evidence, including briefs on Sen. Jacko's assertion that the ethics laws are silent on prohibiting or punishing attempted acts.	The committee found clear and convincing evidence against Sen. Jacko in three of the five charges. It also found that Sen. Jacko lied in parts of his sworn testimony before the committee and refused to accept responsibility for his actions. As a result, the committee issued a report recommending that Sen. Jacko be: 1. censured; 2. stripped of all committee chair positions and appointing authority during the remainder of his term; 3. prohibited from state-funded out-of-state travel during the remainder of his term; 4. required to complete, at his expense, a court-sanctioned Male Awareness Program; and 5. placed on probation for remainder of his term.	Censure and the other recommended sanctions (20-0).
	In 1988, Sen. Paul Fischer was accused of taking personal trips at state expense.	The 6-member Senate subcommittee of the Select Committee on Legislative Ethics investigated the complaint.	The committee found an "inference of improper conduct" in Sen. Fischer's undocumented travel reimbursements. In testimony to the committee, Fischer stated that he was quite sure he discussed legislative business during	No action.

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			brief airport layovers but neither he nor his aide could remember the dates or where the meeting took place. The committee recommended no action—it was unwilling to second-guess Fischer even though his explanation was not "clear and convincing."	
	In 1983, Sen. Al Adams allegedly used forged documents and his office to arrange jobs for a subcontractor. In return the subcontractor agreed to give Adams a $100,000 cash advance and ultimately paid him $772,668 over 2.5 years. The contractor also said he made a $12,000 loan to Sen. Adams in 1981 that was not repaid and not reported on Adams conflict of interest form.	The 6-member Senate subcommittee of the Select Committee on Legislative Ethics (3 private citizens and 3 senators) deliberated privately.	After reviewing the allegations, the committee dismissed the complaint because the allegations stemmed from actions that occurred either before the applicable ethics law was in place or outside the law's two-year statute of limitations.	No action
	In 1982, Sen. ~~George H.~~ Hohman, Jr. was convicted of felonious bribery and receiving a bribe for offering to share a $20,000 bribe with another legislator in return for a vote in favor of the state purchasing two Canadian firefighting planes. He was sentenced to three years in prison.	The 6-member Senate Rules Committee (3 private citizens and 3 senators) reviewed the record of the jury trial and took testimony from Sen. Hohman, witnesses on his behalf, and his attorney.	The committee found that the jury's verdict and the evidence presented to the committee clearly established that Sen. Hohman intentionally violated the most fundamental of his duties, which are to safeguard the public trust and to preserve the integrity of this body."	Expulsion by adoption of Senate Resolution (16-4).
		ARIZONA		
Constitution	In 1991, Sen. Carolyn Walker	The Senate referred the matter to	The committee found that Sen. Walker	Expulsion.

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
Art. 4, Part 2, § 11	was one of 11 legislators indicted in a year-long undercover operation on vote selling. Sen. Walker was videotaped taking money from a paid informant for her support of legislation that would have legalized casino gambling. The legislation did not pass.	the five-member Ethics Committee, which adopted rules for receiving and investigating complaints. The Senate retained special counsel to advise the Senate and the committee and to conduct a preliminary investigation into the allegations against Sen. Walker. Counsel reported his findings and recommended that the committee issue a complaint charging Sen. Walker with unethical conduct. The committee issued the complaint, held two public hearings on it, and subsequently issued a report to the Senate.	engaged in unethical conduct in violation of Senate rules and personal and state campaign finance disclosure laws. It unanimously recommended that Sen. Walker, the majority whip, be expelled.	
ARKANSAS				
Constitution Art. 5, § 12	In 1999, Sen. Nick Wilson was convicted in federal court on felony charges of conspiring to evade taxes on $325,000. The case involved "washing" checks that were payments from a real estate agent. The agent testified that he split his commission after Wilson tipped him off that a agency might buy a downtown bank building. He also faced a 133-count	Under one provision of the state constitution, no one convicted of an "infamous crime" is eligible to serve in the General Assembly. Another provision gives each house the power to expel a member. A majority of members signed a petition to request a hearing on Wilson, as required by the rules. 28 of 35 senators signed the petition.	N/A	Resigned. Wilson submitted a letter announcing his resignation at a future date and the Senate president pro tem cancelled a meeting on expulsion. Other criminal charges were later dropped by prosecutors in exchange for Wilson's

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	racketeering indictment as "kingpin" of a corrupt organization that skimmed nearly $2 million from an assortment of state programs through kickbacks and contracts to friends and allies.			testimony.
	In 1974, Sen. Guy H. Jones was expelled after a 1972 conviction on federal tax fraud charges.	No information.	No information.	Expelled.
		CALIFORNIA		
Constitution Art. 4, §§ 4, 5, 13, and 15	In 1994, Sen. Frank Hill was one of several legislators ensnared in an FBI sting operation focused on legislative corruption. He was convicted of extortion, conspiracy, and money laundering after accepting $25,000 in exchange for his support on Louisiana shrimp boat legislation. He was sentenced to 46 months in prison and ordered to pay a fine of $2,500. At least some convictions were felonies.	A demand was made on the Senate floor for Hill's expulsion. The Rules Committee put aside consideration after receiving Hill's resignation letter, but he did not set a resignation date.	The 5-member Rules Committee later voted 4-0 to expel Hill. One member abstained.	Resignation (before vote on resolution).
		COLORADO		
Constitution Art. 5, § 12	In 2006, Sen. Deanna Hanna allegedly requested a $1,400 campaign contribution as a "reparations request" from a	A complaint initiated the process calling for an inquiry. An ethics committee of three Democrats and two Republicans	N/A	Hanna resigned while the committee was investigating.

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	group that backed her election opponent.	was appointed (under Senate Rule 43).		
		DELAWARE		
Constitution Art. 2, § 9	In 2007, Rep. John Atkins assaulted his wife after using his legislative position to avoid a drunk driving arrest. He was stopped by police after the pickup truck he was driving was seen speeding and drifting. He was not cited or arrested despite a preliminary breath test of 0.14 BAC. He pled guilty to offensive touching (a misdemeanor) for supposedly grabbing his wife's arm during a fight and was sentenced to probation and ordered to complete domestic violence and anger management counseling.	The House Ethics Committee, a standing committee established by House Rules, investigated and made recommendations. The committee consisted of three Republicans and two Democrats. The committee determined the matter merited further inquiry and staff performed a preliminary inquiry.	Committee staffers made the following findings. • Atkins filed a misleading affidavit with the committee stating that he presented his legislative ID card after police asked for it. He later admitted that he showed it without being asked and repeatedly reminded officers about being a legislator to attempt to be treated leniently. • The police officer told Atkins and his wife to get a ride home and friends drove them part of the way before Atkins got into his truck to drive home. • Another police officer saw Atkins run a stop sign but did not stop him because he recognized the vehicle which had legislative plates. • Police shortly after responded to a 911 hang-up call at the Atkins home. After his arrest based on a domestic dispute, he expressed his concern about the press since the election was in 10 days. He made requests to speak to the police chief. • Atkins was sentenced to probation after pleading guilty to offensive touching for supposedly grabbing	Resignation (before scheduled House debate on a censure resolution).

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			his wife's arm during a fight. Staff found that the fight involved greater physical contact than described in the police complaint. The committee unanimously found that Atkins violated House rules and brought the chamber into "disrepute" by using his position in an effort to be treated leniently during the traffic stop and ensuing events culminating in his arrest. In voting to censure, the committee recommended he surrender his legislative identification car and license tag, pay a $550 fine, forego any committee chairmanships, undergo an alcohol abuse evaluation, and complete court-ordered domestic violence counseling.	
		FLORIDA		
Constitution Art. 3, § 4	In 2000, Rep. Alzo J. Reddick, Sr. failed to timely file a financial disclosure form for 1998.	The speaker received a copy of a stipulation of fact and recommended order from the Ethics Commission and appointed a Select Committee on Standards of Official Conduct to investigate. The Ethics Committee had not approved the stipulation and could not do so before the end	In a consent decree, the committee stated that because the violation was inadvertent, a letter of admonishment from the speaker was an appropriate penalty. In addition, Reddick agreed to apologize to the House and the public and make a $500 contribution to a homeless shelter.	Admonishment. The House accepted the consent decree and the speaker's letter of admonishment was printed in the journal.

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
		of the legislative session. Reddick was not seeking re-election but asked the House to find a violation and impose a penalty.		
	In 2000, Rep. Gustavo Barreiro failed to report a liability of more than $1,000 on his disclosure of financial interests that he filed when qualifying to run for the House.	The speaker received a final order and public report from the Ethics Commission and appointed a Select Committee on Standards of Official Conduct to investigate.	In a consent decree, the parties accepted the Ethics Committee's findings and agreed there was no evidence the violation was willful or intentional. The committee recommended a letter of admonishment from the speaker and Barreiro agreed to apologize to the House and the public and contribute $500 to a homeless shelter. The committee also recommended clarifying the law.	Admonishment. The House accepted the consent decree and the speaker's letter of admonishment was printed in the journal.
	In 1997, the Ethics Commission found that Rep. Alzo J. Reddick violated constitutional provisions on ethics through financial disclosure violations in 21 separate instances.	The speaker received a final order and public report from the Ethics Commission and appointed a Select Committee on Standards of Official Conduct to investigate.	In a consent decree, Reddick stipulated to findings of fact that in six years he committed various violations including failing to report a loan, underreporting a loan, failing to report the value of stock, overestimating the value of stock, failing to report certain income, not filing the address and amount of sources of income, and failing to accurately reporting his net worth.	Reprimand. The House accepted the consent decree.

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			The committee's proposed order stated that Reddick apologizes for "any unintentional adverse effect his actions may have brought" on the House. Because there was no evidence of use of office for personal gain or that the actions impacted legislative duties, the committee proposed and Reddick accepted the penalty of a reprimand.	
	In 1996, Rep. Marvin Couch failed to report one liability of more than $1,000 on his 1992 financial disclosure form and two liabilities of more than $1,000 on his 1993 form.	The speaker received a final order and public report from the Ethics Commission and appointed a Select Committee on Standards of Official Conduct to investigate.	In a consent decree, the parties (1) accepted the Ethics Commission's findings on violations, (2) found no evidence that the violations were willful or intentional, and (3) found that the Ethics Commission became aware of the debt because Couch revealed it in an amended disclosure in 1993. Because of the inadvertent nature of the violations, the parties agreed that no additional penalty was warranted.	No action.
	In 1995, Rep. Evelyn J. Lynn was investigated for failing to report certain assets and income on various financial disclosure forms over a four year period.	The speaker received a complaint and public report from the Ethics Commission and appointed a Select Committee on Standards of Official Conduct to investigate.	In a consent decree, the parties agreed that the Ethics Commission already found a violation and imposed a penalty and the House should take no action. They also recommended that the legislature consider clarifying jurisdiction over	No action.

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			a member's conduct before taking office.	
	In 1994, Rep. John Thrasher was investigated for violating the statutes on representing others before a state agency for compensation.	The speaker received a complaint and public report from the Ethics Commission and appointed a select committee to investigate.	In a consent decree entered into between Thrasher and the committee, Thrasher waived a hearing on the violations and penalty, stipulated to facts, and agreed to a penalty. The findings included the following. • As general counsel for the Florida Medical Association, he personally appeared on the association's behalf before a subcommittee of the Board of Medicine of the Department of Professional Regulation on a rule relating to surgery in doctors' offices. • Before his appearance, he had a phone conversation with a longtime friend who chaired the subcommittee and invited Thrasher to appear and address the rule. Thrasher had previously received a general notice about the meeting. • There was no indication that the appearance was intended to misuse his position to improperly influence a state agency, nothing indicated that	The House adopted the report and a letter of admonishment from the speaker was printed in the journal.

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			his status was relevant to his appearance, and it was clear from the transcript that he appeared as a representative of the association. • Thrasher acknowledged his appearance was an unintentional violation of the constitution, statutes, and House Rules. The committee's proposed order stated that the appearance before the subcommittee was a violation and he was admonished to prevent recurrences. He agreed that he should avoid even the appearance of impropriety and he apologized for "any unintentional adverse effect his actions may have brought" on the House. The committee recommended admonishment by the speaker.	
	In 1992, Rep. Michael E. Langton was investigated for representing others before a state agency for compensation and seeking a benefit inconsistent with the proper performance of his public duties.	The speaker received a complaint and public report from the Ethics Commission. He appointed a Select Committee on Standards of Official Conduct to investigate.	In a consent decree between Langton and the committee, Langton waived a hearing on the violations and penalty, stipulated to facts, and agreed to a penalty. The findings included the following. • Langton was a consultant to cities and counties applying for	Reprimand. The House voted 116-0 in favor.

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			Department of Community Affairs for Community Development Block Grant funds before and after his election. • He asked the Ethics Commission for an opinion whether he could continue this consulting and was informed that he could as long as he did not represent anyone personally for compensation before an agency. • The House Community Affairs Committee chair asked Langton to work on changes to the grant program and he did so while continuing to consult with cities and counties who applied for grants. • Under new legislation, the department enacted a rule for application criteria. When it appeared that this interpretation was contrary to the legislative intent, Langton contacted the department to clarify the interpretation. • Langton recognized that his contact with the department reflected adversely on him and the House. Such conduct was	

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			prohibited when it benefited a member's client or business interest. • On behalf of his consulting company, Langton phoned a department employee to express concerns about misstated facts in monitoring reports the employee prepared. The committee's proposed order stated that contacting the employee was a violation and he was admonished to prevent recurrences. Langton agreed that he should avoid even the appearance of impropriety and he apologized for "any unintentional adverse effect his actions may have brought" on the House. The committee recommended a reprimand.	
	In 1991, Rep. Frederick Lippman was investigated for (1) failing to properly supervise staff as chair of the Committee on Regulatory Reform from 1983 to 1986, (2) violating the statute that restricts outside employment of a full-time staff employee,	The speaker appointed a select committee to investigate.	The committee recommended admonishment. It also recommended procedural changes and training.	The speaker issued a letter admonishing Lippman (a copy was printed in the journal). The speaker also removed Lippman as majority leader.

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	and (3) improper behavior with a House staff member from 1983 to 1986. A county grand jury also issued a report relating to allegations of sexual harassment by a former staff member.			
	In 1988, Rep. Donald George Gaffney was investigated regarding his previous position as Jacksonville City councilman and a rezoning petition before the council. • He was charged with bribery and grand theft days before his election in 1986. • A federal grand jury returned a 23-count indictment on extortion, conspiracy to commit extortion, and mail fraud in February 1987. • After the 1987 session ended, he was convicted of conspiracy, extortion, and attempted extortion and acquitted of five	The speaker appointed a select committee to investigate.	No information.	Resigned, effective the day before the start of the 1988 session. Gaffney was later convicted and sentenced to prison for mail fraud.

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	extortion and five attempted extortion charges. Under House Rules, he was suspended from the House pending appeal or the end of his term. • In December, a federal judge vacated the verdicts on rumors of jury tampering and Gaffney was reinstated pending a new trial. • In January 1988, a federal grand jury returned a 21-count indictment that included new charges.			
*	In 1986, Rep. John Thomas was convicted in federal court on four of five felony charges of making misstatements on a Small Business Administration (SBA) application for a loan relating to private business ventures. Thomas received a suspended sentence, four years probation, and the court required restitution.	The speaker appointed a select committee to investigate. The committee reviewed the record, heard testimony from interested constituents of Rep. Thomas, and heard presentations by the federal prosecutor and defense counsel.	The committee considered a House Rule that suspends a member immediately, pending appeals, for a felony conviction that relates to the member's responsibility as a public officer. The committee found that this rule did not apply to Thomas because (1) the federal crime must be comparable to a state felony for this provision to apply but the comparable state crime in this instance was a misdemeanor and (2) the convictions did not relate to	Censure. The House voted 109-6. A motion to substitute a reprimand (a higher penalty than censure) failed 21-95.

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			responsibilities as a public officer. The committee report stated that it was not clear whether the conduct was illegal because the conviction was on appeal but Thomas' conduct shows "he was inattentive to matters that ultimately led to his federal convictions and have cast a shadow on the honor of the House of Representatives." The committee recommended censure (the least form of punishment available to the committee) because of 1. the complexity of the forms; 2. the bank's involvement in setting the loan amount; 3. a bank officer filling in some of the figures; 4. the personal financial statement was obviously incorrect and did not balance but the SBA approved it anyway; 5. the SBA and bank continued to process the loan after discovering liens that were not in the application; 6. a bank official signed the loan settlement sheets verifying that	

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			disbursements were used according to the loan authorization but the banker was not charged; 7. the federal judge commented at trial, sentencing, and by phone to the committee chairman that the case should not have been tried and he disapproved of the U.S. attorney's offer of a misdemeanor plea if Thomas provided evidence of government corruption; and 8. the only substantive evidence supporting the conviction was Thomas' statement to the FBI that he knew it was wrong to pay personal debts with SBA proceeds and he intended to use them to pay a credit card account (although he paid for personal and business expenses with this account and it was not clear whether he actually used proceeds to pay personal expenses). One member of the committee moved for expulsion but was defeated. He argued that a harsher penalty was appropriate because of	

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			Thomas' statement to the FBI and because the jury convicted of him of crimes that require willful actions.	
	In 1980, Rep. Gene Flinn was investigated for sexual discrimination and sexual harassment of two female aides and using aides for non-legislative duties.	The speaker appointed a select committee to investigate. The committee took depositions, conducted hearings, and gave Rep. Flinn an opportunity to appear and give testimony and evidence.	The committee found that Flinn violated House rules and a state statute. It recommended a reprimand.	The House adopted a resolution to reprimand Flinn by a vote of 109-4. Two legislators placed remarks in the journal arguing that expulsion was appropriate.
		GEORGIA		
Constitution Art. 3, § 4, Paragraph 7	In 2000, Rep. Arnold Ragas failed to file mandatory campaign finance reports indicating his person wealth and campaign contributions received between 1996 and 2000. He also ignored the $10,600 in fines the State Ethics Commission imposed for the violations.	Representative Snow introduced a proposed resolution (House Resolution 747) reprimanding Rep. Ragas. The House referred the resolution to the Rules Committee. It was subsequently withdrawn from that committee and referred to the House Ethics Committee. As a standing committee, the House Ethics Committee could not vote on a matter before it without giving the sponsor the opportunity to appear and be heard. It is unclear whether the committee held hearings.	After one meeting, the committee voted unanimously to recommend a reprimand and an order to pay the $10,600 fine.	Reprimand (161-3).
	In 1999, Reps. Nan Orrock and Michele Henson were alleged to have been improperly paid for work they performed for the Scott Fund, a non-profit	Rep. Bob Irvin filed a complaint after a state auditor's report reported that the Holocaust Commission and the Scott Fund used loose accounting practices	The committee's investigation revealed no fraud or other wrongdoing because no state appropriated money was used to pay the legislators. All payments to Orrock and Henson came from	No action.

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	arm of the Georgia Commission on the Holocaust. Orrock was paid $12,000 under a contract with the Scott Fund and Henson received less than $9,000 for fund raising, reimbursement for a trip, and picture framing.	and mingled their funds. The complaint was referred to the House Ethics Committee.	privately raised money in the Scott Fund. The committee recommended no action.	
	In 1999, Sen. Diana Harvey Johnson was convicted of five counts of federal mail fraud for funneling an estimated $80,000 of state tourism funds to her own consulting business. She was sentenced to 41 months in prison, fined $7,500, and ordered to pay $21,600 in restitution.	The governor impaneled a 3-member review committee after Sen Johnson was indicted.	The committee concluded that Sen. Johnson's indictment impaired her ability to serve her constituents.	The governor suspended Sen. Johnson with pay. She resigned her seat after a federal judge suggested he would not free her on bond while appealing her conviction unless she gave up her seat.
	In 1998, Sen. Ralph Abernathy III was detained at the Atlanta airport for smuggling a small amount of marijuana into the country.	Senators Madden, Cheeks, Oliver, and Middleton introduced a proposed resolution (Senate Resolution 459) censuring Sen. Abernathy. The Senate referred the resolution to the 13-member Senate Ethics Committee. As a standing committee, the Senate Ethics Committee could not vote on a matter before it without giving the sponsor the opportunity to appear and be heard (Senate Rule 2-1.9). It is unclear whether the committee held a hearing; however, Sen. Abernathy waived any notice and hearing with respect to the actions	The committee returned the resolution with amendments that the Senate rejected.	Censure. (The senator also voluntarily resigned from his position as chairman of the Interstate Cooperation Committee.)

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
		by the committee and Senate.		
	In 1993, Rep. Jimmy Benefield displayed a sex toy in the House chamber where it was allegedly showed to young pages. Benefield acknowledged bringing the toy into the chamber but denied intentionally showing it to children. A Georgia Bureau of Investigation report found insufficient evidence that criminal laws were violated. As a result, Benefield was never charged with a crime.	Rep. Posten filed an ethics complaint on behalf of a 14-year-old page who claimed a legislator showed him the toy and Benefield laughed. The House referred the complaint to the 11-member House Ethics Committee, which hired a prosecutor and held a hearing over two days. House pages, the mother of the 14-year-old, a lobbyist, and three house members testified. The hearings were open to the public, except when the pages testified. The committee limited its questions of Benefield to his role in the incident. It voted not to look into claims by two female lobbyists that Benefield showed them the toy.	The committee recommended a reprimand even though reprimand was not among the committee's official disciplinary options as spelled out in the state constitution. The committee's options were no action, censure, or expulsion.	Reprimand (129-25).
		HAWAII		
Constitution Art. 3, § 12	In March 1989, Sen. Steven Cobb was fined $500 for soliciting an undercover policewoman. He wrote the Senate a letter of apology and told them it was an isolated incident. He was embraced by the Senate until it was later reported that he was involved in two earlier cases of	In September 1989, 17 senators met in a closed-door session to decide what action to take. The Senate president presented the senator with recommendations for sanctions and they were adopted.	The sanctions, for the 1990 session, were: (1) remove Sen. Cobb as committee chairperson and vice chairperson, (2) remove him as a member of the Judiciary Committee, (3) require him to submit a formal letter of apology to the Senate and the people of Hawaii, (4) subject him to a "public reprimand" for soliciting prostitution, (5) tell him that any repeat	Censure.

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	soliciting prostitutes. He asked to be put on leave to attend therapy. In July 1989, his therapist said he was ready to resume his Senate duties.		incidents could result in expulsion from the Senate, and (5) reassign him to a smaller office.	
IDAHO				
Constitution Art. 3, § 11	In 2005, Sen. Jack Noble introduced legislation to change the method of measurement of the required distance between a liquor store and a school after he and his wife were denied a license to sell liquor from their store.	Pursuant to Senate Rule 53, a six-member bipartisan Ethics Committee appointed by the Senate president pro tempore held four public hearings.	The committee found that the senator gave false or deceptive information to the Senate State Affairs Committee about the origin of the legislation and his potential benefit. Sen. Noble, while under oath, testified before the committee twice. It recommended that the senator be censured and stripped of any leadership responsibilities.	Resignation.
	In 1990, Sen. John Peavey took another senator's outgoing mail from the sergeant at arm's desk to determine if the mail volume limit was exceeded.	A six-member special committee determined facts, reached conclusions, and reported recommendations.	The committee found that the senator did not violate any Senate rules; however, his conduct showed a lack of good judgment. Unanimously recommended no formal action and an apology.	No formal action.
	In 1990, Representative Ray Infanger, in a letter to the director of the Department of Labor and Industrial Services, threatened the agency's funding if the director did not grant Infanger's son an electrical contracting license.	The speaker appointed a six-member bipartisan committee to (1) review the letter of accusation written by the director of the Department of Labor and Industrial Services; (2) interview Rep. Infanger, the director, and one other knowledgeable person; and (3) report its findings and recommendations.	The committee found that a serious lack of judgment left the impression that Infanger used his position, contrary to public interest, to benefit a member of his family. Recommended a reprimand.	Reprimand.

Table 1 (continued)

LEGAL AUTHORITY	*INCIDENT*	*PROCEDURE FOLLOWED*	*FINDINGS AND RECOMMENDATION*	*FINAL ACTION*
		INDIANA		
Constitution Art. 4, § 14	In September 1997, Sen. Steven Johnson had an affair with his Senate intern.	The Senate Committee on Legislative Ethics considered a complaint filed by Sen. Kent Adams. Sen. Johnson acknowledged a "moral and ethical" failure and apologized to the Senate.	The committee found Sen. Johnson to be immoral and unethical "in contradiction to the high moral and ethical standards expected of members of the Indiana State Senate under the Rules of the Senate." It recommended that Sen. Johnson (1) be removed as a committee chairman, (2) have his assigned seat on the Senate floor relocated to a less prominent place, and (3) receive no further punishment.	Removed as Senate committee chair and assigned Senate seat located in a less prominent position.
		IOWA		
Constitution Art. 3, Part 2, § 9	In 2006, Sen. Stewart Iverson took a position with a political action committee before his term ended.	The Senate Ethics Committee, a standing committee, received a complaint.	Before the committee took any action, Iverson returned his pay and quit the job. The committee dismissed the complaint.	None.
	In 2001, a complaint against Sen. Mike Sexton alleged conflict of interest for (1) sitting in on an environmental protection commission meeting regarding a fine of his employer and (2) quashing legislation as chairman of the Natural Resources Committee to prevent new regulations that would affect his employer.	The Senate Ethics Committee received a complaint.	The committee dismissed the complaint but required senators to ask for an ethics ruling in the future before taking jobs that might be a conflict of interest.	None
		MAINE		
Constitution Art. 4, Pt. 3, § 4	In 2001, Rep. John Michael "berated" two female senators during a State House argument	The House Ethics Committee heard testimony and made recommendations to the House.	The committee unanimously recommended censure to the full House.	The full House voted to censure by a vote of 137 to 8. (The resolution

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	over which committee should handle certain legislation.			included a recommendation to take "corrective action to rehabilitate." Michaels complied and apologized.)
	In 1987, Rep. Donald Sproul was convicted of misdemeanor ballot tampering.	After conviction, adopted a resolution relating to the censure or expulsion of Sproul. Inquiry by House Committee on Elections with a report to the full House. Adopted a resolution establishing procedures. Resolution appointed special counsel and required the committee to adopt any necessary rules and procedures.	N/A	Resignation (before committee met).
		MARYLAND		
Constitution Art. 3, § 19	In December 1997, a series of newspaper stories raised questions about Sen. Larry Young, chair of the Senate Subcommittee on Health, accepting gifts from health care companies and a state college, failing to disclose a contract with a state agency, mixing his legislative and private office budgets, and using the prestige of his office for personal gain. The legislature initiated an investigation that resulted in his expulsion in January 1998.	On December 3, 1997, the presiding officers referred the matter to the Joint Committee on Legislative Ethics, a joint committee of the Senate and the House under Maryland state law (Md. Code Ann., State Gov't., § 2-701 et seq.). They requested that the committee convene immediately to make a thorough review of allegations of improprieties on the part of Sen. Young. They asked the committee to investigate all aspects of the senator's business practices as they related to his position in the legislature and to report back	The Joint Committee on Legislative Ethics released its report on January 12, 1998 and made the following findings of ethical violations, among others: • failure to disclose a contractual relationship with a state agency (Coppin State College) and conflicts of interest concerning legislation that related to Coppin State College, • improper solicitation and acceptance of gifts, • improper use of district office funds, and • improper use of title for commercial purposes and use of	Expulsion (by a vote of 36-10).

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	In December 1998, he was indicted by a county grand jury on nine counts for demanding $52,000 in bribes and two computers from a health care company, extorting $74,493 and the computers from the companies and $8,000 for an aide, and filing a false state income tax return in 1995. It appears that at least some charges were felonies. A jury acquitted him of all criminal charges in September 1999. The judge had previously dismissed four counts of extortion.	before the 1998 legislative session. From the outset, the co-chairs of the committee limited their investigation and report to potential violations of public ethics laws. The committee met in closed session a total of four times. Its first meeting was on December 9, 1997. During the third session, it met to interview Sen. Young, who was represented by counsel (that hearing was closed to the public at the senator's request). Sen. Young called one witness. The committee's report appears to indicate that its last meeting, the fifth one, was not closed to the public. After a month-long investigation, the committee reported. Four days later, the Senate voted.	prestige of office in connection with occupational activities. The committee voted unanimously to recommend that the Senate: • remove Sen. Young immediately as a member of Senate leadership; chairman of any committee or subcommittee; and member of any standing, statutory, joint, or select committees or subcommittees; • adopt a censure resolution; and • consider an expulsion resolution based on its findings.	
MASSACHUSETTS				
Constitution Part 2, Chapter 1, § 2, Art. 4, and Part 2, Chapter 1, § 3, Art. 11	In 1977, Senators Joseph J.C. DiCarlo and Ronald C. MacKenzie were convicted in federal court for extortion, conspiracy to commit extortion, and conspiracy to violate the Travel Act in connection with their performance as senators. Some, if not all, charges were	The Senate referred the matter to its Committee on Ethics on the day of the conviction. The committee held two hearings, after which it determined that disciplinary proceedings should be conducted pursuant to the Senate's inherent power with respect to its members. The committee held a third hearing to determine if the convictions	The committee stated that "the crimes with which the senators were charged and of which they have been convicted are so serious as to render one who has committed them unfit to continue to serve as a member of the Senate."	MacKenzie resigned at the third hearing. The committee recommended expelling DiCarlo and declaring the seat vacant even though the senator's conviction appeal was pending in federal court. The Senate

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	felonies.	"were compatible with [the senators'] continued service in the Senate..." ("Report and Recommendations Concerning Senators Joseph J.C. DiCarlo and Ronald C. MacKenzie," Senate Committee on Ethics, April 1, 1977).		expelled DiCarlo after a daylong debate.
		MICHIGAN		
Constitution Art. 4, § 16	In 2001, Sen. David Jaye was investigated for three drunk driving convictions, two alleged physical altercations with his fiancée, having sexually explicit photos on his Senate-owned computer, and alleged verbal abuse of Senate staff. Proceedings on domestic violence were pending during the legislative investigation.	Resolution created a bipartisan committee. Jaye had been progressively disciplined by Senate leadership previously.	Committee recommended expulsion.	Expulsion.
	In 1998, Sen. Henry Stallings employed a state worker in his art gallery and used public funds to pay the person. He was originally charged with a felony but, after the legislative investigation began, he pled guilty to the misdemeanor of taking less than $100 under false pretenses.	Select committee investigated.	Committee unanimously recommended expulsion.	Resignation (prior to vote on expulsion).

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	In 1978, Rep. Monte Geralds was convicted of embezzling funds from a legal client before becoming a legislator (a felony). The legislature investigated while the conviction was on appeal	No information.	No information.	Expulsion, by a vote of 84-20.
		MINNESOTA		
Constitution Art. 4, § 7	In 2006, Sen. Dean Johnson made comments at a private meeting concerning alleged conversations he had with members of the state Supreme Court relating to the court's possible action on the state's Defense of Marriage Act. A tape of the comments surfaced.	The Senate Subcommittee on Ethical Conduct (a subcommittee of the Rules and Administration Committee) heard the matter.	The committee dismissed the complaint but voted unanimously to require a public apology to the Senate and a written apology to the group that held the meeting where the comments were made.	Required to apologize on the Senate Floor and to those at the meeting.
	In 2004, Sen. Michael Jungbauer was accused of performing campaign activities from his Senate office. He sent a Senate e-mail to 1,700 people forwarding a media advisory about a press conference whose organizers were seeking to defeat senators of a particular party if they did not pass a same-sex marriage ban constitutional amendment. Senate rules prohibit use of equipment for commercial purposes or a political	A senator filed a complaint and the Senate Subcommittee on Ethical Conduct heard the matter.	The committee voted unanimously to require a written apology.	Required a written apology to each member of the Senate and the complaint was dismissed upon delivery of apologies.

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	campaign.			
	In 2003, Rep. Arlon Lindner made controversial statements about gays in the Holocaust and AIDS in Africa.	Eight representatives filed a complaint and the House Ethics Committee (a bipartisan standing committee) heard the matter.	The committee failed to find probable cause for a violation by a 2-2 vote.	None.
	In 2001, a conflict of interest complaint was filed against Rep. Jim Abeler based on his vote on a funding measure dealing with charter school leases. He owned and leased a building to a charter school at the time.	The House Ethics Committee heard the matter.	The complaint was dismissed.	None.
	In 1999, a conflict of interest complaint was filed against Sen. Dallas Sams. In his job as a consultant, the senator accepted a state contract that was related to legislation he authored. He received a $12,500 consulting payment from the University of Minnesota.	The Senate Subcommittee on Ethical Conduct heard the matter.	The subcommittee reported that Sen. Sams covered up a payment for consulting work. The payment was legal but the coverup was unethical. The subcommittee recommended a reprimand, including a public apology and removal as a member and vice-chair of the Human Resources Finance Committee.	Reprimand, including a public apology to the Senate, his constituents, and the public; and removal as a member and vice-chair of the Human Resources Finance Committee.
	In September 1995, Sen. Joe Bertram was arrested and convicted for shoplifting a $90 leather vest (a petty misdemeanor). He was fined $150. In 1996, the legislature investigated Bertram for shoplifting the vest and offering $1,000 to the store	Two senators filed a complaint with the Senate Subcommittee on Ethical Conduct.	N/A	Resignation (before the committee voted).

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	owner to not file criminal charges. After his resignation, he was (1) arrested on another shoplifting charge and (2) charged in April 1996 with two felony counts of bribery for offering money to the store owner not to file charges.			
	In February 1996, several individuals claimed Rep. Jeff Bertram harassed them with anonymous calls, bullied them, and pressured them to make campaign contributions. In 1996, the legislature investigated Rep. Jeff Bertram for pressuring a businessman into giving a campaign contribution with the threat of doing business with a competitor; pressuring a store-owner to drop shoplifting charges filed against his brother, Sen. Joe Bertram; making false statements about several individuals; and engaging in other acts of intimidation, threats, and harassment. Law enforcement agencies	The House Ethics Committee received a complaint.	The committee found that Bertram harassed and intimidated critics and political opponents. The committee recommended censure by the House in open session; that he publicly admit on the House floor in open session to acts of misconduct specified in the committee report; that he apologize on the floor to the House, his constituents, and each of the victims named in the report; that he agree to undergo a psychological evaluation for anger and report the results to the speaker and the chairman and vice chairman of the Ethics Committee; and that he resign from all House committee chair or vice-chair positions and membership on legislative commissions.	Censure by a vote of 82-21. The full House adopted the recommendations in the committee's report. Rep. Bertram consented. A minority report recommending expulsion was presented to the full House, but failed to get 2/3 of the vote, failing 68-65. Bertram did not seek re-election.

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	were asked to investigate allegations of misusing state campaign funds and coercing people that surfaced in the ethics investigation. He was also later sued by a couple who said he told lies about them. The couple also received a restraining order against Bertram.			
	In 1995, Sen. Kevin Chandler was involved in a domestic assault with his estranged wife outside a bar. His wife did not press charges. The police investigated and Chandler asked them to charge him and stated he would plead guilty to 5th degree assault (a misdemeanor). He was charged with that crime and two counts of disorderly conduct (all misdemeanors). In September 1995, he pled guilty to 5th degree assault for slapping his estranged wife and the other charges were dropped. He was placed on probation for one year and fined $210. In 1996, the legislature investigated.	The Senate Subcommittee on Ethical Conduct heard the matter.	The subcommittee reported that Sen. Chandler's decision to voluntary resign his leadership positions in the Senate was appropriate and that he apologize to the Senate in open session.	By a vote of 63-0, the Senate adopted the subcommittee's report: that Sen. Chandler's decision to voluntary resign his leadership positions in the Senate was appropriate and that he apologize to the Senate in open session.

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	He did not seek re-election.			
	In 1994 and 1996, Sen. Sam Solon was investigated for providing the Senate's long-distance access code to his ex-wife. He pled guilty to a misdemeanor charge relating to the use of the phone account in 1992 and 1993.	The Senate Subcommittee on Ethical conduct heard the matter.	The committee recommended voluntary resignation as chair of the Commerce and Consumer Protection Committee as an appropriate disciplinary action; that he be removed from membership on the Committee on Rules and Administration; that he make restitution to the Senate for the cost of the calls; that he apologize to the Senate in open session; and that the reprimand of March 24, 1994 (for giving telephone access code to lobbyists) be reaffirmed.	The Senate adopted the report by a vote of 57-6, after voting down an amendment seeking his resignation 17-48.
	In 1996, Sen. Florian Chmielewski was accused of abusing Senate phone privileges. Previously, in December 1995, he pled guilty to misconduct of a public officer, a gross misdemeanor (it is unclear whether he faced other charges). He was accused of letting family and friends use his Senate phone access code for more than $3,800 in personal long distance calls. He was sentenced to two years probation and 100 hours of community service.	A senator filed a complaint with the Senate Subcommittee on Ethical Conduct.	The sub-committee recommended removal from two committees; no use of the Senate phone code; no reimbursement for lodging expenses outside his district; and loss of seniority.	None. The Ethics Committee recommendations had to be approved by the Senate Rules Committee which had no scheduled meetings until the following year. The recommendations expired and the senator was defeated in a primary election.
	In 1995, Rep. Bob Johnson threatened the Public Safety commissioner when the State	The House Ethics Committee heard the matter.	A recommendation to expel Johnson failed 5-5.	Censure. The House voted 82-50.

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	Patrol turned down his request to fly him to St. Paul for the funeral of a former governor. After the incident, he lost his position as assistant majority leader. Also in 1995, he had three DWI arrests in less than seven weeks. The third occurred after the legislature initiated an investigation and while he was distraught over recent events and threatening suicide in calls from his car phone. His license had been revoked at the time. He said a severe bout of depression ended 14 years of sobriety. He pled guilty to all three DWIs (they appear to all be misdemeanors). On the first, he received a fine and probation. (The later DWI arrests violated his probation and he was sentenced to 20 days of electronic home monitoring after the 1996 legislative session ended, 40 hours of community service, and a one year license suspension.) For the 3rd, he pled guilty to		By a 7-3 vote, the committee asked Johnson to resign and to run in a special election if he wanted to continue. The committee also recommended censure; that he repay to the House the portion of his salary that was paid or that may be paid while he was or may be incarcerated or under house arrest for DWI convictions; 120 hours of community service; and random tests for alcohol with results forwarded to the speaker and Johnson paying for the testing. By a 7-3 vote, the committee voted to reconsider the recommendation to expel and laid the motion on the table, if Johnson did not resign.	A vote on expulsion received 76 votes, short of the 90 required for a 2/3 vote.

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	habitual drunk driving and refusing a breath test (a gross misdemeanor) and received a one year sentence. He spent one month in jail with his days out on work release. He also spent 28 days in an alcoholism treatment program. He was sentenced for the 2nd violation last and received (1) a one year sentence that was suspended except for 30 days in jail, (2) three years probation, (3) a $1,500 fine plus $303 in fees, and (4) a requirement to continue taking prescription medication for depression and stay in alcohol treatment. He did not seek re-election.			
	In 1996, Sen. LeRoy Stumpf requested an investigation of a possible conflict of interest relating to consultant contract. A newspaper article reported that Stumpf sponsored a bill in 1994 that provided $50,000 to a coalition of six counties to control beavers whose dams caused floods. Two weeks after the bill became law, he was	Stumpf requested that the Senate ethics subcommittee (a bipartisan subcommittee) review the situation.	The Special Subcommittee on Ethical Conduct unanimously found that it was not a conflict of interest. The subcommittee report stated that no money appropriated as a result of Stumpf's legislative work was used directly or indirectly to pay him and he took reasonable steps to avoid a conflict of interest, such as consulting Senate counsel on the matter. It also found no evidence that Stumpf discussed the job while the bill was	None.

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	hired as a consultant by the Red Lake Watershed District, which was picked by the counties to administer the program. He was paid $14,000, with the money coming from the district's account which is derived from property taxes.		pending.	
	In 1996, Rep. Tom Workman violated House Rules by releasing confidential documents and discussing actions of a closed House Ethics Committee hearing.	A complaint was filed with the House Ethics Committee.	N/A	None. The complaint was withdrawn and the ethics committee opened its hearing to the public.
	In 1990, Rep. Jeff Conway, a financial planner, was indicted for diverting about $90,000 of customers' money to his personal use. He was charged with 30 felony counts of diverting money from 15 couples or individuals over several months. He was suspended from the job and then resigned. He relinquished his broker's and insurance agent's licenses after the state Commerce Department found he mishandled funds. He allegedly invested money for a client after he resigned from his job. After he resigned from the	A complaint was filed with the House Ethics Committee.	The committee found probable cause that Conway engaged in misconduct.	Resignation (the day before his scheduled appearance before the committee).

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	House, he pled guilty to charges that were consolidated into four counts. He was sentenced to eight months in prison, 10 years probation, 500 hours of community service, a $5,000 fine, and $50,342 restitution. The judge stayed a sentence of just under nine years in prison.			
	In 1986, Rep. Randy Staten pled guilty to felony theft charges, admitting that he wrote 76 bad checks. The original charge of theft of over $2,500 was reduced to theft of over $250. He was sentenced to one year's probation, a 90 day jail sentence which he would serve only if he violated probation, and continued treatment. Even though the crime was a felony, he was given a misdemeanor sentence and therefore it was considered a misdemeanor. Staten said he was chemically dependent and financially irresponsible, and had completed a residential treatment program. He made restitution before criminal charges were brought.	The speaker appointed a bipartisan four-member Select Committee on the Staten Case. The committee investigated Staten for writing $8,200 in bad checks and questionable campaign finance reporting.	The committee voted unanimously to recommend expulsion, based on the conviction and campaign report violations. The 24 member House Rules and Legislative Investigations Committee also recommended expulsion on a voice vote. The committee rejected censure.	Censure. An initial vote to censure failed. Then a vote to expel failed 80-52, short of the required 90 for a 2/3 vote. Then a vote to censure passed 99-31. The censure also ordered him to: donate 18% of his pay for the remainder of the year to a nonprofit chemical dependency program of his choice; perform 100 hours of volunteer service; undergo chemical dependency treatment; and, if campaign finance reporting problems continued, return all public financing money.

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	The Ethical Practices Board also found he filed late and incomplete campaign disclosure reports for four years (which could involve misdemeanor or gross misdemeanor violations).			
NEW HAMPSHIRE				
Constitution, Part 2, Art. 22	For seven years, House Speaker Gene Chandler held a series of corn roast galas raising $64,000 from supporters, lobbyists, and others who had business before the legislature. Chandler used the money for personal expenses such as car repairs, hotel stays, and meals. In October 2004, the Legislative Ethics Committee received a complaint and in November it issued a statement of charges and notice of hearing. In March 2005, Chandler pled guilty to a misdemeanor for failing to report the gifts. He was fined $2,000 and required to perform 100 hours of	The Legislative Ethics Committee received a complaint. After reviewing the complaint, the committee conducted an extensive preliminary investigation and voted unanimously to begin formal proceedings. A formal statement of charges and notice of hearing was sent and a hearing was held. Chandler formally answered the statement of charges and appeared at the hearing to testify and present other evidence through his counsel.	The committee voted unanimously to recommend expulsion. The committee found that Chandler violated ethics provisions by (1) soliciting, accepting, or agreeing to accept gifts with an aggregate value over $250 while knowing or believing the givers were or were likely to be interested in matters pending at the legislature, (2) using his public position to obtain gifts with aggregate value over $250 for private benefit, and (3) disregarding the obligation to report gifts over $50 (which he acknowledged through his misdemeanor plea). The committee found that for seven years the annual corn roasts solicited and received cash from businesses, lobbyists, and individuals. They were organized by "friends" so that Chandler had income to continue in the	Censure. The vote to expel failed 189-172 following a three-hour debate. The vote to amend the report and recommend censure passed 217-143. The vote to accept the report with the sanction of censure passed 274-86.

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	community service. The attorney general did not find any evidence that he did political favors for those who donated. The committee held its first hearing in May 2005.		legislature. Flyers advertising them were sent out and sometimes mentioned legislative issues. Chandler had sole discretion over how the funds were spent. He did not report the gifts except in one year.	
	In 2004, Rep. John Kerns was investigated for writing bad checks with "State of New Hampshire" written on them, using his title to get a parking space reserved for school officials, and threatening officials when told to stop parking there. After the legislative investigation began he was charged with four counts of passing bad checks. He went to court to attempt to stop the committee investigation. He also told the press that (1) he had a serious neurological illness that sometimes incapacitated him and (2) he and a family member were sex crime victims. After his resignation, he pled	The Legislative Ethics Committee received complaints, investigated, initiated formal proceedings, held hearings, and issued a report with recommendations.	The committee voted unanimously for expulsion.	Resignation (before House action).

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	guilty to writing bad checks. The judge suspended a $500 fine and ordered Kerns to pay $421 in restitution, perform 152 hours of community service, apologize, and drop a lawsuit against police.			
	In 1998, Rep. Roland Hemon authored legislation for the third time to impeach a probate judge involved in the case of his mother's estate.	The Legislative Ethics Committee investigated, held hearings, and issued a report with recommendations.	The committee recommended censure if Hemon represented that he would not introduce or sponsor similar legislation in the future. Otherwise, it recommended expulsion.	Censure (Hemon agreed to the committee's condition).
	In 1996, Rep. Roland Hemon authored legislation for the second time to impeach a probate judge involved in the case of his mother's estate.	The Legislative Ethics Committee investigated, held hearings, and issued a report with recommendations.	The committee recommended censure.	None (the House was not in session and the recommendation was not considered).
	In 1994, Rep. Roland Hemon authored legislation to impeach a probate judge involved in the case of his mother's estate.	The Legislative Ethics Committee investigated, held hearings, and issued a report with recommendations.	The committee recommended a reprimand.	Reprimand.
NEW JERSEY				
Constitution, Art. 4, § 4	Sen. Bryant is currently under federal felony indictment for fraud and corruption.	The Ethics Committee announced an investigation in November 2006 but has taken no action to date.	N/A	N/A
NEW MEXICO				
Constitution Art. 5, § 11	In 1991, Rep. Ronald G. Olguin was charged with solicitation of bribery (a felony) and demanding a bribe by a public official and two other felony counts alleging that he sought $15,000 for his consulting services in	The House adopted rules establishing the Rules and Order of Business Committee. A subcommittee investigated, received certain evidence under a confidentiality agreement, and recommended that the committee find probable cause to move to a	The committee found that Olguin engaged in a course of conduct while seeking to sell his consulting services that violated his public trust as a legislator. • While agreeing to provide consulting services for a fee aimed at obtaining new program funding	Censure. (Floor debate included a motion for expulsion that was defeated.)

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	exchange for state funding.	formal hearing. The full committee agreed and held an evidentiary hearing. The committee heard evidence, took testimony, questioned witnesses, allowed cross examination, and heard closing arguments.	from a county, he also identified program needs at the state level, offered a legislative solution, and offered his assistance in obtaining that solution. • He either included an agreement to influence the state legislative process in a proposed contract for consulting services or proposed a contract for services at the county level with free services at the state legislative level. • His conduct was a serious breach of ethical responsibilities as a legislator. The committee voted 11-4 to censure. A minority report recommended expulsion.	
NEW YORK				
Constitution Art. 3, §§ 7 and 9	From 1983 to 1986, Queens County Democratic Organization Secretary Richard Rubin placed no-show employees on the legislative payroll of Assemblywoman Gerdi E. Lipschutz. She was granted immunity in criminal proceeding.	In 1987, the Committee on Ethics conducted a five-week investigation that included testimony given in Rubin's trial in which he was found guilty of mail-fraud in that he caused a no-show secretary to be placed on the assemblywoman's payroll. The committee reviewed the state constitution, the proceedings of two constitutional conventions, and constitutional case law to determine if Article 3, Sections 7	The committee found Lipschutz guilty of (1) falsely certifying personal service vouchers, (2) approving the hiring of a "no-show" employee knowing that the employee did not perform any official duties, and (3) committing the acts to obtain a political benefit. Assemblywoman Lipschutz cooperated with the U.S. Attorney in the Rubin trial and provided essential testimony after receiving a grant of immunity. The committee found that no member	Resigned (after the committee made its recommendations).

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
		and 9 authorize the Assembly to expel a member.	has ever been expelled and that the Assembly does not have the constitutional authority to expel a member. The committee recommended that (1) she resign, (2) the Assembly remove her committee chairmanships, (3) she forfeit any rights or privileges of seniority, (4) the Assembly censure her, and (5) the state amend the constitution to authorize expulsion.	
NORTH CAROLINA				
Constitution Art. 2, § 20	In 2007, an investigation of Rep. Thomas Wright by the state Board of Elections discovered evidence that Wright did not report hundreds of thousands of dollars in campaign contributions and he reportedly used a letter awarding a bogus grant to secure a bank loan for a foundation he controlled. In August, prosecutors stated that they hoped to finish their investigation by October 1. A search warrant for bank records indicated a suspicion of obtaining property by false pretences. The Board of Elections	The Joint Legislative Ethics Committee began an investigation.	N/A	Committee investigation is not yet complete.

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	suspended Wright's reelection campaign for failing to file the required campaign disclosure report for the first six months of 2007.			
	In 1995-6, Rep. Ken Miller was investigated for improper advances toward a page, legislative employee, and lobbyist. In July 1995, Miller allegedly made a pass at a 16 year old page. Three other women then came forward with allegations. The page's legislative sponsor requested an ethics investigation.	A legislator requested that the House Ethics Committee investigate (a 15 member committee). The committee established its procedures and hired an attorney to investigate Miller.	Miller submitted a letter admitting to unwanted advances as the committee prepared to take sworn statements from the alleged victims. The committee voted 11-3 against recommending expulsion but unanimously recommended censure.	The House voted 113-1 for censure (Miller was the only vote against). He lost a primary election the week before the censure.
	In 1985, a committee investigation of Sen. John Jordan led to a criminal investigation for bribery and extortion. He later pled guilty to extortion, bribery, and official misconduct. He was sentenced to a two year suspended sentence, two years probation, and a $2,000 fine.	No information.	No information.	Resigned after pleading guilty.
OHIO				
Constitution Art. 2, § 6	In 2006, Sen. Jeffry Armbruster was investigated after requesting a workers' compensation rate discount for his business.	The Joint Legislative Ethics Committee investigated (a bipartisan 12 member committee). The committee served him with a	The committee found that he violated a prohibition against using his position to represent his personal business interests before a state agency.	The matter was referred to the county prosecutor.

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	Term limits barred him from seeking reelection. The ethics committee held hearing after Armbruster left office.	complaint in December 2006. Based on a preliminary, investigation, he was accused of meeting with Bureau of Workers' Compensation officials at his legislative office to discuss the premium rate of his company. In 2007, after he left office, the committee held formal hearings with the legislative inspector general acting similar to a prosecutor.		
	In 2005, Reps. Jim Raussen, Diana M. Fessler, and Michelle G. Schneider failed to disclose gifts of dinner and pro football tickets on disclosure forms.	The Joint Legislative Ethics Committee investigated.	The committee cleared them of any "wrongful intent" but required them to reimburse the costs to the lobbyist and attend one hour of ethic training.	Reimbursement of costs and training.
	In 2005, Sen. Ray Miller was investigated for having his aide work for his nonprofit organization while on state time. The legislative inspector general referred evidence of using state personnel and equipment for private business to the county prosecutor. The prosecutor did not pursue charges.	The Joint Legislative Ethics Committee investigated.	The committee required a letter of apology and $936 restitution, which covered the aide's salary for the time she worked for the private organization.	N/A

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	In 2005, Rep. Jim Aslanides was investigated for failing to disclose his real estate holdings for five years. According to a letter from his attorney, he thought that because a city was leasing the land, he had relinquished control and did not have to disclose it.	The Joint Legislative Ethics Committee investigated.	The committee found no violation.	N/A
	In March 1998, Sen. Jeff Johnson was indicted by a federal grand jury on felony corruption charges: four counts of violating the federal Hobbs Act which prohibits officials from using their office to extort money and two counts of wire fraud. The federal charges involved pressuring inner-city grocers for campaign contributions in exchange for help in obtaining government licenses for nutrition and food stamp programs and to sell liquor and lottery tickets. In November 1998, he was convicted on three charges. He resigned in December. In February 1999 he was	The Joint Legislative Ethics Committee investigated.	The committee did not complete its investigation.	Resigned.

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	sentenced to 15 months in prison, at least 250 hours of community service			
	In January 1996, Rep. Michael A. Fox accepted an airline ticket and lodging from a lobbyist. Fox said he thought he had repaid the lobbyist for the ticket and he thought staying at the home owned by the lobbyist was not a gift that had to be reported.	In 1997, the legislative inspector general investigated and presented findings to the Joint Legislative Ethics Committee.	The committee recommended that Fox be removed as chairman of the Education Committee and apologize.	The House voted 89-7 and the Senate voted 31-0 to remove Fox as chairman of the Education Committee and require him to apologize.
PENNSYLVANIA				
Constitution Art. 2I, § 11	In 1975, Sen. Frank Mazzei was found guilty of felony extortion (see *United States v. Mazzei*, 521 F2d. 639). He was sentenced to time in prison on April 11, 1975.	The matter was referred to the Rules and Executive Nominations Committee four days after the senator's sentencing. It is unclear from the legislative history whether the Senate president pro tempore appointed a select committee to investigate prior to the matter's referral to the Rules and Executive Nominations Committee. But under the current rules, the Senate's secretary-parliamentarian prepares an expulsion resolution under the sponsorship of the chairman and vice-chairman of the Senate Committee on Ethics and Official Conduct when a member is found guilty of a crime the "gravamen which relates to the member's	Upon a finding of guilty in federal court, the Rules and Executive Nominations Committee reported a resolution to the Senate floor recommending expulsion.	Expulsion (unanimous vote).

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
		conduct as a senator.," and upon imposition of a sentence. On June 2, the Rules and Executive Nominations Committee reported a resolution.		
	In 1975, Sen. William Duffield admitted to misappropriating thousands of dollars from an estate for which he was executor and attorney. In October 1975, the chief justice of the Pennsylvania Supreme Court entered an order accepting the resignation of Sen. Duffield after the Disciplinary Board recommended a two-year suspension. The consent disbarment resulted from seven charges of professional misconduct against Sen. Duffield in his private law practice including: • improperly converting $7,500 from a client's estate to personal use, and • co-mingling $3,400 in funds between clients' estates.	The Senate president pro tempore appointed a Senate Select Committee to inquire into the circumstances surrounding the voluntary disbarment and advise the Senate as to what disciplinary action, if any, was warranted. The committee held a hearing on November 13, 1975 and four days later, on November 17, issued a report with its findings and recommendations. The Senate president pro tempore requested and received official documents containing specific allegations of misconduct from the Disciplinary Board of the Supreme Court of Pennsylvania. Sen. Duffield was notified of the inquiry and afforded the right to counsel. The hearing was conducted under oath and Sen. Duffield was allowed to present testimony and rebut or explain the charges against him.	The Select Committee found, in part, that: • converting trust funds to personal use and compounding that act by co-mingling further trust funds to restore the converted amounts constituted a grave and serious matter and conduct unbecoming any public official and • five of the seven disciplinary charges against Sen. Duffield involved negligent acts in the conduct of his private law practice and should remain within the purview of the Bar for discipline. The committee recommended that the Senate: • remove Sen. Duffield for the balance of his term from his standing committee chairmanship and vice chairmanship, • bar him for the balance of his term from membership on any standing committee, and • adopt a censure resolution.	Censure (unanimous vote).
SOUTH CAROLINA				

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
Constitution Art. 3, § 12 Statutes: §§ 8-13-510 to 8-13-560, inclusive	In 1994, Sen. Theo Mitchell pled guilty to a misdemeanor (the crime is now a felony) for violating federal tax laws and served a 90-day sentence. The legislature investigated in 1995 after his conviction.	The Senate debated a resolution to expel. A motion to refer the matter to the Senate Ethics Committee failed.	N/A	The Senate, voted 38-7 to expel Sen. Mitchell despite objections by some senators that Sen. Mitchell should have been afforded a hearing prior to taking up the motion to expel. The transcript indicates that Mitchell be "expelled from the Senate, not only for the criminal offenses to which he pled guilty on July 25, 1994, but also for the criminal wrongdoing that he admitted to at his sentencing hearing on September 29, 1994."
	In 1982, Sen. Eugene Carmichael was sentenced on a federal felony conviction to ten years in prison for conspiracy to buy votes, obstruction of justice, and vote buying.	The Senate Ethics Committee investigated.	The Senate Ethics Committee found that he committed official misconduct	The Senate refused 24-21 to expel. At the time of the vote, he was appealing his conviction. He lost his appeal and ultimately resigned.
SOUTH DAKOTA				
Constitution Art. 3, § 9	In 2006, an 18-year-old page contacted the attorney general alleging that Sen. Dan Sutton made sexual advances and inappropriately touched him at a motel. The attorney general	The Senate president pro tempore wrote to Sutton indicating he would refer the matter to the Senate's executive board if he did not resign within a week. The governor, in response to a request from the Senate's executive	In its majority report, the Select Committee on Discipline and Expulsion recommended censure, finding that the senator exercised poor judgment in inviting and permitting a serving Senate page to share his motel room and bed. Further, that allegations arising out of that poor judgment	Censure, by a vote of 32-2. A vote to expel failed 14-20.

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	investigated for possible criminal charges. By the time of censure, no charges had been brought.	board, called the Senate into special session to investigate the allegations. In the meantime, Sutton won reelection. Sutton resigned the day after the Senate released its proposed rules for the special session, but stated that he intended to reclaim his seat in January 2007 pursuant to his reelection. The special session was cancelled. When the regular session convened, Sutton took the oath of office. The Senate voted to adopt the same rules as the previous session. It also adopted rules regarding discipline and expulsion of members as a new chapter in the rules. Sen. Sutton went to the circuit court and received an order prohibiting the Senate from holding any hearings about him under the rules. The state Supreme Court ruled that the courts had no jurisdiction to halt a legislative disciplinary process. The Senate voted 27-6 to appoint a Select Committee on Discipline and Expulsion to investigate.	resulted in public allegations of misconduct, which, though unproved, served to bring Sen. Sutton and the honor of the Senate into public disrepute. In a minority report, three out of the nine senators on the committee dissented. They concluded that something serious involving unwanted touching of a sexual nature occurred in Sen. Sutton's motel room during the period of February 5 to February 7, 2006. In its dissent, the minority wrote, "[g]iven the serious nature of the allegations and given our belief that the evidence shows an unwanted touching of a sexual nature happened during the nights in question, we cannot agree that censure is a sufficiently serious response to what we see as the misconduct of Sen. Sutton. We believe the committee should have made a recommendation of expulsion from the South Dakota Senate." The committee voted 6-3 to recommend censure for conduct by a senator unbecoming the Senate.	

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
		The committee held meetings and heard testimony, including from Sutton.		
TENNESSEE				
Constitution Art 1, § 12	In 2005, Sen. John Ford was investigated on charges including whether he resided outside his district, used campaign funds for his daughter's wedding, received consulting fees to help companies get state business, and failed to disclose his sources of income as required by Senate rules. (Other entities also investigated misconduct by Ford, including the FBI in a bribery scandal called Operation Tennessee Waltz.)	A complaint was filed with the Senate's Ethics Committee (a standing committee). The committee issued a subpoena and a subcommittee investigated and found probable cause for the full committee to investigate the issue of failing to disclose income. The full committee voted to bring in a special counsel to expand its investigation regarding consulting fees and deals. The special counsel presented a report of the investigation. The committee was preparing a six-count charge for ethical violations when Ford resigned.	Ford resigned before the committee issued its report.	Resigned (before the committee reported but after the FBI arrested him for bribery and other charges).
TEXAS				
Constitution Article 3, §§ 8, 11, 18 and 20	In 1957, Rep. Cox was indicted for consenting to accept a bribe. He was censured by a House committee but the censure came after the member had resigned.	An investigatory committee was appointed pursuant to a resolution.	The committee recommended that the entire House censure Rep. Cox but take no other action in view of the fact that he had already resigned. The committee vote appears to have been 9-0.	Resigned. It is unclear whether the entire House ever acted on censure.
UTAH				
Constitution Art. 6, § 10	In 1998, Rep. Melvin Brown was offered a position by a lobbyist.	Pursuant to JR-16-04, the Ethics Committee made an inquiry into the matter. It is unclear whether they determined initially that	No recommendation of disciplinary action by the House Ethics Committee.	N/A

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
		further investigation was unwarranted or whether, after the preliminary inquiry, determined the charges were unfounded.		
	In 1991, Rep. Dionne Halverson was convicted of misdemeanor shoplifting.	Pursuant to JR-16-04, the House Ethics Committee subsequently made a preliminary inquiry. It is unclear whether Halverson waived the disciplinary hearing which would have required appointment of a special prosecutor.	The House Ethics Committee recommended expulsion.	The full House voted against expulsion by a narrow margin (2 votes). Halverson was censured and subsequently resigned.
	In 1986, Sen. Paul Rogers was accused of applying undue pressure on the executive branch on a constituent's behalf.	Pursuant to JR-16-04, the Ethics Committee made an inquiry into the matter. It is unclear whether they determined initially that further investigation was unwarranted or whether, after the preliminary inquiry, they determined the charges were unfounded.	No recommendation of disciplinary action by the Senate Ethics Committee.	N/A
		VIRGINIA		
Constitution Art. 4, § 7	In 1987, Senator Peter Babalas was censured for casting votes in violation of Senate conflict of interest rules. Babalas had earlier successfully defended himself against two counts of a criminal misdemeanor for alleged violations of state conflict of interest laws. One count was dismissed and Babalas was acquitted on the second count.		The Privileges and Elections committee recommended censure by a 12-3 vote. The Senate Rules Committee, by a 9-5 vote with Babalas (the chairman of the committee) abstaining, then approved a resolution of censure of Babalas for unethical conduct.	Censure. The resolution prescribing that Babalas be censured was approved by the whole Senate by a vote of 25-14.
		WEST VIRGINIA		

Table 1 (continued)

LEGAL AUTHORITY	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
Constitution Const. Art. VI, § 25	In 1972, Sen. W. Bernard Smith was convicted on federal vote tampering charges, a felony. Smith was one of a group of five (The "Logan Five") politicians convicted of rigging elections. Smith, who was also a former welfare commissioner, was also tried for bribery and perjury. Two bribery trials ended in a hung jury and he was found innocent of perjury.	The Senate considered a resolution. N/A	N/A	The member was expelled by a 2/3 vote pursuant to the constitution and corresponding Senate rule.

* indicates legislative rules are in the Appendix
N/A indicates that the category was not applicable to that particular case.

EXPULSION

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
ALASKA	In 1982, Sen. George H. Hohman, Jr. was convicted of felonious bribery and receiving a bribe for offering to share a $20,000 bribe with another legislator in return for a vote in favor of the state purchasing two Canadian firefighting planes. He was sentenced to three years in prison.	The 6-member Senate Rules Committee (3 private citizens and 3 senators) reviewed the record of the jury trial and took testimony from Sen. Hohman, witnesses on his behalf, and his attorney.	The committee found that the jury's verdict and the evidence presented to the committee clearly established that Sen. Hohman intentionally violated "the most fundamental of his duties, which are to safeguard the public trust and to preserve the integrity of this body."	Expulsion by adoption of Senate Resolution (16-4).
ARIZONA	In 1991, Sen. Carolyn Walker was one of 11 legislators indicted in a year-long undercover operation on vote selling. Sen. Walker was videotaped taking money from a paid informant for her support of legislation that would have legalized casino gambling. The legislation did not pass.	The Senate referred the matter to the five-member Ethics Committee, which adopted rules for receiving and investigating complaints. The Senate retained special counsel to advise the Senate and the committee and to conduct a preliminary investigation into the allegations against Sen. Walker. Counsel reported his findings and recommended that the committee issue a complaint charging Sen. Walker with unethical conduct. The committee issued the complaint, held two public hearings on it, and subsequently issued a report to the Senate.	The committee found that Sen. Walker engaged in unethical conduct in violation of Senate rules and personal and state campaign finance disclosure laws. It unanimously recommended that Sen. Walker, the majority whip, be expelled.	Expulsion.
ARKANSAS	In 1974, Sen. Guy H. Jones was expelled after a 1972 conviction on federal tax fraud charges.	No information.	No information.	Expelled.
MARYLAND	In December 1997, a series of newspaper stories raised questions	On December 3, 1997, the presiding officers referred the matter to the Joint	The Joint Committee on Legislative Ethics released its report on January 12, 1998 and	Expulsion (by a vote of 36-10).

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	about Sen. Larry Young, chair of the Senate Subcommittee on Health, accepting gifts from health care companies and a state college, failing to disclose a contract with a state agency, mixing his legislative and private office budgets, and using the prestige of his office for personal gain. The legislature initiated an investigation that resulted in his expulsion in January 1998. In December 1998, he was indicted by a county grand jury on nine counts for demanding $52,000 in bribes and two computers from a health care company, extorting $74,493 and the computers from the companies and $8,000 for an aide, and filing a false state income tax return in 1995. It appears that at least some charges were felonies. A jury acquitted him of all criminal charges in September 1999. The judge had previously dismissed four counts of extortion.	Committee on Legislative Ethics, a joint committee of the Senate and the House under Maryland state law (Md. Code Ann., State Gov't., § 2-701 et seq.). They requested that the committee convene immediately to make a thorough review of allegations of improprieties on the part of Sen. Young. They asked the committee to investigate all aspects of the senator's business practices as they related to his position in the legislature and to report back before the 1998 legislative session. From the outset, the co-chairs of the committee limited their investigation and report to potential violations of public ethics laws. The committee met in closed session a total of four times. Its first meeting was on December 9, 1997. During the third session, it met to interview Sen. Young, who was represented by counsel (that hearing was closed to the public at the senator's request). Sen. Young called one witness. The committee's report appears to indicate that its last meeting, the fifth one, was not closed to the public. After a month-long investigation, the committee reported. Four days later, the Senate voted.	made the following findings of ethical violations, among others: • failure to disclose a contractual relationship with a state agency (Coppin State College) and conflicts of interest concerning legislation that related to Coppin State College, • improper solicitation and acceptance of gifts, • improper use of district office funds, and • improper use of title for commercial purposes and use of prestige of office in connection with occupational activities. The committee voted unanimously to recommend that the Senate: • remove Sen. Young immediately as a member of Senate leadership; chairman of any committee or subcommittee; and member of any standing, statutory, joint, or select committees or subcommittees; • adopt a censure resolution; and • consider an expulsion resolution based on its findings.	
MASSACHU-SETTS	In 1977, Senators Joseph J.C. DiCarlo and Ronald C. MacKenzie were convicted in federal court for	The Senate referred the matter to its Committee on Ethics on the day of the conviction. The committee held two	The committee stated that "the crimes with which the senators were charged and of which they have been convicted are so	The committee recommended expelling DiCarlo and declaring the seat vacant even though the

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	extortion, conspiracy to commit extortion, and conspiracy to violate the Travel Act in connection with their performance as senators. Some, if not all, charges were felonies.	hearings, after which it determined that disciplinary proceedings should be conducted pursuant to the Senate's inherent power with respect to its members. The committee held a third hearing to determine if the convictions "were compatible with [the senators'] continued service in the Senate..." ("Report and Recommendations Concerning Senators Joseph J.C. DiCarlo and Ronald C. MacKenzie," Senate Committee on Ethics, April 1, 1977).	serious as to render one who has committed them unfit to continue to serve as a member of the Senate."	senator's conviction appeal was pending in federal court. The Senate expelled DiCarlo after a daylong debate.
MICHIGAN	In 2001, Sen. David Jaye was investigated for three drunk driving convictions, two alleged physical altercations with his fiancée, having sexually explicit photos on his Senate-owned computer, and alleged verbal abuse of Senate staff. Proceedings on domestic violence were pending during the legislative investigation.	Resolution created a bipartisan committee. Jaye had been progressively disciplined by Senate leadership previously.	Committee recommended expulsion.	Expulsion.
MICHIGAN	In 1978, Rep. Monte Geralds was convicted of embezzling funds from a legal client before becoming a legislator (a felony). The legislature investigated while the conviction was on appeal	No information.	No information.	Expulsion, by a vote of 84-20.
PENNSYL-VANIA	In 1975, Sen. Frank Mazzei was found guilty of felony extortion (see *United States v. Mazzei*, 521 F2d. 639). He was sentenced to time in	The matter was referred to the Rules and Executive Nominations Committee four days after the senator's sentencing.	Upon a finding of guilty in federal court, the Rules and Executive Nominations Committee reported a resolution to the Senate floor recommending expulsion.	Expulsion (unanimous vote).

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	prison on April 11, 1975.	It is unclear from the legislative history whether the Senate president pro tempore appointed a select committee to investigate prior to the matter's referral to the Rules and Executive Nominations Committee. But under the current rules, the Senate's secretary-parliamentarian prepares an expulsion resolution under the sponsorship of the chairman and vice-chairman of the Senate Committee on Ethics and Official Conduct when a member is found guilty of a crime the "gravamen which relates to the member's conduct as a senator.," and upon imposition of a sentence. On June 2, the Rules and Executive Nominations Committee reported a resolution.		
SOUTH CAROLINA	In 1994, Sen. Theo Mitchell pled guilty to a misdemeanor (the crime is now a felony) for violating federal tax laws and served a 90-day sentence. The legislature investigated in 1995 after his conviction.	The Senate debated a resolution to expel. A motion to refer the matter to the Senate Ethics Committee failed.	N/A	The Senate, voted 38-7 to expel Sen. Mitchell despite objections by some senators that Sen. Mitchell should have been afforded a hearing prior to taking up the motion to expel. The transcript indicates that Mitchell be "expelled from the Senate, not only for the criminal offenses to which he pled guilty on July 25, 1994, but also for the criminal wrongdoing that he admitted to at his sentencing hearing on September 29, 1994."
WEST	In 1972, Sen. W. Bernard Smith	The Senate considered a resolution.	N/A	The member was expelled by a

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
VIRGINIA	was convicted on federal vote tampering charges, a felony. Smith was one of a group of five (The "Logan Five") politicians convicted of rigging elections. Smith, who was also a former welfare commissioner, was also tried for bribery and perjury. Two bribery trials ended in a hung jury and he was found innocent of perjury.			2/3 vote pursuant to the constitution and corresponding Senate rule.
CENSURE				
ALASKA	In 1993, Sen. George Jacko used or attempted to use his position to gain sexual favors from a 17-year-old legislative page.	The 7-member Senate subcommittee of the Select Committee on Legislative Ethics (5 private citizens and 2 senators) held three public hearings on five charges of ethics violations by Sen. Jacko. The committee took two days to review the testimony and evidence, including briefs on Sen. Jacko's assertion that the ethics laws are silent on prohibiting or punishing attempted acts.	The committee found clear and convincing evidence against Sen. Jacko in three of the five charges. It also found that Sen. Jacko lied in parts of his sworn testimony before the committee and refused to accept responsibility for his actions. As a result, the committee issued a report recommending that Sen. Jacko be: 6. censured; 7. stripped of all committee chair positions and appointing authority during the remainder of his term; 8. prohibited from state-funded out-of-state travel during the remainder of his term; 9. required to complete, at his expense, a court-sanctioned Male Awareness Program; and 10. placed on probation for remainder of his term.	Censure and the other recommended sanctions (20-0).
FLORIDA	In 1986, Rep. John Thomas was	The speaker appointed a select	The committee considered a House Rule	Censure. The House voted

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	convicted in federal court on four of five felony charges of making misstatements on a Small Business Administration (SBA) application for a loan relating to private business ventures. Thomas received a suspended sentence, four years probation, and the court required restitution.	committee to investigate. The committee reviewed the record, heard testimony from interested constituents of Rep. Thomas, and heard presentations by the federal prosecutor and defense counsel.	that suspends a member immediately, pending appeals, for a felony conviction that relates to the member's responsibility as a public officer. The committee found that this rule did not apply to Thomas because (1) the federal crime must be comparable to a state felony for this provision to apply but the comparable state crime in this instance was a misdemeanor and (2) the convictions did not relate to responsibilities as a public officer. The committee report stated that it was not clear whether the conduct was illegal because the conviction was on appeal but Thomas' conduct shows "he was inattentive to matters that ultimately led to his federal convictions and have cast a shadow on the honor of the House of Representatives." The committee recommended censure (the least form of punishment available to the committee) because of 9. the complexity of the forms; 10. the bank's involvement in setting the loan amount; 11. a bank officer filling in some of the figures; 12. the personal financial statement was obviously incorrect and did not	109-6. A motion to substitute a reprimand (a higher penalty than censure) failed 21-95.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			balance but the SBA approved it anyway; 13. the SBA and bank continued to process the loan after discovering liens that were not in the application; 14. a bank official signed the loan settlement sheets verifying that disbursements were used according to the loan authorization but the banker was not charged; 15. the federal judge commented at trial, sentencing, and by phone to the committee chairman that the case should not have been tried and he disapproved of the U.S. attorney's offer of a misdemeanor plea if Thomas provided evidence of government corruption; and 16. the only substantive evidence supporting the conviction was Thomas' statement to the FBI that he knew it was wrong to pay personal debts with SBA proceeds and he intended to use them to pay a credit card account (although he paid for personal and business expenses with this account and it was not clear whether he actually used proceeds to pay personal expenses). One member of the committee moved for expulsion but was defeated. He argued	

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			that a harsher penalty was appropriate because of Thomas' statement to the FBI and because the jury convicted of him of crimes that require willful actions.	
GEORGIA	In 1998, Sen. Ralph Abernathy III was detained at the Atlanta airport for smuggling a small amount of marijuana into the country.	Senators Madden, Cheeks, Oliver, and Middleton introduced a proposed resolution (Senate Resolution 459) censuring Sen. Abernathy. The Senate referred the resolution to the 13-member Senate Ethics Committee. As a standing committee, the Senate Ethics Committee could not vote on a matter before it without giving the sponsor the opportunity to appear and be heard (Senate Rule 2-1.9). It is unclear whether the committee held a hearing; however, Sen. Abernathy waived any notice and hearing with respect to the actions by the committee and Senate.	The committee returned the resolution with amendments that the Senate rejected.	Censure. (The senator also voluntarily resigned from his position as chairman of the Interstate Cooperation Committee.)
HAWAII	In March 1989, Sen. Steven Cobb was fined $500 for soliciting an undercover policewoman. He wrote the Senate a letter of apology and told them it was an isolated incident. He was embraced by the Senate until it was later reported that he was involved in two earlier cases of soliciting prostitutes. He asked to be put on leave to attend therapy. In July 1989, his therapist said he was ready to resume his Senate duties.	In September 1989, 17 senators met in a closed-door session to decide what action to take. The Senate president presented the senator with recommendations for sanctions and they were adopted.	The sanctions, for the 1990 session, were: (1) remove Sen. Cobb as committee chairperson and vice chairperson, (2) remove him as a member of the Judiciary Committee, (3) require him to submit a formal letter of apology to the Senate and the people of Hawaii, (4) subject him to a "public reprimand" for soliciting prostitution, (5) tell him that any repeat incidents could result in expulsion from the Senate, and (5) reassign him to a smaller office.	Censure.
MAINE	In 2001, Rep. John Michael "berated" two female senators during a State House argument over which committee should handle certain	The House Ethics Committee heard testimony and made recommendations to the House.	The committee unanimously recommended censure to the full House.	The full House voted to censure by a vote of 137 to 8. (The resolution included a recommendation to take

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	legislation.			"corrective action to rehabilitate." Michaels complied and apologized.)
MINNESOTA	In February 1996, several individuals claimed Rep. Jeff Bertram harassed them with anonymous calls, bullied them, and pressured them to make campaign contributions. In 1996, the legislature investigated Rep. Jeff Bertram for pressuring a businessman into giving a campaign contribution with the threat of doing business with a competitor; pressuring a store-owner to drop shoplifting charges filed against his brother, Sen. Joe Bertram; making false statements about several individuals; and engaging in other acts of intimidation, threats, and harassment. Law enforcement agencies were asked to investigate allegations of misusing state campaign funds and coercing people that surfaced in the ethics investigation. He was also later sued by a couple who said he told lies about them. The couple also received a restraining order against Bertram.	The House Ethics Committee received a complaint.	The committee found that Bertram harassed and intimidated critics and political opponents. The committee recommended censure by the House in open session; that he publicly admit on the House floor in open session to acts of misconduct specified in the committee report; that he apologize on the floor to the House, his constituents, and each of the victims named in the report; that he agree to undergo a psychological evaluation for anger and report the results to the speaker and the chairman and vice chairman of the Ethics Committee; and that he resign from all House committee chair or vice-chair positions and membership on legislative commissions.	Censure by a vote of 82-21. The full House adopted the recommendations in the committee's report. Rep. Bertram consented. A minority report recommending expulsion was presented to the full House, but failed to get 2/3 of the vote, failing 68-65. Bertram did not seek re-election.
MINNESOTA	In 1995, Rep. Bob Johnson threatened the Public Safety commissioner when the State Patrol	The House Ethics Committee heard the matter.	A recommendation to expel Johnson failed 5-5.	Censure. The House voted 82-50.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	turned down his request to fly him to St. Paul for the funeral of a former governor. After the incident, he lost his position as assistant majority leader. Also in 1995, he had three DWI arrests in less than seven weeks. The third occurred after the legislature initiated an investigation and while he was distraught over recent events and threatening suicide in calls from his car phone. His license had been revoked at the time. He said a severe bout of depression ended 14 years of sobriety. He pled guilty to all three DWIs (they appear to all be misdemeanors). On the first, he received a fine and probation. (The later DWI arrests violated his probation and he was sentenced to 20 days of electronic home monitoring after the 1996 legislative session ended, 40 hours of community service, and a one year license suspension.) For the 3rd, he pled guilty to habitual drunk driving and refusing a breath test (a gross misdemeanor) and received a one year sentence. He spent one month in jail with his days out on work release. He also spent 28 days in an alcoholism treatment		By a 7-3 vote, the committee asked Johnson to resign and to run in a special election if he wanted to continue. The committee also recommended censure; that he repay to the House the portion of his salary that was paid or that may be paid while he was or may be incarcerated or under house arrest for DWI convictions; 120 hours of community service; and random tests for alcohol with results forwarded to the speaker and Johnson paying for the testing. By a 7-3 vote, the committee voted to reconsider the recommendation to expel and laid the motion on the table, if Johnson did not resign.	A vote on expulsion received 76 votes, short of the 90 required for a 2/3 vote.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	program. He was sentenced for the 2nd violation last and received (1) a one year sentence that was suspended except for 30 days in jail, (2) three years probation, (3) a $1,500 fine plus $303 in fees, and (4) a requirement to continue taking prescription medication for depression and stay in alcohol treatment. He did not seek re-election.			
MINNESOTA	In 1986, Rep. Randy Staten pled guilty to felony theft charges, admitting that he wrote 76 bad checks. The original charge of theft of over $2,500 was reduced to theft of over $250. He was sentenced to one year's probation, a 90 day jail sentence which he would serve only if he violated probation, and continued treatment. Even though the crime was a felony, he was given a misdemeanor sentence and therefore it was considered a misdemeanor. Staten said he was chemically dependent and financially irresponsible, and had completed a residential treatment program. He made restitution before criminal charges were brought.	The speaker appointed a bipartisan four-member Select Committee on the Staten Case. The committee investigated Staten for writing $8,200 in bad checks and questionable campaign finance reporting.	The committee voted unanimously to recommend expulsion, based on the conviction and campaign report violations. The 24 member House Rules and Legislative Investigations Committee also recommended expulsion on a voice vote. The committee rejected censure.	Censure. An initial vote to censure failed. Then a vote to expel failed 80-52, short of the required 90 for a 2/3 vote. Then a vote to censure passed 99-31. The censure also ordered him to: donate 18% of his pay for the remainder of the year to a nonprofit chemical dependency program of his choice; perform 100 hours of volunteer service; undergo chemical dependency treatment; and, if campaign finance reporting problems continued, return all public financing money.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	The Ethical Practices Board also found he filed late and incomplete campaign disclosure reports for four years (which could involve misdemeanor or gross misdemeanor violations).			
NEW HAMPSHIRE	For seven years, House Speaker Gene Chandler held a series of corn roast galas raising $64,000 from supporters, lobbyists, and others who had business before the legislature. Chandler used the money for personal expenses such as car repairs, hotel stays, and meals. In October 2004, the Legislative Ethics Committee received a complaint and in November it issued a statement of charges and notice of hearing. In March 2005, Chandler pled guilty to a misdemeanor for failing to report the gifts. He was fined $2,000 and required to perform 100 hours of community service. The attorney general did not find any evidence that he did political favors for those who donated. The committee held its first hearing in May 2005.	The Legislative Ethics Committee received a complaint. After reviewing the complaint, the committee conducted an extensive preliminary investigation and voted unanimously to begin formal proceedings. A formal statement of charges and notice of hearing was sent and a hearing was held. Chandler formally answered the statement of charges and appeared at the hearing to testify and present other evidence through his counsel.	The committee voted unanimously to recommend expulsion. The committee found that Chandler violated ethics provisions by (1) soliciting, accepting, or agreeing to accept gifts with an aggregate value over $250 while knowing or believing the givers were or were likely to be interested in matters pending at the legislature, (2) using his public position to obtain gifts with aggregate value over $250 for private benefit, and (3) disregarding the obligation to report gifts over $50 (which he acknowledged through his misdemeanor plea). The committee found that for seven years the annual corn roasts solicited and received cash from businesses, lobbyists, and individuals. They were organized by "friends" so that Chandler had income to continue in the legislature. Flyers advertising them were sent out and sometimes mentioned legislative issues. Chandler had sole discretion over how the funds were spent. He did not report the gifts except in one year.	Censure. The vote to expel failed 189-172 following a three-hour debate. The vote to amend the report and recommend censure passed 217-143. The vote to accept the report with the sanction of censure passed 274-86.
NEW	In 1998, Rep. Roland Hemon	The Legislative Ethics Committee	The committee recommended censure if	Censure (Hemon agreed to the

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
HAMPSHIRE	authored legislation for the third time to impeach a probate judge involved in the case of his mother's estate.	investigated, held hearings, and issued a report with recommendations.	Hemon represented that he would not introduce or sponsor similar legislation in the future. Otherwise, it recommended expulsion.	committee's condition).
NEW MEXICO	In 1991, Rep. Ronald G. Olguin was charged with solicitation of bribery (a felony) and demanding a bribe by a public official and two other felony counts alleging that he sought $15,000 for his consulting services in exchange for state funding.	The House adopted rules establishing the Rules and Order of Business Committee. A subcommittee investigated, received certain evidence under a confidentiality agreement, and recommended that the committee find probable cause to move to a formal hearing. The full committee agreed and held an evidentiary hearing. The committee heard evidence, took testimony, questioned witnesses, allowed cross examination, and heard closing arguments.	The committee found that Olguin engaged in a course of conduct while seeking to sell his consulting services that violated his public trust as a legislator. • While agreeing to provide consulting services for a fee aimed at obtaining new program funding from a county, he also identified program needs at the state level, offered a legislative solution, and offered his assistance in obtaining that solution. • He either included an agreement to influence the state legislative process in a proposed contract for consulting services or proposed a contract for services at the county level with free services at the state legislative level. • His conduct was a serious breach of ethical responsibilities as a legislator. The committee voted 11-4 to censure. A minority report recommended expulsion.	Censure. (Floor debate included a motion for expulsion that was defeated.)
NORTH CAROLINA	In 1995-6, Rep. Ken Miller was investigated for improper advances toward a page, legislative employee, and lobbyist. In July 1995, Miller allegedly made a pass at a 16 year old page. Three other women then came forward with allegations. The page's legislative sponsor requested an ethics	A legislator requested that the House Ethics Committee investigate (a 15 member committee). The committee established its procedures and hired an attorney to investigate Miller.	Miller submitted a letter admitting to unwanted advances as the committee prepared to take sworn statements from the alleged victims. The committee voted 11-3 against recommending expulsion but unanimously recommended censure.	The House voted 113-1 for censure (Miller was the only vote against). He lost a primary election the week before the censure.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	investigation.			
PENNSYL-VANIA	In 1975, Sen. William Duffield admitted to misappropriating thousands of dollars from an estate for which he was executor and attorney. In October 1975, the chief justice of the Pennsylvania Supreme Court entered an order accepting the resignation of Sen. Duffield after the Disciplinary Board recommended a two-year suspension. The consent disbarment resulted from seven charges of professional misconduct against Sen. Duffield in his private law practice including: • improperly converting $7,500 from a client's estate to personal use, and • co-mingling $3,400 in funds between clients' estates.	The Senate president pro tempore appointed a Senate Select Committee to inquire into the circumstances surrounding the voluntary disbarment and advise the Senate as to what disciplinary action, if any, was warranted. The committee held a hearing on November 13, 1975 and four days later, on November 17, issued a report with its findings and recommendations. The Senate president pro tempore requested and received official documents containing specific allegations of misconduct from the Disciplinary Board of the Supreme Court of Pennsylvania. Sen. Duffield was notified of the inquiry and afforded the right to counsel. The hearing was conducted under oath and Sen. Duffield was allowed to present testimony and rebut or explain the charges against him.	The Select Committee found, in part, that: • converting trust funds to personal use and compounding that act by co-mingling further trust funds to restore the converted amounts constituted a grave and serious matter and conduct unbecoming any public official and • five of the seven disciplinary charges against Sen. Duffield involved negligent acts in the conduct of his private law practice and should remain within the purview of the Bar for discipline. The committee recommended that the Senate: • remove Sen. Duffield for the balance of his term from his standing committee chairmanship and vice chairmanship, • bar him for the balance of his term from membership on any standing committee, and • adopt a censure resolution.	Censure (unanimous vote).
SOUTH DAKOTA	In 2006, an 18-year-old page contacted the attorney general alleging that Sen. Dan Sutton made sexual advances and inappropriately touched him at a motel. The attorney general investigated for possible criminal charges. By the time of censure, no charges had	The Senate president pro tempore wrote to Sutton indicating he would refer the matter to the Senate's executive board if he did not resign within a week. The governor, in response to a request from the Senate's executive board, called the Senate into special session to investigate the allegations. In the	In its majority report, the Select Committee on Discipline and Expulsion recommended censure, finding that the senator exercised poor judgment in inviting and permitting a serving Senate page to share his motel room and bed. Further, that allegations arising out of that poor judgment resulted in public allegations of misconduct, which, though unproved, served to bring Sen. Sutton and	Censure, by a vote of 32-2. A vote to expel failed 14-20.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	been brought.	meantime, Sutton won reelection. Sutton resigned the day after the Senate released its proposed rules for the special session, but stated that he intended to reclaim his seat in January 2007 pursuant to his reelection. The special session was cancelled. When the regular session convened, Sutton took the oath of office. The Senate voted to adopt the same rules as the previous session. It also adopted rules regarding discipline and expulsion of members as a new chapter in the rules. Sen. Sutton went to the circuit court and received an order prohibiting the Senate from holding any hearings about him under the rules. The state Supreme Court ruled that the courts had no jurisdiction to halt a legislative disciplinary process. The Senate voted 27-6 to appoint a Select Committee on Discipline and Expulsion to investigate. The committee held meetings and heard testimony, including from Sutton.	the honor of the Senate into public disrepute. In a minority report, three out of the nine senators on the committee dissented. They concluded that something serious involving unwanted touching of a sexual nature occurred in Sen. Sutton's motel room during the period of February 5 to February 7, 2006. In its dissent, the minority wrote, "[g]iven the serious nature of the allegations and given our belief that the evidence shows an unwanted touching of a sexual nature happened during the nights in question, we cannot agree that censure is a sufficiently serious response to what we see as the misconduct of Sen. Sutton. We believe the committee should have made a recommendation of expulsion from the South Dakota Senate." The committee voted 6-3 to recommend censure for conduct by a senator unbecoming the Senate.	
UTAH	In 1991, Rep. Dionne Halverson was convicted of misdemeanor shoplifting.	Pursuant to JR-16-04, the House Ethics Committee subsequently made a preliminary inquiry. It is unclear whether Halverson waived the disciplinary	The House Ethics Committee recommended expulsion.	The full House voted against expulsion by a narrow margin (2 votes). Halverson was censured and subsequently resigned.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
		hearing which would have required appointment of a special prosecutor.		
VIRGINIA	In 1987, Senator Peter Babalas was censured for casting votes in violation of Senate conflict of interest rules. Babalas had earlier successfully defended himself against two counts of a criminal misdemeanor for alleged violations of state conflict of interest laws. One count was dismissed and Babalas was acquitted on the second count.		The Privileges and Elections committee recommended censure by a 12-3 vote. The Senate Rules Committee, by a 9-5 vote with Babalas (the chairman of the committee) abstaining, then approved a resolution of censure of Babalas for unethical conduct.	Censure. The resolution prescribing that Babalas be censured was approved by the whole Senate by a vote of 25-14.
REPRIMAND				
FLORIDA	In 1997, the Ethics Commission found that Rep. Alzo J. Reddick violated constitutional provisions on ethics through financial disclosure violations in 21 separate instances.	The speaker received a final order and public report from the Ethics Commission and appointed a Select Committee on Standards of Official Conduct to investigate.	In a consent decree, Reddick stipulated to findings of fact that in six years he committed various violations including failing to report a loan, underreporting a loan, failing to report the value of stock, overestimating the value of stock, failing to report certain income, not filing the address and amount of sources of income, and failing to accurately reporting his net worth. The committee's proposed order stated that Reddick apologizes for "any unintentional adverse effect his actions may have brought" on the House. Because there was no evidence of use of office for personal gain or that the actions impacted legislative duties, the committee proposed and Reddick	Reprimand. The House accepted the consent decree.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			accepted the penalty of a reprimand.	
FLORIDA	In 1992, Rep. Michael E. Langton was investigated for representing others before a state agency for compensation and seeking a benefit inconsistent with the proper performance of his public duties.	The speaker received a complaint and public report from the Ethics Commission. He appointed a Select Committee on Standards of Official Conduct to investigate.	In a consent decree between Langton and the committee, Langton waived a hearing on the violations and penalty, stipulated to facts, and agreed to a penalty. The findings included the following. • Langton was a consultant to cities and counties applying for Department of Community Affairs for Community Development Block Grant funds before and after his election. • He asked the Ethics Commission for an opinion whether he could continue this consulting and was informed that he could as long as he did not represent anyone personally for compensation before an agency. • The House Community Affairs Committee chair asked Langton to work on changes to the grant program and he did so while continuing to consult with cities and counties who applied for grants. • Under new legislation, the department enacted a rule for application criteria. When it appeared that this interpretation was contrary to the legislative intent, Langton contacted the department to clarify the interpretation. • Langton recognized that his contact	Reprimand. The House voted 116-0 in favor.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			with the department reflected adversely on him and the House. Such conduct was prohibited when it benefited a member's client or business interest. • On behalf of his consulting company, Langton phoned a department employee to express concerns about misstated facts in monitoring reports the employee prepared. The committee's proposed order stated that contacting the employee was a violation and he was admonished to prevent recurrences. Langton agreed that he should avoid even the appearance of impropriety and he apologized for "any unintentional adverse effect his actions may have brought" on the House. The committee recommended a reprimand.	
FLORIDA	In 1980, Rep. Gene Flinn was investigated for sexual discrimination and sexual harassment of two female aides and using aides for non-legislative duties.	The speaker appointed a select committee to investigate. The committee took depositions, conducted hearings, and gave Rep. Flinn an opportunity to appear and give testimony and evidence.	The committee found that Flinn violated House rules and a state statute. It recommended a reprimand.	The House adopted a resolution to reprimand Flinn by a vote of 109-4. Two legislators placed remarks in the journal arguing that expulsion was appropriate.
GEORGIA	In 2000, Rep. Arnold Ragas failed to file mandatory campaign finance reports indicating his person wealth and campaign contributions received between 1996 and 2000. He also ignored the $10,600 in fines the State Ethics Commission imposed for the	Representative Snow introduced a proposed resolution (House Resolution 747) reprimanding Rep. Ragas. The House referred the resolution to the Rules Committee. It was subsequently withdrawn from that committee and referred to the House Ethics Committee.	After one meeting, the committee voted unanimously to recommend a reprimand and an order to pay the $10,600 fine.	Reprimand (161-3).

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	violations.	As a standing committee, the House Ethics Committee could not vote on a matter before it without giving the sponsor the opportunity to appear and be heard. It is unclear whether the committee held hearings.		
GEORGIA	In 1993, Rep. Jimmy Benefield displayed a sex toy in the House chamber where it was allegedly showed to young pages. Benefield acknowledged bringing the toy into the chamber but denied intentionally showing it to children. A Georgia Bureau of Investigation report found insufficient evidence that criminal laws were violated. As a result, Benefield was never charged with a crime.	Rep. Posten filed an ethics complaint on behalf of a 14-year-old page who claimed a legislator showed him the toy and Benefield laughed. The House referred the complaint to the 11-member House Ethics Committee, which hired a prosecutor and held a hearing over two days. House pages, the mother of the 14-year-old, a lobbyist, and three house members testified. The hearings were open to the public, except when the pages testified. The committee limited its questions of Benefield to his role in the incident. It voted not to look into claims by two female lobbyists that Benefield showed them the toy.	The committee recommended a reprimand even though reprimand was not among the committee's official disciplinary options as spelled out in the state constitution. The committee's options were no action, censure, or expulsion.	Reprimand (129-25).
IDAHO	In 1990, Representative Ray Infanger, in a letter to the director of the Department of Labor and Industrial Services, threatened the agency's funding if the director did not grant Infanger's son an electrical contracting license.	The speaker appointed a six-member bipartisan committee to (1) review the letter of accusation written by the director of the Department of Labor and Industrial Services; (2) interview Rep. Infanger, the director, and one other knowledgeable person; and (3) report its findings and recommendations.	The committee found that a serious lack of judgment left the impression that Infanger used his position, contrary to public interest, to benefit a member of his family. Recommended a reprimand.	Reprimand.
MINNESOTA	In 1999, a conflict of interest complaint was filed against Sen.	The Senate Subcommittee on Ethical Conduct heard the matter.	The subcommittee reported that Sen. Sams covered up a payment for consulting work.	Reprimand, including a public apology to the Senate, his

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	Dallas Sams. In his job as a consultant, the senator accepted a state contract that was related to legislation he authored. He received a $12,500 consulting payment from the University of Minnesota.		The payment was legal but the coverup was unethical. The subcommittee recommended a reprimand, including a public apology and removal as a member and vice-chair of the Human Resources Finance Committee.	constituents, and the public; and removal as a member and vice-chair of the Human Resources Finance Committee.
NEW HAMPSHIRE	In 1994, Rep. Roland Hemon authored legislation to impeach a probate judge involved in the case of his mother's estate.	The Legislative Ethics Committee investigated, held hearings, and issued a report with recommendations.	The committee recommended a reprimand.	Reprimand.
ADMONISHMENT				
FLORIDA	In 2000, Rep. Alzo J. Reddick, Sr. failed to timely file a financial disclosure form for 1998.	The speaker received a copy of a stipulation of fact and recommended order from the Ethics Commission and appointed a Select Committee on Standards of Official Conduct to investigate. The Ethics Committee had not approved the stipulation and could not do so before the end of the legislative session. Reddick was not seeking re-election but asked the House to find a violation and impose a penalty.	In a consent decree, the committee stated that because the violation was inadvertent, a letter of admonishment from the speaker was an appropriate penalty. In addition, Reddick agreed to apologize to the House and the public and make a $500 contribution to a homeless shelter.	Admonishment. The House accepted the consent decree and the speaker's letter of admonishment was printed in the journal.
FLORIDA	In 2000, Rep. Gustavo Barreiro failed to report a liability of more than $1,000 on his disclosure of financial interests that he filed when qualifying to run for the House.	The speaker received a final order and public report from the Ethics Commission and appointed a Select Committee on Standards of Official Conduct to investigate.	In a consent decree, the parties accepted the Ethics Committee's findings and agreed there was no evidence the violation was willful or intentional. The committee recommended a letter of admonishment from the speaker and	Admonishment. The House accepted the consent decree and the speaker's letter of admonishment was printed in the journal.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			Barreiro agreed to apologize to the House and the public and contribute $500 to a homeless shelter. The committee also recommended clarifying the law.	
FLORIDA	In 1994, Rep. John Thrasher was investigated for violating the statutes on representing others before a state agency for compensation.	The speaker received a complaint and public report from the Ethics Commission and appointed a select committee to investigate.	In a consent decree entered into between Thrasher and the committee, Thrasher waived a hearing on the violations and penalty, stipulated to facts, and agreed to a penalty. The findings included the following. • As general counsel for the Florida Medical Association, he personally appeared on the association's behalf before a subcommittee of the Board of Medicine of the Department of Professional Regulation on a rule relating to surgery in doctors' offices. • Before his appearance, he had a phone conversation with a longtime friend who chaired the subcommittee and invited Thrasher to appear and address the rule. Thrasher had previously received a general notice about the meeting. • There was no indication that the appearance was intended to misuse his position to improperly influence a state agency, nothing indicated that his status was relevant to his appearance, and it was clear from the transcript that he appeared as a	The House adopted the report and a letter of admonishment from the speaker was printed in the journal.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			representative of the association. • Thrasher acknowledged his appearance was an unintentional violation of the constitution, statutes, and House Rules. The committee's proposed order stated that the appearance before the subcommittee was a violation and he was admonished to prevent recurrences. He agreed that he should avoid even the appearance of impropriety and he apologized for "any unintentional adverse effect his actions may have brought" on the House. The committee recommended admonishment by the speaker.	
FLORIDA	In 1991, Rep. Frederick Lippman was investigated for (1) failing to properly supervise staff as chair of the Committee on Regulatory Reform from 1983 to 1986, (2) violating the statute that restricts outside employment of a full-time staff employee, and (3) improper behavior with a House staff member from 1983 to 1986. A county grand jury also issued a report relating to allegations of sexual harassment by a former	The speaker appointed a select committee to investigate.	The committee recommended admonishment. It also recommended procedural changes and training.	The speaker issued a letter admonishing Lippman (a copy was printed in the journal). The speaker also removed Lippman as majority leader.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	staff member.			
APOLOGY (MAY INCLUDE OTHER SANCTIONS)				
MINNESOTA	In 2006, Sen. Dean Johnson made comments at a private meeting concerning alleged conversations he had with members of the state Supreme Court relating to the court's possible action on the state's Defense of Marriage Act. A tape of the comments surfaced.	The Senate Subcommittee on Ethical Conduct (a subcommittee of the Rules and Administration Committee) heard the matter.	The committee dismissed the complaint but voted unanimously to require a public apology to the Senate and a written apology to the group that held the meeting where the comments were made.	Required to apologize on the Senate Floor and to those at the meeting.
MINNESOTA	In 2004, Sen. Michael Jungbauer was accused of performing campaign activities from his Senate office. He sent a Senate e-mail to 1,700 people forwarding a media advisory about a press conference whose organizers were seeking to defeat senators of a particular party if they did not pass a same-sex marriage ban constitutional amendment. Senate rules prohibit use of equipment for commercial purposes or a political campaign.	A senator filed a complaint and the Senate Subcommittee on Ethical Conduct heard the matter.	The committee voted unanimously to require a written apology.	Required a written apology to each member of the Senate and the complaint was dismissed upon delivery of apologies.
MINNESOTA	In 1994 and 1996, Sen. Sam Solon was investigated for providing the Senate's long-distance access code to his ex-wife. He pled guilty to a misdemeanor charge relating to the use of the phone account in 1992 and 1993.	The Senate Subcommittee on Ethical conduct heard the matter.	The committee recommended voluntary resignation as chair of the Commerce and Consumer Protection Committee as an appropriate disciplinary action; that he be removed from membership on the Committee on Rules and Administration; that he make restitution to the Senate for the cost of the calls; that he apologize to the Senate in open session; and that the reprimand of March 24, 1994 (for giving telephone access code to lobbyists) be reaffirmed.	The Senate adopted the report by a vote of 57-6, after voting down an amendment seeking his resignation 17-48.
MINNESOTA	In 1995, Sen. Kevin Chandler was	The Senate Subcommittee on Ethical	The subcommittee reported that Sen.	By a vote of 63-0, the Senate

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	involved in a domestic assault with his estranged wife outside a bar. His wife did not press charges. The police investigated and Chandler asked them to charge him and stated he would plead guilty to 5th degree assault (a misdemeanor). He was charged with that crime and two counts of disorderly conduct (all misdemeanors). In September 1995, he pled guilty to 5th degree assault for slapping his estranged wife and the other charges were dropped. He was placed on probation for one year and fined $210. In 1996, the legislature investigated. He did not seek re-election.	Conduct heard the matter.	Chandler's decision to voluntary resign his leadership positions in the Senate was appropriate and that he apologize to the Senate in open session.	adopted the subcommittee's report: that Sen. Chandler's decision to voluntary resign his leadership positions in the Senate was appropriate and that he apologize to the Senate in open session.
OHIO	In January 1996, Rep. Michael A. Fox accepted an airline ticket and lodging from a lobbyist. Fox said he thought he had repaid the lobbyist for the ticket and he thought staying at the home owned by the lobbyist was not a gift that had to be reported.	In 1997, the legislative inspector general investigated and presented findings to the Joint Legislative Ethics Committee.	The committee recommended that Fox be removed as chairman of the Education Committee and apologize.	The House voted 89-7 and the Senate voted 31-0 to remove Fox as chairman of the Education Committee and require him to apologize.
OTHER SANCTIONS				
INDIANA	In September 1997, Sen. Steven Johnson had an affair with his Senate intern.	The Senate Committee on Legislative Ethics considered a complaint filed by Sen. Kent Adams. Sen. Johnson acknowledged a "moral and ethical" failure and apologized to the Senate.	The committee found Sen. Johnson to be immoral and unethical "in contradiction to the high moral and ethical standards expected of members of the Indiana State Senate under the Rules of the Senate."	Removed as Senate committee chair and assigned Senate seat located in a less prominent position.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			It recommended that Sen. Johnson (1) be removed as a committee chairman, (2) have his assigned seat on the Senate floor relocated to a less prominent place, and (3) receive no further punishment.	
OHIO	In 2006, Sen. Jeffry Armbruster was investigated after requesting a workers' compensation rate discount for his business. Term limits barred him from seeking reelection. The ethics committee held hearing after Armbruster left office.	The Joint Legislative Ethics Committee investigated (a bipartisan 12 member committee). The committee served him with a complaint in December 2006. Based on a preliminary investigation, he was accused of meeting with Bureau of Workers' Compensation officials at his legislative office to discuss the premium rate of his company. In 2007, after he left office, the committee held formal hearings with the legislative inspector general acting similar to a prosecutor.	The committee found that he violated a prohibition against using his position to represent his personal business interests before a state agency.	The matter was referred to the county prosecutor.
OHIO	In 2005, Reps. Jim Raussen, Diana M. Fessler, and Michelle G. Schneider failed to disclose gifts of dinner and pro football tickets on disclosure forms.	The Joint Legislative Ethics Committee investigated.	The committee cleared them of any "wrongful intent" but required them to reimburse the costs to the lobbyist and attend one hour of ethic training.	Reimbursement of costs and training.
ON-GOING				
ALABAMA	In 2007, Sen. Charles Bishop punched Sen. Lowell Barron on the Senate floor.	The Senate president appointed a five-member bipartisan Senate Ethics and Conduct Committee to review the complaint.	The committee hired an attorney to assist it in the review.	Investigation is on-going.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
NORTH CAROLINA	In 2007, an investigation of Rep. Thomas Wright by the state Board of Elections discovered evidence that Wright did not report hundreds of thousands of dollars in campaign contributions and he reportedly used a letter awarding a bogus grant to secure a bank loan for a foundation he controlled. In August, prosecutors stated that they hoped to finish their investigation by October 1. A search warrant for bank records indicated a suspicion of obtaining property by false pretences. The Board of Elections suspended Wright's reelection campaign for failing to file the required campaign disclosure report for the first six months of 2007.	The Joint Legislative Ethics Committee began an investigation.	N/A	Committee investigation is not yet complete.
RESIGNATION				
ARKANSAS	In 1999, Sen. Nick Wilson was convicted in federal court on felony charges of conspiring to evade taxes on $325,000. The case involved "washing" checks that were payments from a real estate agent. The agent testified that he split his commission after Wilson tipped him off that a agency might buy a downtown bank building. He also faced a	Under one provision of the state constitution, no one convicted of an "infamous crime" is eligible to serve in the General Assembly. Another provision gives each house the power to expel a member. A majority of members signed a petition to request a hearing on Wilson, as required by the rules. 28 of 35 senators signed the petition.	N/A	Resigned. Wilson submitted a letter announcing his resignation at a future date and the Senate president pro tem cancelled a meeting on expulsion. Other criminal charges were later dropped by prosecutors in exchange for Wilson's testimony.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	133-count racketeering indictment as "kingpin" of a corrupt organization that skimmed nearly $2 million from an assortment of state programs through kickbacks and contracts to friends and allies.			
CALIFORNIA	In 1994, Sen. Frank Hill was one of several legislators ensnared in an FBI sting operation focused on legislative corruption. He was convicted of extortion, conspiracy, and money laundering after accepting $25,000 in exchange for his support on Louisiana shrimp boat legislation. He was sentenced to 46 months in prison and ordered to pay a fine of $2,500. At least some convictions were felonies.	A demand was made on the Senate floor for Hill's expulsion. The Rules Committee put aside consideration after receiving Hill's resignation letter, but he did not set a resignation date	The 5-member Rules Committee later voted 4-0 to expel Hill. One member abstained.	Resignation (before vote on resolution).
COLORADO	In 2006, Sen. Deanna Hanna allegedly requested a $1,400 campaign contribution as a "reparations request" from a group that backed her election opponent.	A complaint initiated the process calling for an inquiry. An ethics committee of three Democrats and two Republicans was appointed (under Senate Rule 43).	N/A	Hanna resigned while the committee was investigating.
DELAWARE	In 2007, Rep. John Atkins assaulted his wife after using his legislative position to avoid a drunk driving arrest. He was stopped by police after the pickup truck he was driving was seen speeding and drifting. He was not cited or arrested despite a preliminary breath test of 0.14 BAC. He pled guilty to offensive touching (a misdemeanor) for supposedly	The House Ethics Committee, a standing committee established by House Rules, investigated and made recommendations. The committee consisted of three Republicans and two Democrats. The committee determined the matter merited further inquiry and staff performed a preliminary inquiry.	Committee staffers made the following findings. • Atkins filed a misleading affidavit with the committee stating that he presented his legislative ID card after police asked for it. He later admitted that he showed it without being asked and repeatedly reminded officers about being a legislator to attempt to be treated leniently. • The police officer told Atkins and his wife to get a ride home and friends drove	Resignation (before scheduled House debate on a censure resolution).

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	grabbing his wife's arm during a fight and was sentenced to probation and ordered to complete domestic violence and anger management counseling.		them part of the way before Atkins got into his truck to drive home. • Another police officer saw Atkins run a stop sign but did not stop him because he recognized the vehicle which had legislative plates. • Police shortly after responded to a 911 hang-up call at the Atkins home. After his arrest based on a domestic dispute, he expressed his concern about the press since the election was in 10 days. He made requests to speak to the police chief. • Atkins was sentenced to probation after pleading guilty to offensive touching for supposedly grabbing his wife's arm during a fight. Staff found that the fight involved greater physical contact than described in the police complaint. The committee unanimously found that Atkins violated House rules and brought the chamber into "disrepute" by using his position in an effort to be treated leniently during the traffic stop and ensuing events culminating in his arrest. In voting to censure, the committee recommended he surrender his legislative identification car and license tag, pay a $550 fine, forego any committee chairmanships, undergo an alcohol abuse evaluation, and complete court-ordered domestic violence counseling.	
FLORIDA	In 1988, Rep. Donald George	The speaker appointed a select	No information.	Resigned, effective the day

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	Gaffney was investigated regarding his previous position as Jacksonville City councilman and a rezoning petition before the council. • He was charged with bribery and grand theft days before his election in 1986. • A federal grand jury returned a 23-count indictment on extortion, conspiracy to commit extortion, and mail fraud in February 1987. • After the 1987 session ended, he was convicted of conspiracy, extortion, and attempted extortion and acquitted of five extortion and five attempted extortion charges. Under House Rules, he was suspended from the House pending appeal or the end of his term. • In December, a federal judge vacated the verdicts on rumors of jury tampering and Gaffney was reinstated pending a new trial. • In January 1988, a federal grand jury returned a 21-count indictment that included new charges.	committee to investigate.		before the start of the 1988 session. Gaffney was later convicted and sentenced to prison for mail fraud.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
GEORGIA	In 1999, Sen. Diana Harvey Johnson was convicted of five counts of federal mail fraud for funneling an estimated $80,000 of state tourism funds to her own consulting business. She was sentenced to 41 months in prison, fined $7,500, and ordered to pay $21,600 in restitution.	The governor impaneled a 3-member review committee after Sen Johnson was indicted.	The committee concluded that Sen. Johnson's indictment impaired her ability to serve her constituents.	The governor suspended Sen. Johnson with pay. She resigned her seat after a federal judge suggested he would not free her on bond while appealing her conviction unless she gave up her seat.
IDAHO	In 2005, Sen. Jack Noble introduced legislation to change the method of measurement of the required distance between a liquor store and a school after he and his wife were denied a license to sell liquor from their store.	Pursuant to Senate Rule 53, a six-member bipartisan Ethics Committee appointed by the Senate president pro tempore held four public hearings.	The committee found that the senator gave false or deceptive information to the Senate State Affairs Committee about the origin of the legislation and his potential benefit. Sen. Noble, while under oath, testified before the committee twice. It recommended that the senator be censured and stripped of any leadership responsibilities.	Resignation.
MAINE	In 1987, Rep. Donald Sproul was convicted of misdemeanor ballot tampering.	After conviction, adopted a resolution relating to the censure or expulsion of Sproul. Inquiry by House Committee on Elections with a report to the full House. Adopted a resolution establishing procedures. Resolution appointed special counsel and required the committee to adopt any necessary rules and procedures.	N/A	Resignation (before committee met).
MASSACHU-SETTS	In 1977, Senators Joseph J.C. DiCarlo and Ronald C. MacKenzie were convicted in federal court for extortion, conspiracy to commit extortion, and conspiracy to violate the Travel Act in connection with their performance as senators. Some, if	The Senate referred the matter to its Committee on Ethics on the day of the conviction. The committee held two hearings, after which it determined that disciplinary proceedings should be conducted pursuant to the Senate's inherent power with respect to its	The committee stated that "the crimes with which the senators were charged and of which they have been convicted are so serious as to render one who has committed them unfit to continue to serve as a member of the Senate."	MacKenzie resigned at the third hearing.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	not all, charges were felonies.	members. The committee held a third hearing to determine if the convictions "were compatible with [the senators'] continued service in the Senate..." ("Report and Recommendations Concerning Senators Joseph J.C. DiCarlo and Ronald C. MacKenzie," Senate Committee on Ethics, April 1, 1977).		
MICHIGAN	In 1998, Sen. Henry Stallings employed a state worker in his art gallery and used public funds to pay the person. He was originally charged with a felony but, after the legislative investigation began, he pled guilty to the misdemeanor of taking less than $100 under false pretenses.	Select committee investigated.	Committee unanimously recommended expulsion.	Resignation (prior to vote on expulsion).
MINNESOTA	In September 1995, Sen. Joe Bertram was arrested and convicted for shoplifting a $90 leather vest (a petty misdemeanor). He was fined $150. In 1996, the legislature investigated Bertram for shoplifting the vest and offering $1,000 to the store owner to not file criminal charges. After his resignation, he was (1) arrested on another shoplifting charge and (2) charged in April 1996 with two felony counts of bribery for offering money to the store owner not	Two senators filed a complaint with the Senate Subcommittee on Ethical Conduct.	N/A	Resignation (before the committee voted).

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	to file charges.			
MINNESOTA	In 1990, Rep. Jeff Conway, a financial planner, was indicted for diverting about $90,000 of customers' money to his personal use. He was charged with 30 felony counts of diverting money from 15 couples or individuals over several months. He was suspended from the job and then resigned. He relinquished his broker's and insurance agent's licenses after the state Commerce Department found he mishandled funds. He allegedly invested money for a client after he resigned from his job. After he resigned from the House, he pled guilty to charges that were consolidated into four counts. He was sentenced to eight months in prison, 10 years probation, 500 hours of community service, a $5,000 fine, and $50,342 restitution. The judge stayed a sentence of just under nine years in prison.	A complaint was filed with the House Ethics Committee.	The committee found probable cause that Conway engaged in misconduct.	Resignation (the day before his scheduled appearance before the committee).
NEW HAMPSHIRE	In 2004, Rep. John Kerns was investigated for writing bad checks with "State of New Hampshire" written on them, using his title to get a parking space reserved for school officials, and threatening officials when told to stop parking there. After the legislative investigation began he was charged with four	The Legislative Ethics Committee received complaints, investigated, initiated formal proceedings, held hearings, and issued a report with recommendations.	The committee voted unanimously for expulsion.	Resignation (before House action).

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	counts of passing bad checks. He went to court to attempt to stop the committee investigation. He also told the press that (1) he had a serious neurological illness that sometimes incapacitated him and (2) he and a family member were sex crime victims. After his resignation, he pled guilty to writing bad checks. The judge suspended a $500 fine and ordered Kerns to pay $421 in restitution, perform 152 hours of community service, apologize, and drop a lawsuit against police.			
NEW YORK	From 1983 to 1986, Queens County Democratic Organization Secretary Richard Rubin placed no-show employees on the legislative payroll of Assemblywoman Gerdi E. Lipschutz. She was granted immunity in criminal proceeding.	In 1987, the Committee on Ethics conducted a five-week investigation that included testimony given in Rubin's trial in which he was found guilty of mail-fraud in that he caused a no-show secretary to be placed on the assemblywoman's payroll. The committee reviewed the state constitution, the proceedings of two constitutional conventions, and constitutional case law to determine if Article 3, Sections 7 and 9 authorize the Assembly to expel a member.	The committee found Lipschutz guilty of (1) falsely certifying personal service vouchers, (2) approving the hiring of a "no-show" employee knowing that the employee did not perform any official duties, and (3) committing the acts to obtain a political benefit. Assemblywoman Lipschutz cooperated with the U.S. Attorney in the Rubin trial and provided essential testimony after receiving a grant of immunity. The committee found that no member has ever been expelled and that the Assembly does not have the constitutional authority to expel a member. The committee recommended that (1) she resign, (2) the Assembly remove her	Resigned (after the committee made its recommendations).

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			committee chairmanships, (3) she forfeit any rights or privileges of seniority, (4) the Assembly censure her, and (5) the state amend the constitution to authorize expulsion.	
NORTH CAROLINA	In 1985, a committee investigation of Sen. John Jordan led to a criminal investigation for bribery and extortion. He later pled guilty to extortion, bribery, and official misconduct. He was sentenced to a two year suspended sentence, two years probation, and a $2,000 fine.	No information.	No information.	Resigned after pleading guilty.
OHIO	In March 1998, Sen. Jeff Johnson was indicted by a federal grand jury on felony corruption charges: four counts of violating the federal Hobbs Act which prohibits officials from using their office to extort money and two counts of wire fraud. The federal charges involved pressuring inner-city grocers for campaign contributions in exchange for help in obtaining government licenses for nutrition and food stamp programs and to sell liquor and lottery tickets. In November 1998, he was convicted on three charges. He resigned in December. In February 1999 he was sentenced to 15 months in prison, at least 250 hours of community service	The Joint Legislative Ethics Committee investigated.	The committee did not complete its investigation.	Resigned.
SOUTH CAROLINA	In 1982, Sen. Eugene Carmichael was sentenced on a federal felony	The Senate Ethics Committee investigated.	The Senate Ethics Committee found that he committed official misconduct	The Senate refused 24-21 to expel.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	conviction to ten years in prison for conspiracy to buy votes, obstruction of justice, and vote buying.			At the time of the vote, he was appealing his conviction. He lost his appeal and ultimately resigned.
TENNESSEE	In 2005, Sen. John Ford was investigated on charges including whether he resided outside his district, used campaign funds for his daughter's wedding, received consulting fees to help companies get state business, and failed to disclose his sources of income as required by Senate rules. (Other entities also investigated misconduct by Ford, including the FBI in a bribery scandal called Operation Tennessee Waltz.)	A complaint was filed with the Senate's Ethics Committee (a standing committee). The committee issued a subpoena and a subcommittee investigated and found probable cause for the full committee to investigate the issue of failing to disclose income. The full committee voted to bring in a special counsel to expand its investigation regarding consulting fees and deals. The special counsel presented a report of the investigation. The committee was preparing a six-count charge for ethical violations when Ford resigned.	Ford resigned before the committee issued its report.	Resigned (before the committee reported but after the FBI arrested him for bribery and other charges).
TEXAS	In 1957, Rep. Cox was indicted for consenting to accept a bribe. He was censured by a House committee but the censure came after the member had resigned.	An investigatory committee was appointed pursuant to a resolution.	The committee recommended that the entire House censure Rep. Cox but take no other action in view of the fact that he had already resigned. The committee vote appears to have been 9-0.	Resigned. It is unclear whether the entire House ever acted on censure.
NO ACTION/DISMISSAL				
ALASKA	In 1989, Sen. Paul Fischer was accused of taking personal trips at state expense.	The 6-member Senate subcommittee of the Select Committee on Legislative Ethics investigated the complaint.	The committee found an "inference of improper conduct" in Sen. Fischer's undocumented travel reimbursements. In testimony to the committee, Fischer stated that he was quite sure he discussed legislative business during brief airport layovers but neither he nor his aide could remember the dates or where the meeting took place. The committee recommended no	No action.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			action—it was unwilling to second-guess Fischer even though his explanation was not "clear and convincing."	
ALASKA	In 1983, Sen. Al Adams allegedly used forged documents and his office to arrange jobs for a subcontractor. In return the subcontractor agreed to give Adams a $100,000 cash advance and ultimately paid him $772,668 over 2.5 years. The contractor also said he made a $12,000 loan to Sen. Adams in 1981 that was not repaid and not reported on Adams conflict of interest form.	The 6-member Senate subcommittee of the Select Committee on Legislative Ethics (3 private citizens and 3 senators) deliberated privately.	After reviewing the allegations, the committee dismissed the complaint because the allegations stemmed from actions that occurred either before the applicable ethics law was in place or outside the law's two-year statute of limitations.	No action
FLORIDA	In 1996, Rep. Marvin Couch failed to report one liability of more than $1,000 on his 1992 financial disclosure form and two liabilities of more than $1,000 on his 1993 form.	The speaker received a final order and public report from the Ethics Commission and appointed a Select Committee on Standards of Official Conduct to investigate.	In a consent decree, the parties (1) accepted the Ethics Commission's findings on violations, (2) found no evidence that the violations were willful or intentional, and (3) found that the Ethics Commission became aware of the debt because Couch revealed it in an amended disclosure in 1993. Because of the inadvertent nature of the violations, the parties agreed that no additional penalty was warranted.	No action.
FLORIDA	In 1995, Rep. Evelyn J. Lynn was investigated for failing to report certain assets and income on various financial disclosure forms over a four year period.	The speaker received a complaint and public report from the Ethics Commission and appointed a Select Committee on Standards of Official Conduct to investigate.	In a consent decree, the parties agreed that the Ethics Commission already found a violation and imposed a penalty and the House should take no action. They also recommended that the legislature consider clarifying jurisdiction over a member's conduct before taking office.	No action.
GEORGIA	In 1999, Reps. Nan Orrock and Michele Henson were alleged to have been improperly paid for work they	Rep. Bob Irvin filed a complaint after a state auditor's report reported that the Holocaust Commission and the Scott	The committee's investigation revealed no fraud or other wrongdoing because no state appropriated money was used to pay the	No action.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	performed for the Scott Fund, a non-profit arm of the Georgia Commission on the Holocaust. Orrock was paid $12,000 under a contract with the Scott Fund and Henson received less than $9,000 for fund raising, reimbursement for a trip, and picture framing.	Fund used loose accounting practices and mingled their funds. The complaint was referred to the House Ethics Committee.	legislators. All payments to Orrock and Henson came from privately raised money in the Scott Fund. The committee recommended no action.	
IDAHO	In 1990, Sen. John Peavey took another senator's outgoing mail from the sergeant at arm's desk to determine if the mail volume limit was exceeded.	A six-member special committee determined facts, reached conclusions, and reported recommendations.	The committee found that the senator did not violate any Senate rules; however, his conduct showed a lack of good judgment. Unanimously recommended no formal action and an apology.	No formal action.
IOWA	In 2006, Sen. Stewart Iverson took a position with a political action committee before his term ended.	The Senate Ethics Committee, a standing committee, received a complaint.	Before the committee took any action, Iverson returned his pay and quit the job. The committee dismissed the complaint.	None.
IOWA	In 2001, a complaint against Sen. Mike Sexton alleged conflict of interest for (1) sitting in on an environmental protection commission meeting regarding a fine of his employer and (2) quashing legislation as chairman of the Natural Resources Committee to prevent new regulations that would affect his employer.	The Senate Ethics Committee received a complaint.	The committee dismissed the complaint but required senators to ask for an ethics ruling in the future before taking jobs that might be a conflict of interest.	None
MINNESOTA	In 2003, Rep. Arlon Lindner made controversial statements about gays in the Holocaust and AIDS in Africa.	Eight representatives filed a complaint and the House Ethics Committee (a bipartisan standing committee) heard the matter.	The committee failed to find probable cause for a violation by a 2-2 vote.	None.
MINNESOTA	In 2001, a conflict of interest complaint was filed against Rep. Jim Abeler based on his vote on a funding measure dealing with charter school leases. He owned and leased	The House Ethics Committee heard the matter.	The complaint was dismissed.	None.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	a building to a charter school at the time.			
MINNESOTA	In 1996, Sen. Florian Chmielewski was accused of abusing Senate phone privileges. Previously, in December 1995, he pled guilty to misconduct of a public officer, a gross misdemeanor (it is unclear whether he faced other charges). He was accused of letting family and friends use his Senate phone access code for more than $3,800 in personal long distance calls. He was sentenced to two years probation and 100 hours of community service.	A senator filed a complaint with the Senate Subcommittee on Ethical Conduct.	The sub-committee recommended removal from two committees; no use of the Senate phone code; no reimbursement for lodging expenses outside his district; and loss of seniority.	None. The Ethics Committee recommendations had to be approved by the Senate Rules Committee which had no scheduled meetings until the following year. The recommendations expired and the senator was defeated in a primary election.
MINNESOTA	In 1996, Sen. LeRoy Stumpf requested an investigation of a possible conflict of interest relating to consultant contract. A newspaper article reported that Stumpf sponsored a bill in 1994 that provided $50,000 to a coalition of six counties to control beavers whose dams caused floods. Two weeks after the bill became law, he was hired as a consultant by the Red Lake Watershed District, which was picked by the counties to administer the program. He was paid $14,000, with the money coming from the district's account which is derived from property taxes.	Stumpf requested that the Senate ethics subcommittee (a bipartisan subcommittee) review the situation.	The Special Subcommittee on Ethical Conduct unanimously found that it was not a conflict of interest. The subcommittee report stated that no money appropriated as a result of Stumpf's legislative work was used directly or indirectly to pay him and he took reasonable steps to avoid a conflict of interest, such as consulting Senate counsel on the matter. It also found no evidence that Stumpf discussed the job while the bill was pending.	None.
MINNESOTA	In 1996, Rep. Tom Workman violated House Rules by releasing confidential	A complaint was filed with the House Ethics Committee.	N/A	None. The complaint was withdrawn and the ethics

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	documents and discussing actions of a closed House Ethics Committee hearing.			committee opened its hearing to the public.
NEW HAMPSHIRE	In 1996, Rep. Roland Hemon authored legislation for the second time to impeach a probate judge involved in the case of his mother's estate.	The Legislative Ethics Committee investigated, held hearings, and issued a report with recommendations.	The committee recommended censure.	None (the House was not in session and the recommendation was not considered).
NEW JERSEY	Sen. Bryant is currently under federal felony indictment for fraud and corruption.	The Ethics Committee announced an investigation in November 2006 but has taken no action to date.	N/A	N/A
OHIO	In 2005, Sen. Ray Miller was investigated for having his aide work for his nonprofit organization while on state time. The legislative inspector general referred evidence of using state personnel and equipment for private business to the county prosecutor. The prosecutor did not pursue charges.	The Joint Legislative Ethics Committee investigated.	The committee required a letter of apology and $936 restitution, which covered the aide's salary for the time she worked for the private organization.	N/A
OHIO	In 2005, Rep. Jim Aslanides was investigated for failing to disclose his real estate holdings for five years. According to a letter from his attorney, he thought that because a city was leasing the land, he had relinquished control and did not have to disclose it.	The Joint Legislative Ethics Committee investigated.	The committee found no violation.	N/A
UTAH	In 1998, Rep. Melvin Brown was offered a position by a lobbyist.	Pursuant to JR-16-04, the Ethics Committee made an inquiry into the matter. It is unclear whether they determined initially that further	No recommendation of disciplinary action by the House Ethics Committee.	N/A

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
		investigation was unwarranted or whether, after the preliminary inquiry, determined the charges were unfounded.		
UTAH	In 1986, Sen. Paul Rogers was accused of applying undue pressure on the executive branch on a constituent's behalf.	Pursuant to JR-16-04, the Ethics Committee made an inquiry into the matter. It is unclear whether they determined initially that further investigation was unwarranted or whether, after the preliminary inquiry, they determined the charges were unfounded.	No recommendation of disciplinary action by the Senate Ethics Committee.	N/A

N/A indicates that the category was not applicable to that particular case.

October 2, 2007

TO: Bipartisan Senate Committee of Review
From: Office of Legislative Research and Legislative Commissioners' Office

DISCIPLINARY ACTIONS IN OTHER STATES' LEGISLATIVE BODIES THAT INVOLVED CRIMINAL CONDUCT

SUMMARY

Criminal Investigation, Charge, or Conviction

Of the 86 disciplinary cases that we identified in our research, at least 46 involved conduct that was the subject of a criminal investigation, charge, or conviction. Table 1 shows details of these cases. Of these 46 cases:

1. 10 resulted in expulsions,
2. 11 resulted in censure,
3. 17 resulted in resignations,
4. one resulted in an admonishment,
5. three resulted in an apology and other sanctions, such as restitution and loss of a chairmanship,
6. one resulted in no action (the committee recommendations expired at the end of the session and the legislator lost in a primary),
7. one resulted in a referral to the county prosecutor (the investigation finished after the legislator was out of office), and
8. two have on-going investigations.

Seriousness of Criminal Charge

Regarding the seriousness of the criminal charges in these 46 cases:

1. 21 involved felony charges or convictions;
2. 13 involved misdemeanor charges or convictions;
3. in five cases, the level of charges was not clear;
4. in one case, the legislator was granted immunity in exchange for testimony (New York); and
5. in six cases, there were no charges brought while the legislature investigated or the criminal investigation is still on-going.

Initial Charge Broader or More Serious Than Conviction

Of the legislators in these 46 cases, we identified eight cases where the initial criminal charges were clearly broader or more serious than the eventual criminal convictions.

1. In Arkansas, Sen. Wilson was convicted on felony charges of conspiring to evade taxes. He also faced a 133-count racketeering indictment which was later dropped in exchange for his testimony.

2. In Florida, Rep. Thomas was convicted on four of five felony charges of making misstatements on loan applications.
3. In Michigan, Sen. Stallings was charged with a felony but pled guilty to the misdemeanor of taking less than $100 under false pretense.
4. In Minnesota, Rep. Chandler was charged with 5th degree assault and two counts of disorderly conduct (all misdemeanors) but pled guilty to the assault charge in a domestic assault.
5. In Minnesota, Rep. Conway was indicted on 30 felony counts for diverting clients funds as a financial planner and he pled guilty to charges consolidated into four counts.
6. In Minnesota, Rep. Staten pled guilty to a reduced felony theft charge and received what was considered a misdemeanor sentence.
7. In Ohio, Sen. Johnson was indicted on six felony corruption charges and was convicted on three of them.
8. In West Virginia, Sen. Smith was convicted of felony vote tampering but he was found not guilty of perjury and two bribery trials resulted in hung juries.

Timing of Legislative Investigation

In 22 of these 46 cases, the legislature investigated after the member was convicted of a crime. In nine cases, the investigation began after the member was charged or arrested for a crime. In six cases, the member was the subject of a criminal investigation or charged with a crime after the legislature completed its proceedings on the case, including one case where the legislator was acquitted (Sen. Young in Maryland). In one case, the legislator was acquitted of criminal charges before the legislative investigation (Sen. Balabas in Virginia). In two cases, criminal investigations continued during the legislative investigation. In the remaining six cases, the legislator did not face charges, the criminal investigation is on-going, or the result of the criminal investigation is unclear.

Legislative Investigation Broader Than Criminal Charges

The following provides some examples of cases where a legislator was charged with or convicted of a crime and the legislature also investigated other conduct.

1. In Delaware, Rep. John Atkins assaulted his wife after using his legislative position to avoid a drunk driving arrest. He was stopped by police after the pickup truck he was driving was seen speeding and drifting. He was not cited or arrested despite a preliminary breath test of 0.14 BAC. He pled guilty to offensive touching (a misdemeanor) for supposedly grabbing his wife's arm during a fight.
2. In Michigan, Sen. David Jaye was investigated for three drunk driving convictions, two alleged physical altercations with his fiancée, having sexually explicit photos on his Senate-owned computer, and alleged verbal abuse of Senate staff.
3. In Minnesota, the legislature investigated Joe Bertram for shoplifting a vest and offering $1,000 to the store owner to not file criminal charges. He was convicted of the shoplifting charge before the legislative investigation. After his resignation, he was charged with bribery for offering money to the store owner.

4. In Minnesota, Rep. Bob Johnson threatened the Public Safety commissioner when the State Patrol turned down his request to fly him to St. Paul for the funeral of a former governor. He also had three drunk driving arrests in a seven week period.
5. In Minnesota, the legislature investigated Rep. Staten based on his guilty plea to a reduced felony theft charge and questionable campaign finance reporting.
6. In New York, Queens County Democratic Organization Secretary Richard Rubin placed no-show employees on the legislative payroll of Assemblywoman Gerdi E. Lipschutz. Lipschutz was granted criminal immunity for her testimony.

In some other instances, the legislative investigation led to a criminal investigation. In others, a criminal investigation resulted in no charges. In the case of Maryland Sen. Young, he was indicted after his expulsion and later acquitted on the charges.

Investigations of Official or Private Conduct

Of the 86 disciplinary cases, approximately 64 involved conduct legislators engaged in in their official capacity, 14 cases involved personal conduct, and three involved both official and private conduct. In the remaining five cases, it is unclear whether the conduct was official or private.

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
EXPULSION				
ALASKA	In 1982, Sen. George H. Hohman, Jr. was convicted of felonious bribery and receiving a bribe for offering to share a $20,000 bribe with another legislator in return for a vote in favor of the state purchasing two Canadian firefighting planes. He was sentenced to three years in prison.	The 6-member Senate Rules Committee (3 private citizens and 3 senators) reviewed the record of the jury trial and took testimony from Sen. Hohman, witnesses on his behalf, and his attorney.	The committee found that the jury's verdict and the evidence presented to the committee clearly established that Sen. Hohman intentionally violated "the most fundamental of his duties, which are to safeguard the public trust and to preserve the integrity of this body."	Expulsion by adoption of Senate Resolution (16-4).
ARIZONA	In 1991, Sen. Carolyn Walker was one of 11 legislators indicted in a year-long undercover operation on vote selling. Sen. Walker was videotaped taking money from a paid informant for her support of legislation that would have legalized casino gambling. The legislation did not pass.	The Senate referred the matter to the five-member Ethics Committee, which adopted rules for receiving and investigating complaints. The Senate retained special counsel to advise the Senate and the committee and to conduct a preliminary investigation into the allegations against Sen. Walker. Counsel reported his findings and recommended that the committee issue a complaint charging Sen. Walker with unethical conduct. The committee issued the complaint, held two public hearings on it, and subsequently issued a report to the Senate.	The committee found that Sen. Walker engaged in unethical conduct in violation of Senate rules and personal and state campaign finance disclosure laws. It unanimously recommended that Sen. Walker, the majority whip, be expelled.	Expulsion.
ARKANSAS	In 1974, Sen. Guy H. Jones was expelled after a 1972 conviction on federal tax fraud charges.	No information.	No information.	Expelled.
MARYLAND	In December 1997, a series of newspaper stories raised questions about Sen. Larry Young, chair of	On December 3, 1997, the presiding officers referred the matter to the Joint Committee on Legislative Ethics, a	The Joint Committee on Legislative Ethics released its report on January 12, 1998 and made the following findings of ethical	Expulsion (by a vote of 36-10).

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	the Senate Subcommittee on Health, accepting gifts from health care companies and a state college, failing to disclose a contract with a state agency, mixing his legislative and private office budgets, and using the prestige of his office for personal gain. The legislature initiated an investigation that resulted in his expulsion in January 1998. In December 1998, he was indicted by a county grand jury on nine counts for demanding $52,000 in bribes and two computers from a health care company, extorting $74,493 and the computers from the companies and $8,000 for an aide, and filing a false state income tax return in 1995. It appears that at least some charges were felonies. A jury acquitted him of all criminal charges in September 1999. The judge had previously dismissed four counts of extortion.	joint committee of the Senate and the House under Maryland state law (Md. Code Ann., State Gov't., § 2-701 et seq.). They requested that the committee convene immediately to make a thorough review of allegations of improprieties on the part of Sen. Young. They asked the committee to investigate all aspects of the senator's business practices as they related to his position in the legislature and to report back before the 1998 legislative session. From the outset, the co-chairs of the committee limited their investigation and report to potential violations of public ethics laws. The committee met in closed session a total of four times. Its first meeting was on December 9, 1997. During the third session, it met to interview Sen. Young, who was represented by counsel (that hearing was closed to the public at the senator's request). Sen. Young called one witness. The committee's report appears to indicate that its last meeting, the fifth one, was not closed to the public. After a month-long investigation, the committee reported. Four days later, the Senate voted.	violations, among others: • failure to disclose a contractual relationship with a state agency (Coppin State College) and conflicts of interest concerning legislation that related to Coppin State College, • improper solicitation and acceptance of gifts, • improper use of district office funds, and • improper use of title for commercial purposes and use of prestige of office in connection with occupational activities. The committee voted unanimously to recommend that the Senate: • remove Sen. Young immediately as a member of Senate leadership; chairman of any committee or subcommittee; and member of any standing, statutory, joint, or select committees or subcommittees; • adopt a censure resolution; and • consider an expulsion resolution based on its findings.	
MASSACHUSETTS	In 1977, Senators Joseph J.C. DiCarlo and Ronald C. MacKenzie	The Senate referred the matter to its Committee on Ethics on the day of the	The committee stated that "the crimes with which the senators were charged and of	The committee recommended expelling

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	were convicted in federal court for extortion, conspiracy to commit extortion, and conspiracy to violate the Travel Act in connection with their performance as senators. Some, if not all, charges were felonies.	conviction. The committee held two hearings, after which it determined that disciplinary proceedings should be conducted pursuant to the Senate's inherent power with respect to its members. The committee held a third hearing to determine if the convictions "were compatible with [the senators'] continued service in the Senate..." ("Report and Recommendations Concerning Senators Joseph J.C. DiCarlo and Ronald C. MacKenzie," Senate Committee on Ethics, April 1, 1977).	which they have been convicted are so serious as to render one who has committed them unfit to continue to serve as a member of the Senate."	DiCarlo and declaring the seat vacant even though the senator's conviction appeal was pending in federal court. The Senate expelled DiCarlo after a daylong debate.
MICHIGAN	In 2001, Sen. David Jaye was investigated for three drunk driving convictions, two alleged physical altercations with his fiancée, having sexually explicit photos on his Senate-owned computer, and alleged verbal abuse of Senate staff. Proceedings on domestic violence were pending during the legislative investigation.	Resolution created a bipartisan committee. Jaye had been progressively disciplined by Senate leadership previously.	Committee recommended expulsion.	Expulsion.
MICHIGAN	In 1978, Rep. Monte Geralds was convicted of embezzling funds from a legal client before becoming a legislator (a felony). The legislature investigated while the conviction was on appeal	No information.	No information.	Expulsion, by a vote of 84-20.
PENNSYL-VANIA	In 1975, Sen. Frank Mazzei was found guilty of felony extortion (see	The matter was referred to the Rules and Executive Nominations Committee	Upon a finding of guilty in federal court, the Rules and Executive Nominations	Expulsion (unanimous vote).

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	United States v. Mazzei, 521 F2d. 639). He was sentenced to time in prison on April 11, 1975.	four days after the senator's sentencing. It is unclear from the legislative history whether the Senate president pro tempore appointed a select committee to investigate prior to the matter's referral to the Rules and Executive Nominations Committee. But under the current rules, the Senate's secretary-parliamentarian prepares an expulsion resolution under the sponsorship of the chairman and vice-chairman of the Senate Committee on Ethics and Official Conduct when a member is found guilty of a crime the "gravamen which relates to the member's conduct as a senator.," and upon imposition of a sentence. On June 2, the Rules and Executive Nominations Committee reported a resolution.	Committee reported a resolution to the Senate floor recommending expulsion.	
SOUTH CAROLINA	In 1994, Sen. Theo Mitchell pled guilty to a misdemeanor (the crime is now a felony) for violating federal tax laws and served a 90-day sentence. The legislature investigated in 1995 after his conviction.	The Senate debated a resolution to expel. A motion to refer the matter to the Senate Ethics Committee failed.	N/A	The Senate, voted 38-7 to expel Sen. Mitchell despite objections by some senators that Sen. Mitchell should have been afforded a hearing prior to taking up the motion to expel. The transcript indicates that Mitchell be "expelled from the Senate, not only for the criminal offenses to which he pled guilty on July 25,

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
				1994, but also for the criminal wrongdoing that he admitted to at his sentencing hearing on September 29, 1994."
WEST VIRGINIA	In 1972, Sen. W. Bernard Smith was convicted on federal vote tampering charges, a felony. Smith was one of a group of five (The "Logan Five") politicians convicted of rigging elections. Smith, who was also a former welfare commissioner, was also tried for bribery and perjury. Two bribery trials ended in a hung jury and he was found innocent of perjury.	The Senate considered a resolution.N/A	N/A	The member was expelled by a 2/3 vote pursuant to the constitution and corresponding Senate rule.
CENSURE				
FLORIDA	In 1986, Rep. John Thomas was convicted in federal court on four of five felony charges of making misstatements on a Small Business Administration (SBA) application for a loan relating to private business ventures. Thomas received a suspended sentence, four years probation, and the court required restitution.	The speaker appointed a select committee to investigate. The committee reviewed the record, heard testimony from interested constituents of Rep. Thomas, and heard presentations by the federal prosecutor and defense counsel.	The committee considered a House Rule that suspends a member immediately, pending appeals, for a felony conviction that relates to the member's responsibility as a public officer. The committee found that this rule did not apply to Thomas because (1) the federal crime must be comparable to a state felony for this provision to apply but the comparable state crime in this instance was a misdemeanor and (2) the convictions did not relate to responsibilities as a public officer.	Censure. The House voted 109-6. A motion to substitute a reprimand (a higher penalty than censure) failed 21-95.

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			The committee report stated that it was not clear whether the conduct was illegal because the conviction was on appeal but Thomas' conduct shows "he was inattentive to matters that ultimately led to his federal convictions and have cast a shadow on the honor of the House of Representatives." The committee recommended censure (the least form of punishment available to the committee) because of 1. the complexity of the forms; 2. the bank's involvement in setting the loan amount; 3. a bank officer filling in some of the figures; 4. the personal financial statement was obviously incorrect and did not balance but the SBA approved it anyway; 5. the SBA and bank continued to process the loan after discovering liens that were not in the application; 6. a bank official signed the loan settlement sheets verifying that disbursements were used according to the loan authorization but the banker was not charged; 7. the federal judge commented at	

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			trial, sentencing, and by phone to the committee chairman that the case should not have been tried and he disapproved of the U.S. attorney's offer of a misdemeanor plea if Thomas provided evidence of government corruption; and 8. the only substantive evidence supporting the conviction was Thomas' statement to the FBI that he knew it was wrong to pay personal debts with SBA proceeds and he intended to use them to pay a credit card account (although he paid for personal and business expenses with this account and it was not clear whether he actually used proceeds to pay personal expenses). One member of the committee moved for expulsion but was defeated. He argued that a harsher penalty was appropriate because of Thomas' statement to the FBI and because the jury convicted of him of crimes that require willful actions.	
GEORGIA	In 1998, Sen. Ralph Abernathy III was detained at the Atlanta airport for smuggling a small amount of marijuana into the country.	Senators Madden, Cheeks, Oliver, and Middleton introduced a proposed resolution (Senate Resolution 459) censuring Sen. Abernathy. The Senate referred the resolution to the 13-member Senate Ethics Committee. As	The committee returned the resolution with amendments that the Senate rejected.	Censure. (The senator also voluntarily resigned from his position as chairman of the Interstate Cooperation Committee.)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
		a standing committee, the Senate Ethics Committee could not vote on a matter before it without giving the sponsor the opportunity to appear and be heard (Senate Rule 2-1.9). It is unclear whether the committee held a hearing; however, Sen. Abernathy waived any notice and hearing with respect to the actions by the committee and Senate.		
HAWAII	In March 1989, Sen. Steven Cobb was fined $500 for soliciting an undercover policewoman. He wrote the Senate a letter of apology and told them it was an isolated incident. He was embraced by the Senate until it was later reported that he was involved in two earlier cases of soliciting prostitutes. He asked to be put on leave to attend therapy. In July 1989, his therapist said he was ready to resume his Senate duties.	In September 1989, 17 senators met in a closed-door session to decide what action to take. The Senate president presented the senator with recommendations for sanctions and they were adopted.	The sanctions, for the 1990 session, were: (1) remove Sen. Cobb as committee chairperson and vice chairperson, (2) remove him as a member of the Judiciary Committee, (3) require him to submit a formal letter of apology to the Senate and the people of Hawaii, (4) subject him to a "public reprimand" for soliciting prostitution, (5) tell him that any repeat incidents could result in expulsion from the Senate, and (5) reassign him to a smaller office.	Censure.
MINNESOTA	In February 1996, several individuals claimed Rep. Jeff Bertram harassed them with anonymous calls, bullied them, and pressured them to make campaign contributions. In 1996, the legislature investigated Rep. Jeff Bertram for pressuring a businessman into giving a campaign contribution with the threat of doing business with a	The House Ethics Committee received a complaint.	The committee found that Bertram harassed and intimidated critics and political opponents. The committee recommended censure by the House in open session; that he publicly admit on the House floor in open session to acts of misconduct specified in the committee report; that he apologize on the floor to the House, his constituents, and each of the victims named in the report; that he agree to undergo a psychological	Censure by a vote of 82-21. The full House adopted the recommendations in the committee's report. Rep. Bertram consented. A minority report recommending expulsion was presented to the full House, but failed to get 2/3 of the vote, failing 68-65.

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	competitor; pressuring a store-owner to drop shoplifting charges filed against his brother, Sen. Joe Bertram; making false statements about several individuals; and engaging in other acts of intimidation, threats, and harassment. Law enforcement agencies were asked to investigate allegations of misusing state campaign funds and coercing people that surfaced in the ethics investigation. He was also later sued by a couple who said he told lies about them. The couple also received a restraining order against Bertram.		evaluation for anger and report the results to the speaker and the chairman and vice chairman of the Ethics Committee; and that he resign from all House committee chair or vice-chair positions and membership on legislative commissions.	Bertram did not seek re-election.
MINNESOTA	In 1995, Rep. Bob Johnson threatened the Public Safety commissioner when the State Patrol turned down his request to fly him to St. Paul for the funeral of a former governor. After the incident, he lost his position as assistant majority leader. Also in 1995, he had three DWI arrests in less than seven weeks. The third occurred after the legislature initiated an investigation and while he was distraught over recent events and threatening suicide in calls from his car phone.	The House Ethics Committee heard the matter.	A recommendation to expel Johnson failed 5-5. By a 7-3 vote, the committee asked Johnson to resign and to run in a special election if he wanted to continue. The committee also recommended censure; that he repay to the House the portion of his salary that was paid or that may be paid while he was or may be incarcerated or under house arrest for DWI convictions; 120 hours of community service; and random tests for alcohol with results forwarded to the speaker and Johnson paying for the testing.	Censure. The House voted 82-50. A vote on expulsion received 76 votes, short of the 90 required for a 2/3 vote.

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	His license had been revoked at the time. He said a severe bout of depression ended 14 years of sobriety. He pled guilty to all three DWIs (they appear to all be misdemeanors). On the first, he received a fine and probation. (The later DWI arrests violated his probation and he was sentenced to 20 days of electronic home monitoring after the 1996 legislative session ended, 40 hours of community service, and a one year license suspension.) For the 3rd, he pled guilty to habitual drunk driving and refusing a breath test (a gross misdemeanor) and received a one year sentence. He spent one month in jail with his days out on work release. He also spent 28 days in an alcoholism treatment program. He was sentenced for the 2nd violation last and received (1) a one year sentence that was suspended except for 30 days in jail, (2) three years probation, (3) a $1,500 fine plus $303 in fees, and (4) a requirement to continue taking prescription medication for depression and stay in alcohol		By a 7-3 vote, the committee voted to reconsider the recommendation to expel and laid the motion on the table, if Johnson did not resign.	

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	treatment. He did not seek re-election.			
MINNESOTA	In 1986, Rep. Randy Staten pled guilty to felony theft charges, admitting that he wrote 76 bad checks. The original charge of theft of over $2,500 was reduced to theft of over $250. He was sentenced to one year's probation, a 90 day jail sentence which he would serve only if he violated probation, and continued treatment. Even though the crime was a felony, he was given a misdemeanor sentence and therefore it was considered a misdemeanor. Staten said he was chemically dependent and financially irresponsible, and had completed a residential treatment program. He made restitution before criminal charges were brought. The Ethical Practices Board also found he filed late and incomplete campaign disclosure reports for four years (which could involve misdemeanor or gross misdemeanor violations).	The speaker appointed a bipartisan four-member Select Committee on the Staten Case. The committee investigated Staten for writing $8,200 in bad checks and questionable campaign finance reporting.	The committee voted unanimously to recommend expulsion, based on the conviction and campaign report violations. The 24 member House Rules and Legislative Investigations Committee also recommended expulsion on a voice vote. The committee rejected censure.	Censure. An initial vote to censure failed. Then a vote to expel failed 80-52, short of the required 90 for a 2/3 vote. Then a vote to censure passed 99-31. The censure also ordered him to: donate 18% of his pay for the remainder of the year to a nonprofit chemical dependency program of his choice; perform 100 hours of volunteer service; undergo chemical dependency treatment; and, if campaign finance reporting problems continued, return all public financing money.
NEW HAMPSHIRE	For seven years, House Speaker Gene Chandler held a series of	The Legislative Ethics Committee received a complaint. After reviewing	The committee voted unanimously to recommend expulsion.	Censure.

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	corn roast galas raising $64,000 from supporters, lobbyists, and others who had business before the legislature. Chandler used the money for personal expenses such as car repairs, hotel stays, and meals. In October 2004, the Legislative Ethics Committee received a complaint and in November it issued a statement of charges and notice of hearing. In March 2005, Chandler pled guilty to a misdemeanor for failing to report the gifts. He was fined $2,000 and required to perform 100 hours of community service. The attorney general did not find any evidence that he did political favors for those who donated. The committee held its first hearing in May 2005.	the complaint, the committee conducted an extensive preliminary investigation and voted unanimously to begin formal proceedings. A formal statement of charges and notice of hearing was sent and a hearing was held. Chandler formally answered the statement of charges and appeared at the hearing to testify and present other evidence through his counsel.	The committee found that Chandler violated ethics provisions by (1) soliciting, accepting, or agreeing to accept gifts with an aggregate value over $250 while knowing or believing the givers were or were likely to be interested in matters pending at the legislature, (2) using his public position to obtain gifts with aggregate value over $250 for private benefit, and (3) disregarding the obligation to report gifts over $50 (which he acknowledged through his misdemeanor plea). The committee found that for seven years the annual corn roasts solicited and received cash from businesses, lobbyists, and individuals. They were organized by "friends" so that Chandler had income to continue in the legislature. Flyers advertising them were sent out and sometimes mentioned legislative issues. Chandler had sole discretion over how the funds were spent. He did not report the gifts except in one year.	The vote to expel failed 189-172 following a three-hour debate. The vote to amend the report and recommend censure passed 217-143. The vote to accept the report with the sanction of censure passed 274-86.
NEW MEXICO	In 1991, Rep. Ronald G. Olguin was charged with solicitation of bribery (a felony) and demanding a bribe by a public official and two other felony counts alleging that he sought $15,000 for his consulting services in exchange for state funding.	The House adopted rules establishing the Rules and Order of Business Committee. A subcommittee investigated, received certain evidence under a confidentiality agreement, and recommended that the committee find probable cause to move to a formal hearing. The full committee agreed and held an evidentiary hearing. The committee heard evidence, took	The committee found that Olguin engaged in a course of conduct while seeking to sell his consulting services that violated his public trust as a legislator. • While agreeing to provide consulting services for a fee aimed at obtaining new program funding from a county, he also identified program needs at the state level, offered a legislative solution, and offered his assistance in	Censure. (Floor debate included a motion for expulsion that was defeated.)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
		testimony, questioned witnesses, allowed cross examination, and heard closing arguments.	obtaining that solution. • He either included an agreement to influence the state legislative process in a proposed contract for consulting services or proposed a contract for services at the county level with free services at the state legislative level. • His conduct was a serious breach of ethical responsibilities as a legislator. The committee voted 11-4 to censure. A minority report recommended expulsion.	
SOUTH DAKOTA	In 2006, an 18-year-old page contacted the attorney general alleging that Sen. Dan Sutton made sexual advances and inappropriately touched him at a motel. The attorney general investigated for possible criminal charges. By the time of censure, no charges had been brought.	The Senate president pro tempore wrote to Sutton indicating he would refer the matter to the Senate's executive board if he did not resign within a week. The governor, in response to a request from the Senate's executive board, called the Senate into special session to investigate the allegations. In the meantime, Sutton won reelection. Sutton resigned the day after the Senate released its proposed rules for the special session, but stated that he intended to reclaim his seat in January 2007 pursuant to his reelection. The special session was cancelled. When the regular session convened, Sutton took the oath of office. The Senate voted to adopt the same rules as the previous session. It also adopted rules regarding discipline and expulsion	In its majority report, the Select Committee on Discipline and Expulsion recommended censure, finding that the senator exercised poor judgment in inviting and permitting a serving Senate page to share his motel room and bed. Further, that allegations arising out of that poor judgment resulted in public allegations of misconduct, which, though unproved, served to bring Sen. Sutton and the honor of the Senate into public disrepute. In a minority report, three out of the nine senators on the committee dissented. They concluded that something serious involving unwanted touching of a sexual nature occurred in Sen. Sutton's motel room during the period of February 5 to February 7, 2006. In its dissent, the minority wrote, "[g]iven the serious nature of the allegations and given our belief that the evidence shows an unwanted touching of a sexual nature happened during the nights in question, we cannot agree that censure is a sufficiently	Censure, by a vote of 32-2. A vote to expel failed 14-20.

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
		of members as a new chapter in the rules. Sen. Sutton went to the circuit court and received an order prohibiting the Senate from holding any hearings about him under the rules. The state Supreme Court ruled that the courts had no jurisdiction to halt a legislative disciplinary process. The Senate voted 27-6 to appoint a Select Committee on Discipline and Expulsion to investigate. The committee held meetings and heard testimony, including from Sutton.	serious response to what we see as the misconduct of Sen. Sutton. We believe the committee should have made a recommendation of expulsion from the South Dakota Senate." The committee voted 6-3 to recommend censure for conduct by a senator unbecoming the Senate.	
UTAH	In 1991, Rep. Dionne Halverson was convicted of misdemeanor shoplifting.	Pursuant to JR-16-04, the House Ethics Committee subsequently made a preliminary inquiry. It is unclear whether Halverson waived the disciplinary hearing which would have required appointment of a special prosecutor.	The House Ethics Committee recommended expulsion.	The full House voted against expulsion by a narrow margin (2 votes). Halverson was censured and subsequently resigned.
VIRGINIA	In 1987, Senator Peter Babalas was censured for casting votes in violation of Senate conflict of interest rules. Babalas had earlier successfully defended himself against two counts of a criminal misdemeanor for alleged violations of state conflict of interest laws. One count was dismissed and Babalas was acquitted on the second count.		The Privileges and Elections committee recommended censure by a 12-3 vote. The Senate Rules Committee, by a 9-5 vote with Babalas (the chairman of the committee) abstaining, then approved a resolution of censure of Babalas for unethical conduct.	Censure. The resolution prescribing that Babalas be censured was approved by the whole Senate by a vote of 25-14.

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
ADMONISHMENT				
FLORIDA	In 1991, Rep. Frederick Lippman was investigated for (1) failing to properly supervise staff as chair of the Committee on Regulatory Reform from 1983 to 1986, (2) violating the statute that restricts outside employment of a full-time staff employee, and (3) improper behavior with a House staff member from 1983 to 1986. A county grand jury also issued a report relating to allegations of sexual harassment by a former staff member.	The speaker appointed a select committee to investigate.	The committee recommended admonishment. It also recommended procedural changes and training.	The speaker issued a letter admonishing Lippman (a copy was printed in the journal). The speaker also removed Lippman as majority leader.
APOLOGY (MAY INCLUDE OTHER SANCTIONS)				
MINNESOTA	In 1995, Sen. Kevin Chandler was involved in a domestic assault with his estranged wife outside a bar. His wife did not press charges. The police investigated and Chandler asked them to charge him and stated he would plead guilty to 5th degree assault (a misdemeanor). He was charged with that crime and two counts of disorderly conduct (all misdemeanors). In September 1995, he pled guilty to 5th degree assault for slapping his estranged	The Senate Subcommittee on Ethical Conduct heard the matter.	The subcommittee reported that Sen. Chandler's decision to voluntary resign his leadership positions in the Senate was appropriate and that he apologize to the Senate in open session.	By a vote of 63-0, the Senate adopted the subcommittee's report: that Sen. Chandler's decision to voluntary resign his leadership positions in the Senate was appropriate and that he apologize to the Senate in open session.

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	wife and the other charges were dropped. He was placed on probation for one year and fined $210. In 1996, the legislature investigated. He did not seek re-election.			
MINNESOTA	In 1994 and 1996, Sen. Sam Solon was investigated for providing the Senate's long-distance access code to his ex-wife. He pled guilty to a misdemeanor charge relating to the use of the phone account in 1992 and 1993.	The Senate Subcommittee on Ethical conduct heard the matter.	The committee recommended voluntary resignation as chair of the Commerce and Consumer Protection Committee as an appropriate disciplinary action; that he be removed from membership on the Committee on Rules and Administration; that he make restitution to the Senate for the cost of the calls; that he apologize to the Senate in open session; and that the reprimand of March 24, 1994 (for giving telephone access code to lobbyists) be reaffirmed.	The Senate adopted the report by a vote of 57-6, after voting down an amendment seeking his resignation 17-48.
OHIO	In 2005, Sen. Ray Miller was investigated for having his aide work for his nonprofit organization while on state time. The legislative inspector general referred evidence of using state personnel and equipment for private business to the county prosecutor. The prosecutor did not pursue charges.	The Joint Legislative Ethics Committee investigated.	The committee required a letter of apology and $936 restitution, which covered the aide's salary for the time she worked for the private organization.	N/A
OTHER SANCTIONS				
OHIO	In 2006, Sen. Jeffry Armbruster was investigated after requesting a	The Joint Legislative Ethics Committee investigated (a bipartisan 12 member	The committee found that he violated a prohibition against using his position to	The matter was referred to the county prosecutor.

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	workers' compensation rate discount for his business. Term limits barred him from seeking reelection. The ethics committee held hearing after Armbruster left office.	committee). The committee served him with a complaint in December 2006. Based on a preliminary investigation, he was accused of meeting with Bureau of Workers' Compensation officials at his legislative office to discuss the premium rate of his company. In 2007, after he left office, the committee held formal hearings with the legislative inspector general acting similar to a prosecutor.	represent his personal business interests before a state agency.	
ON-GOING				
NEW JERSEY	Sen. Bryant is currently under federal felony indictment for fraud and corruption.	The Ethics Committee announced an investigation in November 2006 but has taken no action to date.	N/A	N/A
NORTH CAROLINA	In 2007, an investigation of Rep. Thomas Wright by the state Board of Elections discovered evidence that Wright did not report hundreds of thousands of dollars in campaign contributions and he reportedly used a letter awarding a bogus grant to secure a bank loan for a foundation he controlled. In August, prosecutors stated that they hoped to finish their investigation by October 1. A search warrant for bank records indicated a suspicion of obtaining property by false pretences.	The Joint Legislative Ethics Committee began an investigation.	N/A	Committee investigation is not yet complete.

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	The Board of Elections suspended Wright's reelection campaign for failing to file the required campaign disclosure report for the first six months of 2007.			
RESIGNATION				
ARKANSAS	In 1999, Sen. Nick Wilson was convicted in federal court on felony charges of conspiring to evade taxes on $325,000. The case involved "washing" checks that were payments from a real estate agent. The agent testified that he split his commission after Wilson tipped him off that a agency might buy a downtown bank building. He also faced a 133-count racketeering indictment as "kingpin" of a corrupt organization that skimmed nearly $2 million from an assortment of state programs through kickbacks and contracts to friends and allies.	Under one provision of the state constitution, no one convicted of an "infamous crime" is eligible to serve in the General Assembly. Another provision gives each house the power to expel a member. A majority of members signed a petition to request a hearing on Wilson, as required by the rules. 28 of 35 senators signed the petition.	N/A	Resigned. Wilson submitted a letter announcing his resignation at a future date and the Senate president pro tem cancelled a meeting on expulsion. Other criminal charges were later dropped by prosecutors in exchange for Wilson's testimony.
CALIFORNIA	In 1994, Sen. Frank Hill was one of several legislators ensnared in an FBI sting operation focused on legislative corruption. He was convicted of extortion, conspiracy, and money laundering after accepting $25,000 in exchange for	A demand was made on the Senate floor for Hill's expulsion. The Rules Committee put aside consideration after receiving Hill's resignation letter, but he did not set a resignation date.	The 5-member Rules Committee later voted 4-0 to expel Hill. One member abstained.	Resignation (before vote on resolution).

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	his support on Louisiana shrimp boat legislation. He was sentenced to 46 months in prison and ordered to pay a fine of $2,500. At least some convictions were felonies.			
DELAWARE	In 2007, Rep. John Atkins assaulted his wife after using his legislative position to avoid a drunk driving arrest. He was stopped by police after the pickup truck he was driving was seen speeding and drifting. He was not cited or arrested despite a preliminary breath test of 0.14 BAC. He pled guilty to offensive touching (a misdemeanor) for supposedly grabbing his wife's arm during a fight and was sentenced to probation and ordered to complete domestic violence and anger management counseling.	The House Ethics Committee, a standing committee established by House Rules, investigated and made recommendations. The committee consisted of three Republicans and two Democrats. The committee determined the matter merited further inquiry and staff performed a preliminary inquiry.	Committee staffers made the following findings. • Atkins filed a misleading affidavit with the committee stating that he presented his legislative ID card after police asked for it. He later admitted that he showed it without being asked and repeatedly reminded officers about being a legislator to attempt to be treated leniently. • The police officer told Atkins and his wife to get a ride home and friends drove them part of the way before Atkins got into his truck to drive home. • Another police officer saw Atkins run a stop sign but did not stop him because he recognized the vehicle which had legislative plates. • Police shortly after responded to a 911 hang-up call at the Atkins home. After his arrest based on a domestic dispute, he expressed his concern about the press since the election was in 10 days. He made requests to speak to the police chief. • Atkins was sentenced to probation after pleading guilty to offensive touching for supposedly grabbing his wife's arm during a fight. Staff found that the fight involved greater physical	Resignation (before scheduled House debate on a censure resolution).

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			contact than described in the police complaint. The committee unanimously found that Atkins violated House rules and brought the chamber into "disrepute" by using his position in an effort to be treated leniently during the traffic stop and ensuing events culminating in his arrest. In voting to censure, the committee recommended he surrender his legislative identification car and license tag, pay a $550 fine, forego any committee chairmanships, undergo an alcohol abuse evaluation, and complete court-ordered domestic violence counseling.	
FLORIDA	In 1988, Rep. Donald George Gaffney was investigated regarding his previous position as Jacksonville City councilman and a rezoning petition before the council. • He was charged with bribery and grand theft days before his election in 1986. • A federal grand jury returned a 23-count indictment on extortion, conspiracy to commit extortion, and mail fraud in February 1987. • After the 1987 session ended, he was convicted of conspiracy, extortion, and	The speaker appointed a select committee to investigate.	No information.	Resigned, effective the day before the start of the 1988 session. Gaffney was later convicted and sentenced to prison for mail fraud.

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	attempted extortion and acquitted of five extortion and five attempted extortion charges. Under House Rules, he was suspended from the House pending appeal or the end of his term. • In December, a federal judge vacated the verdicts on rumors of jury tampering and Gaffney was reinstated pending a new trial. • In January 1988, a federal grand jury returned a 21-count indictment that included new charges.			
GEORGIA	In 1999, Sen. Diana Harvey Johnson was convicted of five counts of federal mail fraud for funneling an estimated $80,000 of state tourism funds to her own consulting business. She was sentenced to 41 months in prison, fined $7,500, and ordered to pay $21,600 in restitution.	The governor impaneled a 3-member review committee after Sen Johnson was indicted.	The committee concluded that Sen. Johnson's indictment impaired her ability to serve her constituents.	The governor suspended Sen. Johnson with pay. She resigned her seat after a federal judge suggested he would not free her on bond while appealing her conviction unless she gave up her seat.
MAINE	In 1987, Rep. Donald Sproul was convicted of misdemeanor ballot tampering.	After conviction, adopted a resolution relating to the censure or expulsion of Sproul. Inquiry by House Committee on Elections with a report to the full House. Adopted a resolution establishing procedures. Resolution appointed special counsel and required the committee to adopt any necessary	N/A	Resignation (before committee met).

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
		rules and procedures.		
MASSACHUSETTS	In 1977, Senators Joseph J.C. DiCarlo and Ronald C. MacKenzie were convicted in federal court for extortion, conspiracy to commit extortion, and conspiracy to violate the Travel Act in connection with their performance as senators. Some, if not all, charges were felonies.	The Senate referred the matter to its Committee on Ethics on the day of the conviction. The committee held two hearings, after which it determined that disciplinary proceedings should be conducted pursuant to the Senate's inherent power with respect to its members. The committee held a third hearing to determine if the convictions "were compatible with [the senators'] continued service in the Senate..." ("Report and Recommendations Concerning Senators Joseph J.C. DiCarlo and Ronald C. MacKenzie," Senate Committee on Ethics, April 1, 1977).	The committee stated that "the crimes with which the senators were charged and of which they have been convicted are so serious as to render one who has committed them unfit to continue to serve as a member of the Senate."	MacKenzie resigned at the third hearing.
MICHIGAN	In 1998, Sen. Henry Stallings employed a state worker in his art gallery and used public funds to pay the person. He was originally charged with a felony but, after the legislative investigation began, he pled guilty to the misdemeanor of taking less than $100 under false pretenses.	Select committee investigated.	Committee unanimously recommended expulsion.	Resignation (prior to vote on expulsion).
MINNESOTA	In September 1995, Sen. Joe Bertram was arrested and convicted for shoplifting a $90 leather vest (a petty misdemeanor). He was fined $150. In 1996, the legislature investigated Bertram for shoplifting the vest and	Two senators filed a complaint with the Senate Subcommittee on Ethical Conduct.	N/A	Resignation (before the committee voted).

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	offering $1,000 to the store owner to not file criminal charges. After his resignation, he was (1) arrested on another shoplifting charge and (2) charged in April 1996 with two felony counts of bribery for offering money to the store owner not to file charges.			
MINNESOTA	In 1990, Rep. Jeff Conway, a financial planner, was indicted for diverting about $90,000 of customers' money to his personal use. He was charged with 30 felony counts of diverting money from 15 couples or individuals over several months. He was suspended from the job and then resigned. He relinquished his broker's and insurance agent's licenses after the state Commerce Department found he mishandled funds. He allegedly invested money for a client after he resigned from his job. After he resigned from the House, he pled guilty to charges that were consolidated into four counts. He was sentenced to eight months in prison, 10 years probation, 500 hours of community service, a $5,000 fine, and $50,342 restitution. The judge stayed a sentence of just under nine years in prison.	A complaint was filed with the House Ethics Committee.	The committee found probable cause that Conway engaged in misconduct.	Resignation (the day before his scheduled appearance before the committee).
NEW	In 2004, Rep. John Kerns was	The Legislative Ethics Committee	The committee voted unanimously for	Resignation (before House

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
HAMPSHIRE	investigated for writing bad checks with "State of New Hampshire" written on them, using his title to get a parking space reserved for school officials, and threatening officials when told to stop parking there. After the legislative investigation began he was charged with four counts of passing bad checks. He went to court to attempt to stop the committee investigation. He also told the press that (1) he had a serious neurological illness that sometimes incapacitated him and (2) he and a family member were sex crime victims. After his resignation, he pled guilty to writing bad checks. The judge suspended a $500 fine and ordered Kerns to pay $421 in restitution, perform 152 hours of community service, apologize, and drop a lawsuit against police.	received complaints, investigated, initiated formal proceedings, held hearings, and issued a report with recommendations.	expulsion.	action).
NEW YORK	From 1983 to 1986, Queens County Democratic Organization Secretary Richard Rubin placed no-show employees on the legislative payroll of Assemblywoman Gerdi E. Lipschutz. She was granted immunity in criminal proceeding.	In 1987, the Committee on Ethics conducted a five-week investigation that included testimony given in Rubin's trial in which he was found guilty of mail-fraud in that he caused a no-show secretary to be placed on the assemblywoman's payroll. The committee reviewed the state	The committee found Lipschutz guilty of (1) falsely certifying personal service vouchers, (2) approving the hiring of a "no-show" employee knowing that the employee did not perform any official duties, and (3) committing the acts to obtain a political benefit. Assemblywoman Lipschutz cooperated with the U.S. Attorney in the Rubin trial and provided essential testimony	Resigned (after the committee made its recommendations).

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
		constitution, the proceedings of two constitutional conventions, and constitutional case law to determine if Article 3, Sections 7 and 9 authorize the Assembly to expel a member.	after receiving a grant of immunity. The committee found that no member has ever been expelled and that the Assembly does not have the constitutional authority to expel a member. The committee recommended that (1) she resign, (2) the Assembly remove her committee chairmanships, (3) she forfeit any rights or privileges of seniority, (4) the Assembly censure her, and (5) the state amend the constitution to authorize expulsion.	
NORTH CAROLINA	In 1985, a committee investigation of Sen. John Jordan led to a criminal investigation for bribery and extortion. He later pled guilty to extortion, bribery, and official misconduct. He was sentenced to a two year suspended sentence, two years probation, and a $2,000 fine.	No information.	No information.	Resigned after pleading guilty.
OHIO	In March 1998, Sen. Jeff Johnson was indicted by a federal grand jury on felony corruption charges: four counts of violating the federal Hobbs Act which prohibits officials from using their office to extort money and two counts of wire fraud. The federal charges involved pressuring inner-city grocers for campaign contributions in exchange for help in obtaining government	The Joint Legislative Ethics Committee investigated.	The committee did not complete its investigation.	Resigned.

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	licenses for nutrition and food stamp programs and to sell liquor and lottery tickets. In November 1998, he was convicted on three charges. He resigned in December. In February 1999 he was sentenced to 15 months in prison, at least 250 hours of community service			
SOUTH CAROLINA	In 1982, Sen. Eugene Carmichael was sentenced on a federal felony conviction to ten years in prison for conspiracy to buy votes, obstruction of justice, and vote buying.	The Senate Ethics Committee investigated.	The Senate Ethics Committee found that he committed official misconduct	The Senate refused 24-21 to expel. At the time of the vote, he was appealing his conviction. He lost his appeal and ultimately resigned.
TENNESSEE	In 2005, Sen. John Ford was investigated on charges including whether he resided outside his district, used campaign funds for his daughter's wedding, received consulting fees to help companies get state business, and failed to disclose his sources of income as required by Senate rules. (Other entities also investigated misconduct by Ford, including the FBI in a bribery scandal called Operation Tennessee Waltz.)	A complaint was filed with the Senate's Ethics Committee (a standing committee). The committee issued a subpoena and a subcommittee investigated and found probable cause for the full committee to investigate the issue of failing to disclose income. The full committee voted to bring in a special counsel to expand its investigation regarding consulting fees and deals. The special counsel presented a report of the investigation. The committee was preparing a six-count charge for ethical violations when Ford resigned.	Ford resigned before the committee issued its report.	Resigned (before the committee reported but after the FBI arrested him for bribery and other charges).
TEXAS	In 1957, Rep. Cox was indicted for consenting to accept a bribe. He was censured by a House	An investigatory committee was appointed pursuant to a resolution.	The committee recommended that the entire House censure Rep. Cox but take no other action in view of the fact that he had	Resigned. It is unclear whether the entire House ever acted on censure.

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	committee but the censure came after the member had resigned.		already resigned. The committee vote appears to have been 9-0.	
NO ACTION				
MINNESOTA	In 1996, Sen. Florian Chmielewski was accused of abusing Senate phone privileges. Previously, in December 1995, he pled guilty to misconduct of a public officer, a gross misdemeanor (it is unclear whether he faced other charges). He was accused of letting family and friends use his Senate phone access code for more than $3,800 in personal long distance calls. He was sentenced to two years probation and 100 hours of community service.	A senator filed a complaint with the Senate Subcommittee on Ethical Conduct.	The sub-committee recommended removal from two committees; no use of the Senate phone code; no reimbursement for lodging expenses outside his district; and loss of seniority.	None. The Ethics Committee recommendations had to be approved by the Senate Rules Committee which had no scheduled meetings until the following year. The recommendations expired and the senator was defeated in a primary election.

N/A indicates that the category was not applicable to that particular case.

WRIGHT

Rep. Rick Glazier

From: Walker Reagan (Research) **Sent:** Mon 1/7/2008 6:44 PM
To: Rep. Rick Glazier
Brad Krehely (Research); Heather Fennell (Research); Kory Goldsmith (Research); Denise Huntley (Research)
Subject: FW: Possible Timelines of the LEC and House Select
Attachments:

Here is the timelines I have sent to Bill and Alec for their review. I expect we will discuss these dates with them at least during our meeting tomorrow.

I have spoken to Sen. Clodfelter and he can do Feb. 11th. Accordingly I will poll the remainder of the Committee but I think we can proceed to send out the notice without their reply if we are prepared to reschedule as needed. Sen. Clodfelter did express some concerns about whether Bill and Alec will be able to be ready under this timeline for all things he thinks needs to be looked at for this hearing, including the revenue records and some additional research we can discuss.

Thanks.

From: Walker Reagan (Research)
Sent: Monday, January 07, 2008 5:23 PM
To: 'Bill Hart (bhart@ncdoj.gov)'; 'Peters, Alec'
Cc: Brad Krehely (Research); Heather Fennell (Research); Kory Goldsmith (Research); Denise Huntley (Research)
Subject: RE: Possible Timelines of the LEC and House Select

Please note the correction. February 11th is a Monday, not Tuesday

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From: Walker Reagan (Research)
Sent: Monday, January 07, 2008 4:55 PM
To: Bill Hart (bhart@ncdoj.gov); 'Peters, Alec'
Cc: Brad Krehely (Research); Heather Fennell (Research); Kory Goldsmith (Research); Denise Huntley (Research)
Subject: Possible Timelines of the LEC and House Select
Importance: High

Based on the ethics team's telephone conversation with Rep. Glazier last week, I have drafted proposed timelines for conducting the proceedings against Rep. Wright in both the LEC and the House Select Committee.

Please look at these timelines closely and let me know if you think they are workable for you.

Since Wright has now responded, I think the cochairs will want to set the hearing date for the LEC this week. The hearing date for the House Select committee can be later. I want to be sure you have adequate time to prepare your cases before we set these dates. Thanks.

LEC

Notice of Hearing Sent - Friday, January 11, 2008 (31 days in advance)
Committee Counsel Notice of Witnesses and Evidence to Wright - Tuesday, January 22, 2008 (20 days in advance)
Deadline for Prehearing Motions to be Filed with Cochairs - Monday, January 28th (14 days in advance)
Wright Notice of Witnesses and Evidence to Committee Counsel - Friday, February 1, 2008 (10 days in advance)
Hearing ~~Tuesday~~, Monday, February 11, 2008

HOUSE SELECT COMMITTEE

[redacted] of Charges to Wright - January 10-11, 2998
[redacted]ne for Wright Response to Charges - January 25th (14 days)
Notice of Hearing Sent - Friday, February 1, 2008 (32 days in advance)

Deadline for Prehearing Motions to be Filed with Chair - Feb. 28

Committee Counsel Notice of Witnesses and Evidence to Wright - Wednesday, February [redacted], 2008 (20 days in advance) OK

[redacted] Notice of Witnesses and Evidence to Committee Counsel - Friday, February [redacted], 2008 (11 days in advance)

Hearing - Tuesday, March 4, 2008

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O. Walker Reagan, Staff Attorney

Research Division, North Carolina General Assembly

Suite 545, Legislative Office Building, Raleigh, N.C. 27603-5925

Telephone (919) 733-2578 Fax (919) 715-8365

Internet Address: walkerr@ncleg.net

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WRIGHT - LEC

This message was sent with high importance.

Rep. Rick Glazier

From: Walker Reagan (Research) **Sent:** Mon 1/7/2008 6:58 PM

To: Rep. Paul Stam; Sen. Peter Brunstetter; Rep. Laura Wiley; Sen. Charlie Dannelly; Rep. Marvin Lucas; Sen. Linda Garrou; Rep. Edith Warren; Sen. Don East; Rep. William C. McGee; Sen. Harry Brown

Cc: 'danclodfelter@mvalaw.com'; Rep. Rick Glazier; Brad Krehely (Research); Heather Fennell (Research); Kory Goldsmith (Research); Denise Huntley (Research); Amanda Smith (Research); 'Bill Hart (bhart@ncdoj.gov)'; 'Peters, Alec'

Subject: LEC Meeting - February 11th - Wright Hearing

Attachments:

The cochairs would like to schedule a meeting of the Legislative Ethics Committee for purposes of holding the hearing in the Wright matter on Monday afternoon, February 11th. Please let me know as soon as possible if you will be available to meet at that time. We are required to give Rep. Wright notice of any hearing at least 30 days in advance of the hearing. Thanks.

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O. Walker Reagan, Staff Attorney

Research Division, North Carolina General Assembly

Suite 545, Legislative Office Building, Raleigh, N.C. 27603-5925

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Internet Address: walkerr@ncleg.net

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RECEIVED
JAN 7

STATE OF NORTH CAROLINA
COUNTY OF WAKE

NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE ETHICS COMMITTEE
FILE NO. C-LEC-07-002

NORTH CAROLINA GENERAL ASSEMBLY	)	
	)	
V.	)	RESPONSE TO ETHICS
	)	COMPLAINT
REPRESENTATIVE THOMAS WRIGHT,	)	
Respondent.	)	

The Respondent in the above captioned matter, Representative Thomas Wright, hereby responds to the ethics allegations contained in a complaint issued by the North Carolina Joint Legislative Ethics Committee on December 11, 2007 and served upon him, by certified mail, on December 26, 2007 by showing the following:

1. Respondent specifically denies that any contacts and interactions with Torlen Wade on either March 13, 2002 or March 15, 2002 occurred while Respondent was acting or serving in his capacity as a member of the North Carolina General Assembly and/or that his contacts and interactions with Torlen Wade were improper, illegal or unethical.

2. The conduct alleged in the Ethics complaint does not constitute ethical and/or criminal conduct over which the Legislative Ethics Committee has jurisdiction to consider.

3. Merely soliciting and/or obtaining a letter from a State employee which contains untrue information does not constitute a criminal and/or ethical violation.

4. Respondent did not use nor intend to use a letter which was obtained from a State Employee to obtain a loan, grant or other funding for the Community Health Foundation.

5. The allegations contained in the complaint does not constitute conduct committed by a Legislator who was acting within his official capacity as a participant in the lawmaking process.

6. The Legislative Ethics Committee is barred from considering the allegations contained in the complaint due to the expiration of the Statute of Limitations and/or laches in that the Committee has failed to allege and consider this matter in a timely manner.

7. The allegations contained in the complaint involves conduct which did not constitute a criminal and/or ethical violation at the time that it was allegedly committed and the Legislative Ethics Committee consideration of this complaint at this time violates the State and Federal Constitutions..

8. The conduct alleged in the complaint involves conduct which was allegedly committed

8. The conduct alleged in the complaint involves conduct which was allegedly committed during a past and closed session of the North Carolina General Assembly and said conduct did not violate any ethics rules and constitute criminal conduct at that time. Neither the Legislative Ethics Committee nor the House Select Committee can constitutionally be empowered to investigate conduct committed during past legislative sessions of the North Carolina General Assembly.

9. The creation of the Joint Legislative Ethics Committee and actions which it has taken in this matter by initiating misconduct allegations against the Respondent, prosecuting those allegations and determining their validity violate State and federal Constitutional Rights of Due Process and Equal Protection.

10. The creation of the Joint Legislative Ethics Committee and actions which it has taken in this matter by initiating misconduct allegations against the Respondent, prosecuting those allegations and determining their validity violates Article II, Section 20 of the North Carolina Constitution in that members of the North Carolina Senate are unlawfully involved in the investigation and prosecution of this complaint.

11. The actions of the Joint Legislative Ethics Committee violate Article VI, Section 8 by seeking to disqualify Respondent from a legislative office in the North Carolina House of representatives to which he was duly elected where he has not been convicted or adjudged guilty, by any competent authority, of treason, a felony, corruption or malpractice in office nor has he been removed from office by impeachment.

WHEREFORE, the Respondent, after responding to the complaint issued by the Joint Legislative Ethics Committee, respectfully moves to dismiss this matter, or, in the alternative, suspend any further proceedings or actions regarding this matter until criminal charges which have been lodged against the Respondent in the Wake County Superior Court have been resolved.

This the 7th day of January, 2007.

Irving Joyner
Attorney for Representative Thomas Wright
P.O. Box 374
Cary, North Carolina 27512-0374
Telephone:(919)319-8353

CERTIFICATE OF SERVICE

The Attorney whose signature appears below certifies that a copy of the attached Response to Ethics complaint was duly served upon the North Carolina General Assembly's Legislative Ethics Committee by hand-delivering copies of same to the North Carolina Legislative Office Building, 300 North Salisbury Street, Suite 200, Raleigh, North Carolina 27603 addressed separately to Attorney O. Walker Reagan, Senator Dan Clodfelter and Representative Rick Glazier and by depositing a copy of same in the United States mail, first class postage prepaid and addressed to Attorney William Hart, North Carolina Department of Justice, P.O. Box 629, Raleigh, North Carolina 27602.

This the 7th day of January, 2008

Irving Joyner

RECEIVED

STATE OF NORTH CAROL[illegible]TH CAROLINA GENERAL ASSEMBLY
COUNTY OF WAKE LEGISLATIVE ETHICS COMMITTEE
FILE NO. C-LEC-07-002

NORTH CAROLINA GENERAL ASSEMBLY	)	
	)	
V.	)	DISCOVERY REQUESTS
	)	
REPRESENTATIVE THOMAS WRIGHT,	)	
Respondent.	)	

Pursuant to Section 7 of the Investigatory Rules of the Legislative Ethics Committee, Respondent, Representative Thomas Wright, request that the Legislative Ethics Committee provide the following information regarding the charge which it has filed:

1. A copy of every document, statement and other recorded evidence of any type which the Legislative Ethics Committee intends to introduce during its adjudication of this matter.

2. A copy of every document, statement and other recorded evidence of any type which a reasonable person would believe might exculpate the Respondent.

3. A listing of every individual who has been and/or will be interviewed or otherwise provided any information regarding the claim which the Legislative Ethics Committee has filed along with the individual's address and telephone number(s).

4. A copy of every written or summary of any oral or tape-recorded statement which any person has made to the Legislative Ethics Committee regarding the claim which has been filed against the Respondent.

This the 7th day of January, 2008

Irving Joyner
Attorney for Representative Thomas Wright
P.O. Box 374
Cary, North Carolina 27512
Telephone:(919)319-8353

CERTIFICATE OF SERVICE

The Attorney whose signature appears below certifies that a copy of the attached Discovery Request was duly served upon the North Carolina General Assembly's Legislative Ethics Committee by hand-delivering copies of same to the North Carolina Legislative Office Building, 300 North Salisbury Street, Suite 200, Raleigh, North Carolina 27603 addressed separately to Attorney O. Walker Reagan, Senator Dan Clodfelter and Representative Rick Glazier and by depositing a copy of same in the United States mail, first class postage prepaid and addressed to Attorney William Hart, North Carolina Department of Justice, P.O. Box 629, Raleigh, North Carolina 27602.

This the 7th day of January, 2008

Irving Joyner

Agenda

AGENDA
LEGISLATIVE ETHICS COMMITTEE

December 11, 2007 – 4:00 p.m.
Room 612, Legislative Office Building

1. **Call to Order**
2. **Motion for closed session to consider ethics complaints and requests for advisory opinions.**
3. **Consideration of Wright Complaint**
    a. **Report from Committee Counsel – Bill Hart and Alec Peters - Department of Justice**
    b. **Further action by Committee.**
4. **Consideration of Rep. Adams Advisory Opinion Request – Legislators Participation with the Black Caucus Foundation and Relationships with Lobbyist and Lobbyist's Principals.** - Consideration of Staff Modified Opinion Draft
5. **Discussion – State Auditor's Examination of Statements of Economic Interest.**
6. **Consideration of 2007 Annual Report of the Legislative Ethics Committee**
7. **Motion to adjourn closed session, reconvene in open session**
8. **Adjourn**

Rep. Rick Glazier

From: Carin Savel (Rep. Glazier) **Sent:** Wed 1/2/2008 10:32 AM
To:
Cc:
Subject: Committee Notice 01-09-08
Comments:

Committee Notices

January 2, 2008

MEMORANDUM

TO: **Members, House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright**

FROM: Rep. Rick Glazier, Chair

Committee Meeting

SUBJECT:
Members, House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright is scheduled to meet on the following date:

DAY and DATE: Wednesday January 9, 2008 TIME: 1:00 pm

LOCATION: 643 LOB

Please advise Carin Savel, Committee Assistant, at 733-5601, or e-mail glazierla@ncleg.net if you will be unable to attend.

Posted: January 2, 2008

cc: Committee Record _____
Interested Parties _____

North Carolina General Assembly
Legislative Ethics Committee

INITIAL REPORT OF THE LEGISLATIVE ETHICS COMMITTEE TO THE HOUSE OF REPRESENTATIVES

IN RE THE MATTER OF
REPRESENTATIVE THOMAS WRIGHT

C-LEC-07-002

To: The Honorable Denise Weeks, Principal Clerk
House of Representatives

The Honorable Joe Hackney, Speaker
North Carolina House of Representatives

At the request of the Speaker of the House and on its own motion, the Legislative Ethics Committee initiated an ethics investigation into the conduct of Representative Thomas Wright. At the request of law enforcement agencies and on the advice of its counsel, the Committee has coordinated its investigation with those of the law enforcement agencies having jurisdiction. The Legislative Ethics Committee now makes this initial report of its findings in its ongoing investigation:

> The Legislative Ethics Committee has considered the indictments rendered by the grand jury sitting in Wake County in the matter of *State of North Carolina v. Thomas E. Wright,* contained in criminal files 07 CRS 84372, 84373, 84374, 84375, 84376 and 84377, charging felonies of obtaining property by false pretenses and a felony of obstruction of justice with respect to campaign finance reports.
>
> Having considered the evidence presently available to it and having assumed that evidence to be true, the Committee has concluded that under the Legislative Ethics Act as it existed at the time the matters in these indictments are alleged to have occurred, the Committee's jurisdiction under the then existing law would not reach the matters alleged in the indictments.

However, the Committee finds that, if true, the acts alleged in the indictments are unethical and warrant such action as the House of Representatives may determine.

The Committee refers the specific matters contained in Wake County criminal files 07 CRS 84372, 84373, 84374, 84375, 84376 and 84377 to the North Carolina House of Representatives for such action as the House deems appropriate under Article II, § 20, of the North Carolina Constitution. The Committee notes that the jurisdiction of the House of Representatives in this matter is broader than that which is statutorily granted to the Committee under the former Legislative Ethics Act.

Submitted this the 12th day of December, 2007.

Senator Dan Clodfelter

Representative Rick Glazier

Co-Chairs of the Legislative Ethics Committee

Committee Charge

Office of Speaker Joe Hackney
North Carolina House of Representatives
Raleigh, North Carolina 27601-1096

HOUSE SELECT COMMITTEE TO INVESTIGATE ALLEGED MISCONDUCT AND OTHER MATTERS INCLUDED IN INDICTMENTS AGAINST REPRESENTATIVE THOMAS E. WRIGHT

TO THE HONORABLE MEMBERS OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES

Whereas, the State Board of Elections conducted a hearing on May 15, 2007, to consider allegations and evidence of alleged violations by Representative Thomas E. Wright of campaign finance regulations and other possible criminal wrongdoing; and

Whereas, after that hearing the State Board of Elections referred the matter to the Wake County District Attorney to consider criminal charges against Representative Wright; and

Whereas, on May 21, 2007, the Speaker requested the Legislative Ethics Committee investigate the alleged violation of the Legislative Ethics Act or the criminal law, or both, by Representative Wright; and

Whereas, on December 10, 2007, the Wake County Grand Jury indicted Representative Wright on six felony charges: five of obtaining property by false pretenses and one of obstruction of justice; and

Whereas, on December 12, 2007, the Legislative Ethics Committee made to the House of Representatives and to the Speaker of the House of Representatives the following initial report of that Committee's findings in its ongoing investigation:

> *"The Legislative Ethics Committee has considered the indictments rendered by the grand jury sitting in Wake County in the matter of State of North Carolina v. Thomas E. Wright, contained in criminal files 07 CRS 84372, 84373, 84374, 84375, 84376 and 84377, charging felonies of obtaining property by false pretenses and a felony of obstruction of justice with respect to campaign finance reports.*
>
> *Having considered the evidence presently available to it and having assumed that evidence to be true, the Committee has concluded that under the Legislative Ethics Act as it existed at the time the matters in these indictments are alleged to have occurred, the Committee's jurisdiction under the then existing law would not reach the matters alleged in the indictments.*

However, the Committee finds that, if true, the acts alleged in the indictments are unethical and warrant such action as the House of Representatives may determine.

The Committee refers the specific matters contained in Wake County criminal files 07 CRS 84372, 84373, 84374, 84375, 84376 and 84377 to the North Carolina House of Representatives for such action as the House deems appropriate under Article II, § 20, of the North Carolina Constitution. The Committee notes that the jurisdiction of the House of Representatives in this matter is broader than that which is statutorily granted to the Committee under the former Legislative Ethics Act."; and

Whereas, the Legislative Ethics Committee continues to have jurisdiction over matters related to its powers under Article 14 of Chapter 120 and the conduct of Representative Wright and may make further reports to the House of Representatives and the Speaker of the House of Representatives; and

Whereas, Article II, Section 20, of the North Carolina Constitution requires each house of the General Assembly to be the judge of the qualifications of its members; and

Whereas, Article VI, Section 8, of the North Carolina Constitution provides that a member of the General Assembly is disqualified from his or her office if adjudged guilty of treason, any other felony, or corruption or malpractice in any office; and

Whereas, the House of Representatives possesses the inherent power of a legislative body to discipline its members for violations of its rules, for unlawful behavior, for unethical conduct, for corruption or malpractice in office, for violations of the oath of office, and for offenses injurious to the House; and

Whereas, it is now necessary for the House of Representatives to investigate the matters alleged in the indictments against Representative Wright and other allegations of misconduct in order to determine their truth and, if so, to determine his qualifications to continue to hold office as a member of the House of Representatives as required by the Constitution; and

Whereas, it is now necessary for the House of Representatives to investigate the matters alleged in the indictments against Representative Wright and other allegations of misconduct in order to determine their truth and, if so, to determine whether his conduct violates the rules of the House, violates his oath of office, is unlawful or unethical, is corrupt or constitutes malpractice in office, is abuse of office, or is injurious to the House, and whether within the inherent powers to discipline its members the House of Representatives shall impose any sanctions against Representative Wright;

Now, therefore:

Section 1. The **House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright** is established by the Speaker as a select committee of the House pursuant to G.S. 120-19.6(a) and Rule 26(a) of the Rules of the House of Representatives of the 2007 General Assembly.

Section 2. The Select Committee consists of six House members. The individuals listed below are appointed as members of the Select Committee. Members serve at the pleasure of the Speaker of the House of Representatives.

Representative Rick Glazier, Chair
Representative Paul Stam, Vice Chair
Representative Marvin W. Lucas
Representative William C. McGee
Representative Edith D. Warren
Representative Laura I. Wiley

Section 3. The Select Committee shall investigate the matters reflected in the attached indictments against Representative Thomas E. Wright and other allegations of possible unethical or unlawful conduct that are outside the jurisdiction of the Legislative Ethics Committee applying the substantive law in effect before January 1, 2007. The Select Committee shall also investigate any additional matters referred to it by the Speaker upon a report of the Legislative Ethics Committee.

Section 4. The Select Committee shall conduct a preliminary investigation to determine whether there is probable cause that Representative Wright has committed unethical or unlawful conduct. The Select Committee shall notify Representative Wright of its determination and any charges against him. If the Select Committee determines there is probable cause to proceed, it shall conduct an evidentiary hearing to determine whether Representative Wright's conduct was unethical or unlawful and constitutes grounds for sanctions by the House of Representatives. If the Select Committee finds that the conduct was not unethical or unlawful or that no sanctions are warranted, the Select Committee shall report this to the House of Representatives and to Representative Wright. If the Select Committee determines that Representative Wright's conduct was unethical or unlawful and that sanctions should arise, the Select Committee shall report its Findings to the House of Representatives and to Representative Wright. The report shall also include recommended legislation for appropriate action, which may include reprimand, censure, or expulsion.

Section 5. The Select Committee shall promptly adopt rules of procedure, a copy of which shall be delivered to Representative Wright. To the extent practical, the Select Committee shall conduct its work in concert with the work of the Legislative Ethics Committee.

Section 6. Representative Wright has the right to be present, present evidence, cross-examine witnesses, and to be represented by legal counsel at any evidentiary hearing of the Select Committee.

Section 7. The Select Committee may meet during the interim period or during sessions upon the call of its chair.

Section 8. The Select Committee is vested with the authority contained in Article 5A of Chapter 120 of the General Statutes.

Section 9. The Legislative Services Officer shall assign professional and clerical staff to assist the Select Committee in its work. The Director of Legislative Assistants of the House of Representatives shall assign clerical support staff to the Select Committee.

Section 10. Members of the Select Committee shall receive per diem, subsistence, and travel allowance at the rate established in G.S. 120-3.1.

Section 11. The expenses of the Select Committee are considered expenses incurred for the operation of the House of Representatives and shall be paid pursuant to G.S. 120-35 from funds available to the House of Representatives for its operations. Individual expenses of $5,000 or less, including per diem, travel, and subsistence expenses of members of the Select Committee, and clerical expenses shall be paid upon the authorization of the chair of the Select Committee. Individual expenses in excess of $5,000 shall be paid upon the written approval of the Speaker of the House of Representatives. The Select Committee may arrange for or contract for professional, clerical, or consultant services, as approved by the Speaker of the House of Representatives.

Section 12. The Select Committee shall continue until dissolved by the Speaker of the House of Representatives. The Speaker of the House of Representatives may dissolve the Select Committee at any time.

Effective this 13th of December, 2007.

Joe Hackney
Speaker

12.13.07 v.2

RULES

RULES OF THE HOUSE SELECT COMMITTEE TO INVESTIGATE ALLEGED MISCONDUCT AND OTHER MATTERS INCLUDED IN INDICTMENTS AGAINST REPRESENTATIVE THOMAS E. WRIGHT

(Adopted December 18, 2007)

PART A. – GENERAL PROVISIONS.

1. All proceedings of the House Select Committee To Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright (hereinafter referred to as the "Committee") shall be governed by Article 5A, *Committee Activity,* of Chapter 120 of the General Statutes; the authorization issued by the Speaker of the House of Representatives dated December 13, 2007 creating the Committee (hereinafter "Authorization"); and other applicable law. All other matters, not otherwise governed above, shall be subject to the procedures set forth in these Rules.

PART B. – [RESERVED]

PART C. - OUTLINE OF PROCEDURE FOR INVESTIGATIONS.

1. **Meetings. –**

   (a) The Committee shall meet upon the call of the chair.

   (b) A quorum of the Committee shall consist of four members.

2. **Committee votes. –** All votes of the Committee taken under Rules C.5.(b), C.5.(d), and C.15., shall be by roll call and included in the minutes.

3. **Investigation Authorization. —** The Committee shall conduct investigations into the matters contained in the Authorization.

4. **Investigation. –**

   (a) The chair shall be responsible for the preliminary investigation of alleged unethical or unlawful conduct by a legislator.

(b) The chair may do any of the following:

(1) Ask the Attorney General to provide outside legal counsel for the Committee and to direct the State Bureau of Investigation to conduct the preliminary investigation.

(2) Request that the Legislative Services Officer facilitate the hiring of an investigator to conduct the preliminary investigation. The Legislative Services Officer shall forward the request to employ a hired investigator to the Speaker of the House of Representatives for approval of the request and the allocation of funds for that purpose. If requested by the chair, the Legislative Services Officer shall furnish the chair with a list of at least three qualified investigators from whom the chair may select an investigator or investigators. The Legislative Services Officer shall employ as the hired investigator the person or persons whom the chair selects subject to the approval of the Speaker of the House of Representatives.

(3) The chair shall request that the Legislative Services Officer facilitate the hiring of outside legal counsel at such time as the chair determines the assistance of outside counsel is necessary. Outside counsel services shall be used for the coordination of the investigation of alleged unethical or unlawful conduct by a legislator, preparation of proposed charges of alleged unethical or unlawful conduct by a legislator, and for presentment of evidence at hearings. The Legislative Services Officer shall forward the request to employ outside counsel to the Speaker of the House of Representatives for approval of the request and to allocate funds for that purpose. The Legislative Services Officer shall give the chair a list of at least three qualified attorneys willing to serve as outside counsel from whom the chair may select outside counsel. The Legislative Services Officer shall employ as the Committee's outside counsel the individual

whom the chair selects, subject to the approval of the Speaker of the House of Representatives.

(d) The person or persons directed to conduct the investigation shall:

(1) Present to the Committee, at the direction of the chair, all information relevant to the Committee's investigation.

(2) Research, as directed by the chair, allegations relevant to the alleged unethical or unlawful conduct by a legislator.

(3) Interview potential witnesses having information relevant to the inquiry.

(4) Obtain sworn statements from persons willing to give them.

(5) Prepare the presentation of information and the investigative findings to the Committee.

(6) Present to the Committee a list of recommended witnesses to be called.

(7) Provide, as authorized by the chair, to the accused legislator or the legislator's private legal counsel, copies of documents or other evidence to be presented to the Committee and any documents or other evidence which a reasonable person would believe might exculpate the accused legislator.

(8) Carry out other duties as directed by the chair.

5. Presentment of preliminary investigation findings –

(a) The chair shall arrange for the presentation to the Committee of the findings of the preliminary investigation and, if warranted, recommendations of specific charges of alleged unethical or unlawful conduct by a legislator.

C(5)(4)

(b) After the presentation of the findings of the preliminary investigation, the Committee shall determine by majority vote of the Committee members present and voting whether there is probable cause to believe that the accused legislator has committed unethical or unlawful conduct by a legislator.] 5+0

(c) If at the end of its preliminary inquiry, the Committee determines by majority vote of the Committee members present and voting that probable cause does not

exist to proceed with further investigation, the Committee shall notify the accused legislator, the House of Representatives, and the Speaker of the House of Representatives of its findings.

(d) If at the end of its preliminary inquiry, the Committee determines that probable cause exists to proceed with further investigation, the Committee by a majority vote of the Committee members present and voting shall specify the charges of unethical or unlawful conduct by a legislator to be considered against the accused legislator.

6. **Notification of charges and scheduling of hearings.** – The chair shall notify the accused legislator of the charges against the legislator and of the date of the hearing on the charges. The chair shall schedule a hearing on the matter as soon as is reasonable. The notice shall contain the time and place of the hearing on the matter, which shall be no less than 30 days after the date of the notice, unless waived by the accused legislator. The notice shall also inform the accused legislator of the legislator's right to respond to the Committee in writing to the charges against the accused legislator within a period of time specified by the Committee.

7. **Rights of accused legislator.** – The legislator against whom the charges are brought has the right to respond in writing to the charges within a period of time specified by the Committee, and to be present, present evidence, call and examine witnesses, cross-examine witnesses, introduce exhibits and be represented by private legal counsel paid for by the accused legislator at any evidentiary hearing. The Committee shall provide to the accused legislator, or the legislator's private legal counsel, copies of all documents or other evidence which are intended to be presented by the Committee's legal counsel to the Committee at the hearing, or which a reasonable person would believe might exculpate the accused legislator. All documents and other evidence to be provided to the accused legislator under this rule shall be furnished at least 10 days prior to the date of the hearing, except documents or other evidence discovered within 15 days of the hearing shall be furnished as soon as possible after discovery but prior to the hearing.

8. **Ruling on Motions.** – The accused legislator, the accused legislator's legal counsel, and counsel for the Committee may submit motions to the Committee for consideration, including prehearing motions, by submitting the motions to the chair of the Committee. The chair will render a ruling on any motion and inform the accused legislator, the accused legislator's legal counsel, counsel for the Committee, and members of the Committee of the ruling as soon as reasonable. All prehearing motions and rulings shall be read into the record at the next meeting of the Committee after the motions and rulings are made. Motions and rulings made during a meeting of the Committee shall be read into the record when made. The ruling of the chair on any motion shall be sustained unless overruled by a majority vote of the Committee members present and voting.

9. **Subpoenas.** – The forms for subpoenas and subpoenas duces tecum approved on November 2, 1973 by the Legislative Services Commission shall be the forms utilized by the Committee. The Committee may issue subpoenas to compel the attendance of witnesses or the production of documents, books or other records, as permitted by Article 5A of Chapter 120 of the General Statutes. The accused legislator may request that the Committee issue subpoenas and subpoenas duces tecum, and the chair shall issue subpoenas for witnesses requested by the accused legislator to be heard at the hearing as approved by the Committee in accordance with Rule C.10. The accused legislator shall notify the Committee of all requests for subpoenas at least ten days prior to the hearing, unless waived by the Committee.

10. **Witnesses to take oath and all written statements to be sworn.** –

(a) The chair shall notify the accused legislator of all witnesses who may appear at a hearing inquiring into alleged unethical or unlawful conduct by a legislator at least twenty days prior to the hearing, unless waived by the Committee. A copy of any affidavit of a witness setting forth matters on which the witness may testify shall be made available to the accused legislator at that time. If no affidavit of the witness exists, the Committee shall make available to the accused legislator a summary of the matters on which the witness may testify. Any information which

would tend to clear or lessen from blame or fault the charges against the accused legislator shall be made available to the accused legislator or the legislator's private legal counsel as soon as is reasonable.

(b) The accused legislator shall notify the Committee chair of the names of the witnesses the accused legislator desires to have appear at a hearing inquiring into alleged unethical or unlawful conduct by a legislator at least ten days prior to the hearing, unless waived by the Committee. A copy of any affidavit of a witness setting forth matters on which the witness may testify shall be made available to the Committee at that time. If no affidavit of the witness exists, the accused legislator shall make available to the Committee a summary of the matters on which the witness may testify.

(c) The Committee shall determine by majority vote of the Committee members present and voting which witnesses shall be heard. All witnesses shall be sworn before testifying.

(d) All written statements to the Committee shall be by sworn affidavit before being considered by the Committee.

11. **Counsel for witnesses permitted.** – Any witness testifying before the Committee may have private legal counsel present. Participation by a witness's counsel at a hearing and while the witness is testifying is limited to advising the witness of the witness's legal rights. Counsel's failure to abide by these procedures is grounds for counsel's exclusion from the hearing.

12. **Propounding of questions.** –

(a) Committee members and staff, if requested by the chair or Committee, may question any witness. The chair shall recognize Committee members who wish to question a witness for a series of questions. The Committee member may ask the witness all questions without interruption so long as permitted by the chair. Upon completion of a series of questions by a Committee member, the chair may recognize another Committee member for questions in the order recognized.

After all Committee members desiring to ask questions have been given an opportunity to ask a series of questions, the chair may give members additional opportunities to ask a series of questions in the same order.

(b) After receiving permission from the chair, all questions to be asked of any witness shall be directed to the witness. The chair may permit a series of questions to be asked without requiring specific consent for each individual question.

(c) A member of the Committee, the accused legislator, or the accused legislator's private legal counsel, may object to any question before the question is answered. All objections shall be directed to the chair. If an objection is raised, the chair shall determine whether the question is relevant and has probative value as to a substantive issue, and is not a waste of time or redundant, and whether the witness will be allowed to answer. The ruling of the chair, without objection from a member of the Committee, shall stand.

(d) If the chair's ruling is objected to by a member of the Committee, the motion shall be, "That the ruling of the chair be overruled." The chair's ruling shall be overruled if the motion is adopted by majority vote of the members of the Committee present and voting.

13. Meetings of Committee. –

(a) The Committee's meetings shall be held in open session, except for matters that could otherwise be considered in closed session under G.S. 143-318.11.

(b) All proceedings of any evidentiary hearings shall be transcribed.

(c) The accused legislator and the legislator's private legal counsel shall be permitted to attend any closed session held for the purpose of the presentation of evidence or taking testimony from a witness testifying as to matters related to allegations against the accused legislator.

(d) Private legal counsel of any witness shall be permitted in a closed session during the period of the witness's testimony. The parents or legal guardian of a minor

witness shall be permitted in a closed session during the period of the minor witness's testimony.

14. Division of issues. – After hearing evidence on the substantive issues of the alleged unethical or unlawful conduct by the accused legislator, the Committee shall address the following issues:

(1) Whether, by clear and convincing evidence, one or more of the charges against the accused legislator is true.

(2) If so, what action will be taken by the Committee.

(3) Whether, by a preponderance of the evidence, the accused legislator should be exonerated of the charges.

15. Disposition of cases. – When the Committee has concluded its inquiries into alleged violations, the Committee, by majority vote of those present and voting, shall do one of the following:

(1) If the Committee fails to find the alleged violations are established by clear and convincing evidence, the Committee shall report this to the House of Representatives and to the accused legislator. If the Committee finds by a preponderance of the evidence that the accused legislator should be exonerated of the charges, the chair shall transmit this finding in writing to the accused legislator and to the House of Representatives.

(2) If the Committee finds the alleged violations are established by clear and convincing evidence, the Committee shall do one or both of the following:

a. Refer the matter to the Attorney General for investigation and referral to the district attorney for possible prosecution if the Committee finds substantial evidence of a violation of a criminal law that is not already the subject of an indictment.

b. Refer the matter to the House or Representatives for appropriate action, which may include admonishment, censure and expulsion.

16. Role of Committee members and staff. –

(a) The duties of staff assigned to the Committee shall be directed by the chair.

(b) Legislative staff may be authorized to do the following:

(1) Research any legal issues arising from the investigation.

(2) Help Committee members prepare for meetings.

(3) Consult with the Attorney General's staff or other outside legal counsel on matters arising from the investigation as necessary.

(4) Carry out other duties as directed by the chair.

(c) Other staff:

(1) All investigations, at the chair's discretion, may be performed by an investigator designated in accordance with the procedures set forth in Rule C.4.

(2) Outside counsel designated in accordance with the procedures set forth in Rule C.4. of these procedures shall be authorized to oversee the investigation in preparation for hearings and shall prepare and present evidence to the Committee, including the initial presentation of the evidence through the questioning of witnesses.

Wright CHAIR RULINGS

North Carolina General Assembly
Legislative Ethics Committee

January 2, 2008

In Re the Matter of Representative Thomas Wright
C-LEC-07-002

EXTENSION OF TIME TO FILE RESPONSE TO COUNT 1

This matter is before the Chairs on oral motion of Irving Joyner, counsel for Representative Thomas Wright (hereinafter "Wright"). Irving Joyner has requested an extension of time to file a response to the ethics charge against Wright pending in the Legislative Ethics Committee (hereinafter "LEC") as identified in the LEC's December 13, 2007 letter to Wright setting forth the ethics charge, identified as Count 1, and allowing any written response to that specific charge against Wright to be filed by December 28, 2007 with the LEC. No response was timely filed nor was any request made to extend time to file a response prior to the expiration of the deadline. Notwithstanding this failure, by telephone call to Committee co-counsel Bill Hart, Irving Joyner notified Bill Hart on December 31, 2007 that he would be representing Wright before the LEC and requested an extension of time to file the written response allowed in the LEC's December 13, 2007 letter. Although good cause has not been shown to extend the deadline, the chairs, in their discretion, nonetheless GRANT the request and extend the time Wright may file a written response to the LEC charge until Monday, January 7, 2008, at noon.

This ruling confirms the decision made by the cochairs and conveyed orally by telephone to Irving Joyner by Bill Hart on December 31, 2007.

Representative Rick Glazier, Cochair
Legislative Ethics Committee

You replied on 1/3/2008 5:21 PM.
This message was sent with high importance.

File Wright c-notes

Rep. Rick Glazier

From: Brad Krehely (Research) **Sent:** Thu 1/3/2008 4:48 PM
'bhart@ncdoj.gov'
Cc: Walker Reagan (Research); Kory Goldsmith (Research); Heather Fennell (Research); Denise Huntley (Research); 'apeters@ncdoj.gov'; Rep. Rick Glazier
Subject: Copy of Dec. 28 Letter sent by Colon Willoughby to Bill
Attachments:

Bill,

Representative Glazier called and asked me to contact you. He told me that Colon Willoughby has authorized us to send the December 28th letter that Colon sent you to Speaker Hackney. My understanding is that the letter explains the district attorney's concern about turning over the criminal file and suggests proceeding on the Legislative Ethics Committee charge first.

Representative Glazier has asked our staff to fax this to the Speaker's law office today. Also, our staff would like to review the letter as well.

Please let me know if you can send this letter by email. The letter can also be faxed to the fax number listed below my name. If you are going to fax the letter, please let me know so I can retrieve it. I'd also be happy to discuss further with you if necessary. Thanks.

-Brad

Bradley K. Krehely

Staff Attorney

North Carolina General Assembly

Research Division

545 Legislative Office Building

300 N. Salisbury Street

Raleigh, NC 27603

(919) 733-2578 (phone)

(919) 715-5460 (fax)

bradk@ncleg.net

Rep. Rick Glazier Wright - Counsel notes

From: Walker Reagan (Research) **Sent:** Sat 1/5/2008 6:51 PM
To: Rep. Rick Glazier
Brad Krehely (Research); Heather Fennell (Research); Kory Goldsmith (Research); Denise Huntley (Research)
Subject: RE: I will be in Raleigh all day on Tuesday for Joint Ed--lets meet for some time to go over what we need to for Wednesday....
Attachments:

We will be happy to meet with you at your convenience on Tuesday. We discussed most of these issues in our ethics staff meeting Friday afternoon.

The staff discussed meeting with Bill and Alec late Tuesday morning to go over with them what we anticipate Brad will have on probable cause, and what Kory and Heather have on the history of legislative discipline - NC, Congressional, and other states. We want to make sure that our historical grounds for sanctions match up with the proposed charges or counts that Bill is proposing.

We discussed the set up for 643. We need to look at the number of seats on the dais, but I think we will suggest that Bill, Alec and the SBI agent sit to the left of the chair, that Stam, Carin and maybe the court reporter sit to right of the chair, that the other staff sit on the back rows of the dais, and the remaining 4 committee members sit in the first row of seats to the left of the chair, directly in front of Bill. If Wright and/or his attorneys are present, they can sit in the front row on the right of the chair. We may want to coordinate with the court reporter who may prefer to sit where they can see the mouths of the persons speaking. Sitting Bill and Alec up front avoids them having to press the mic button the entire time they are speaking and avoids them speaking from the front podium which puts their backs to the chair and requires the mic to be shared. The Committee members and Wright's party, if they are allowed to speak, can hold down the mic button when they speak. The court reporter does not need a mic.

We have been trying to consider various scenarios to suggest to you to consider how you want to handle. Under the rules, Wright has no right to present at this stage since the Committee has not decided how or about what to proceed against him. Until the Committee proposes charges, or courts, nothing is ripe for Wright to file a motion for (i.e. - dismiss count for lack of probable cause, dismiss all counts for lack of jurisdiction, etc.). Since Wright has yet to be [redacted]ged with anything like in a criminal case, I don't think he has a right to cross examine witnesses or put on his own [redacted]sses like you would in a probable cause hearing in a criminal case. I guess you could let him make remarks before the presentation of the evidence but at that point the only thing he has to challenge is the committee itself or the proceeding itself. He could make his argument that because the Committee is charged with looking at the evidence in the indictments and the indictments are before the criminal court the Committee should withhold all action until after the criminal action is completed. Until the Committee determines what the charges are, what evidence they are based on, and the nature of the alleged unethical conduct, you don't know whether they will be the same as the indictments so I believe his comments at that stage would be premature.

After the Committee decides the charges I think motions to dismiss should be filed after the charges are delivered to Wright (i.e. not made orally at this meeting), and then considered by the chair and the Committee at another time. Wright could still ask the Committee to hold off on proceeding arguing that his due process rights are being denied because he cannot answer the charges without giving up his 5th amendment rights, and that the Committee should wait until the criminal matters are resolved so he can defend himself in the legislative proceedings. He could argue to proceed otherwise would be a shame because his hands are tied in presenting a defense to the Committee's charges while the criminal matters are pending. I think you could rule that that argument should be made in the form of a written motion and that if he decides not to respond to the charges in the time the Committee gives him, the Committee could decide on his motions before setting a hearing date, but otherwise the Committee will direct Bill to prepare the case for hearing.

I will try to continue to think about other possible scenarios over the weekend and may have some additional issues for you to consider on Monday. Thanks.

From: Rep. Rick Glazier
Sent: Friday, January 04, 2008 7:20 PM
To: Walker Reagan (Research)
Subject: I will be in Raleigh all day on Tuesday for Joint Ed--lets meet for some time to go over what we need to for [redacted]nesday....
[redacted]ortance: High

some logisitics issues as well--how to set up committee and counsel and if Wright and his counsel are there for the pc hearing in 643. In addition, trying to anticipate any motions or actions--I know the rules do not provide for Wright's participation at the pc proceeding, but is there is any authority or precedent to suggest they should, in the chair's [redacted]etion, be allowed to speak to the issue of pc at that hearing? I am strongly inclined not to allow that as it relates to [redacted]esentation and to the pc determination since the rules clearly do not provide for that, but I am inclined before the p[redacted]entation starts and after to allow them to be heard as to any motion or procedural issue. Your thoughts next week would be appreciated. Take care. Rick

Wright - Counsel notes

This message was sent with high importance.
The sender of this message has requested a read receipt. Click here to send a receipt.

Rep. Rick Glazier

From: Walker Reagan (Research) **Sent:** Sat 1/5/2008 6:57 PM
To: 'Hart, William'; Alec Peters (apeters@ncdoj.gov)
Cc: Brad Krehely (Research); Heather Fennell (Research); Kory Goldsmith (Research); Denise Huntley (Research); Rep. Rick Glazier
Subject: Meeting on Tuesday to Review for Wednesday
Attachments:

I would like to suggest that the ethics staff meet with you two, possible late Tuesday morning, to go over what the legislative staff plans to present to the Select Committee on Wednesday on the issue of what probable cause standard should the Committee apply and what the historical research sets out as grounds under which a legislative body can take disciplinary action against a member. We would like our presentations to dovetail with detail of information you plan to present to the Committee and the legal basis for alleged unethical conduct you set forth in the various charges that you are recommending to the committee. How does that sound to you? We are flexible on the time but thought Tuesday morning would give us both time to make any necessary modifications to each of our presentations before Wednesday afternoon. Just let me know. Thanks.

~~~~~~~~~~~~~~~~~~~

O. Walker Reagan, Staff Attorney

Research Division, North Carolina General Assembly

Suite 545, Legislative Office Building, Raleigh, N.C. 27603-5925

Telephone (919) 733-2578 Fax (919) 715-8365

Internet Address: walkerr@ncleg.net

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Attachments can contain viruses that may harm your computer. Attachments may not display correctly.

Rep. Rick Glazier

From: Walker Reagan (Research)
Rep. Tom Wright
Irving Joyner (IJoyner@nccu.edu); Rep. Rick Glazier; danclodfelter@mvalaw.com

Sent: Fri 1/4/2008 6:52 PM

Subject: Materials from the LEC and House Select Committees

Attachments: North Carolina General Assembly - Legislative Ethics Committee (Non-Standing Committee).htm(35KB) North Carolina General Assembly - Sel_ Comm_ to Investigate Alleged Misconduct-Other Matters Included in Indictments Re Rep Wright (House Select Committee).htm(35KB) Notice to House - Indictments.doc(31KB) Chpt 120 - Article-14 - 2007 Revisions Engrossed - doc.rtf(64KB) Article 14, GS 120 - Legis Ethics Act - Rev 01-06.doc(58KB) Wright Investigation (2).doc(83KB)

As a follow-up to my conversation with you today, here are copies of the materials you requested that I have available electronically. We do not have electronically the initial request from the Speaker to investigate matters disclosed in the State Board of Elections order. We will have to mail those materials to you on Monday. Please let me know if you need any additional information. Thanks.

<<North Carolina General Assembly - Legislative Ethics Committee (Non-Standing Committee).htm>> <<North Carolina General Assembly - Sel_ Comm_ to Investigate Alleged Misconduct-Other Matters Included in Indictments Re Rep Wright (House Select Committee).htm>> <<Notice to House - Indictments.doc>> <<Chpt 120 - Article-14 - 2007 Revisions Engrossed - doc.rtf>> <<Article 14, GS 120 - Legis Ethics Act - Rev 01-06.doc>> <<Wright Investigation (2).doc>>

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O. Walker Reagan, Staff Attorney

Research Division, North Carolina General Assembly

Suite 545, Legislative Office Building, Raleigh, N.C. 27603-5925

Telephone (919) 733-2578 Fax (919) 715-8365

Internet Address: walkerr@ncleg.net

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You forwarded this message on 1/4/2008 6:58 PM.

Rep. Rick Glazier

[redacted] Walker Reagan (Research) **Sent:** Fri 1/4/2008 6:29 PM
Rep. Rick Glazier
Cc: danclodfelter@mvalaw.com; 'Hart, William'; Alec Peters (apeters@ncdoj.gov); Brad Krehely (Research); Heather Fennell (Research); Kory Goldsmith (Research); Denise Huntley (Research); Terry Sullivan (Research, Director)
Subject: RE: Wright Matters
Attachments:

I agree with you and will do so shortly.

For your information, Rep. Wright stopped by to see me this afternoon. He informed me that in addition to Irving Joyner representing him before the LEC and Select Committee, he would also be represented by his criminal attorney, Douglas Harris. Rep. Wright has asked us to send all matters and proceedings to both his attorneys as well as to Rep. Wright's legislative email account, as appropriate. Rep. Wright has also asked that we provide him and his attorneys with copies of the complaint from the Speaker, the memberships of the LEC and the Select Committee, the LEC statute and the LEC's transmittal to the Speaker on the indictment issues. I am preparing to send him this information today if possible.

Rep. Wright has also asked if we could provide him with any materials or research we were going to be presenting to the Committee. I told him that we would certainly provide him with any thing handed out to the Committee at the meeting, but that I would also check with you to see if you would authorize us to give him information before it was handed out to the Committee. While we may not have our presentations completed until Wednesday morning, I am thinking that our charts on the NC history, Congressional history and other states history might be finished sooner. Please let me know how you would like me to respond to his request.

Rep. Wright also asked me to use his home address for any correspondence that needed to be mailed to him and also approved deliver to his legislative office if necessary.

I will be contacting Douglas Harris hopefully by Monday and will ask him for his mailing and email addresses and will send them when they are available.

Feel free to call me if you have questions. Cell - 919-749-7467, home - 919-467-7934. Thanks.

From: Rep. Rick Glazier
Sent: Friday, January 04, 2008 4:22 PM
To: Walker Reagan (Research)
Subject:
Importance: High

thanks very much for sending this out and I think we should send it to the LEC members as well so they are kept notified. Any reason not to? R

From: Walker Reagan (Research)
Sent: Fri 1/4/2008 12:51 PM
To: Irving Joyner (IJoyner@nccu.edu)
Cc: Rep. Rick Glazier; danclodfelter@mvalaw.com; 'Hart, William'; Alec Peters (apeters@ncdoj.gov); Brad Krehely (Research); Heather Fennell (Research); Kory Goldsmith (Research); Denise Huntley (Research); Rep. Tom Wright
Subject: Notice of Extension of Time to Respond

Attached is a copy of the Notice of Extension of Time to Respond which Rep. Glazier has authorized me to sign on his behalf and to send to you. This Notice confirms the telephone conversation you had with Bill Hart earlier this week. We will be mailing you an original copy to the post office address you have provided us.

Please let me know if you have any questions or if we can be of any assistance on this matter. Thanks.

<<Wright - Extension of Time to Respond to Court 1 - Letterhead.doc>>

You replied on 1/4/2008 7:06 PM.

Rep. Rick Glazier

From: Walker Reagan (Research) **Sent:** Fri 1/4/2008 7:01 PM
To: Rep. Rick Glazier
Cc:
Subject: RE: Wright Matters
Attachments:

Sounds good. FYI, if he requests research on the same issues we have already researched we need to discuss with you and Terry how we need to respond. Typically we duplicate research requests we provide the same research to both members without telling them about the other request. I expect Wright will be satisfied to wait until Wednesday on this type of research and I do not plan to respond to him on his request for the 2nd paragraph unless he asks me again before Wednesday. Thanks.

From: Rep. Rick Glazier
Sent: Friday, January 04, 2008 6:58 PM
To: Walker Reagan (Research)
Subject: RE: Wright Matters

Thanks Walker and I certainly agree he is entitled to all of the materials in the first paragraph and absolutely lets make sure all of his counsel get notice. He is not, however, entitled to the materials in the second paragraph until those are handed out to the Committee on Wednesday and you present to the Committee and I am not authorizing their disclosure to him before the Committee gets the presentation. Thanks and take care. Have a good weekend. Rick

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From: Walker Reagan (Research)
Sent: Fri 1/4/2008 6:29 PM
To: Rep. Rick Glazier
[redacted]nclodfelter@mvalaw.com; 'Hart, William'; Alec Peters (apeters@ncdoj.gov); Brad Krehely (Research); Heather [redacted]ll (Research); Kory Goldsmith (Research); Denise Huntley (Research); Terry Sullivan (Research, Director)
Subject: RE: Wright Matters

I agree with you and will do so shortly.

For your information, Rep. Wright stopped by to see me this afternoon. He informed me that in addition to Irving Joyner representing him before the LEC and Select Committee, he would also be represented by his criminal attorney, Douglas Harris. Rep. Wright has asked us to send all matters and proceedings to both his attorneys as well as to Rep. Wright's legislative email account, as appropriate. Rep. Wright has also asked that we provide him and his attorneys with copies of the complaint from the Speaker, the memberships of the LEC and the Select Committee, the LEC statute and the LEC's transmittal to the Speaker on the indictment issues. I am preparing to send him this information today if possible.

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I will be contacting Douglas Harris hopefully by Monday and will ask him for his mailing and email addresses and will forward them when they are available.

Feel free to call me if you have questions. Cell - 919-749-7467, home - 919-467-7934. Thanks.

From: Rep. Rick Glazier

Sent: Friday, January 04, 2008 4:22 PM
To: Walker Reagan (Research)
Subject:
Importance: High

Thanks very much for sending this out and I think we should send it to the LEC members as well so they are kept notified. Any reason not to? R

From: Walker Reagan (Research)
Sent: Fri 1/4/2008 12:51 PM
To: Irving Joyner (IJoyner@nccu.edu)
Cc: Rep. Rick Glazier; danclodfelter@mvalaw.com; 'Hart, William'; Alec Peters (apeters@ncdoj.gov); Brad Krehely (Research); Heather Fennell (Research); Kory Goldsmith (Research); Denise Huntley (Research); Rep. Tom Wright
Subject: *Notice of Extension of Time to Respond*

Attached is a copy of the Notice of Extension of Time to Respond which Rep. Glazier has authorized me to sign on his behalf and to send to you. This Notice confirms the telephone conversation you had with Bill Hart earlier this week. We will be mailing you an original copy to the post office address you have provided us.

Please let me know if you have any questions or if we can be of any assistance on this matter. Thanks.

<<Wright - Extension of Time to Respond to Court 1 - Letterhead.doc>>

~~~~~~~~~~~~~~~~~~

O. Walker Reagan, Staff Attorney

Research Division, North Carolina General Assembly

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Walker
h- 919 467 7534
c- 919 745 7467

Cockfield Ofc
H- 704- 331- 1041
C- 704- 965- 7005

State of North Carolina
General Court of Justice
Tenth Prosecutorial District

COLON WILLOUGHBY
DISTRICT ATTORNEY

P. O. BOX 31
RALEIGH, N.C. 27602-0031

TELEPHONE
(919) 755-4117

Wright
Counsel notes

December 28, 2007

Bill Hart c- 801 904 W
h: 779-8854
w: 252 414 6019
Speaker - 919 516 6002
Coun - 919 414 3035

William P. Hart
Senior Deputy Attorney General
North Carolina Department of Justice
9001 MSC
Raleigh, North Carolina 27699-9001

Dear Bill:

I am responding to your request for information, in your capacity as Counsel to the House Select Committee to Investigate Alleged Misconduct and Other Matters included in indictments against Representative Thomas E. Wright ("Select Committee"). As we have discussed, the Wake County Grand Jury has returned six (6) true bills of indictment against Rep. Wright charging him with five (5) Class H felonies and one (1) Class C felony. If convicted, the minimum presumptive sentence for the Class C felony is not less than 58, nor more than 79 months of active imprisonment. The Select Committee has no statutory privilege of confidentiality and all documents given to the Select Committee will be public documents. Given the number and seriousness of these charges, and Rep. Wright's elected position as a member of the North Carolina House of Representatives, I expect any information that is released publicly will be widely reported. Under the North Carolina State Bar's Rules of Professional Conduct and the Constitutional protections provided by our State and Federal Courts, I believe extreme care and caution should be used by all those involved in handling information that could prejudice Rep. Wright's upcoming trial by jury in Wake County. I would urge you, on behalf of the Attorney General, to share these concerns with the Select Committee and encourage them as lawyers and public officials to remember the paramount duty to insure that the accused has a fair trial and that justice is properly served.

There are four types of allegations covered in these six indictments, specifically: (1) that Rep. Wright induced a state employee to write a letter that was misused, (2) that Rep. Wright solicited charitable contributions that were misused, (3) that Rep. Wright obtained a loan that was misused, and (4) that Rep. Wright failed to properly report campaign contributions and expenditures. Our earlier

2. What are the four prerequisites for the competency of a witness to testify at a trial: _____, _____, _____, and _____.

3. Define the following general theories of criminal law and punishment:

incapacitation—

specific deterrence--

4. There are four questions a jury must answer in order to return a verdict of "death" in a capital case. What are those four questions? Do the questions have to be answered unanimously?

5. What is the difference between an indeterminate and determinate sentence?

6. What are the four functions a district court judge performs at a defendant's first appearance in North Carolina?

1.

2.

3.

4.

7. Define the difference between reckless and negligent criminal conduct.

8. Describe, in detail, the types of programs available to prisoners in North Carolina, assuming the prison you are discussing offers the widest assortment of programs in the system.

discussions focused on information that was developed while investigating the first allegation, and addressed issues of whether Rep. Wright may have used his official position as a Representative in obtaining the letter. It was my impression that the Select Committee would focus on that matter as it may have related to his official conduct. Now, it appears that the Select Committee wishes to investigate all the allegations contained in the indictments and whether Rep. Wright properly performed duties he may have owed to a private entity. As we have discussed, there may be a number of legislators who have solicited loans or contributions for various foundations, charities, and religious organizations with which the legislators have close ties, and from whom they may have derived benefit for themselves, relatives or friends. Private foundations, scholarship "charities", and churches are but a few of those organizations that have not previously been scrutinized by legislative ethical oversight. If the Select Committee decides this type of review is appropriate, there may be a number of activities they will feel compelled to review if they are concerned with the public's perception that they are treating all legislators with equal fairness.

The Select Committee also has expressed interest in the charge alleging that Rep. Wright failed to properly report his campaign contributions and expenditures. Historically, these types of allegations have been investigated and addressed by the State Board of Elections and the various District Attorneys of the State. There have been recent Board hearings involving other legislators who have failed to properly disclose contributions and expenditures, and there are some similar irregularities of legislators' campaign finance activities currently being investigated. These matters have never previously attracted legislative ethical oversight. If the Select Committee is going to investigate and attempt to address matters that historically have been handled by the Board and the Courts, we need to know and make referrals to the Select Committee or the Joint Legislative Ethics Committee. The potential for disrupting the Board of Elections' and Court's investigations and prosecutions of these matters is significant and may require us to alter the way we handle these matters.

Even in view of my concerns, in order to enable you to properly advise the Select Committee of our work, I have asked two (2) SBI officials, Assistant Director Eric Hooks and Assistant Special Agent in Charge Johnny Umphlet, along with the Deputy Director of the State Board of Elections, Kim Strach, to meet with you and brief you on the investigation. I have not released the nearly 7,000 pages of the SBI's criminal investigative report because I believe those documents would be made public, and that would violate my duties as a lawyer and my responsibilities as District Attorney. A copy of those documents will be made available to Rep. Wright's counsel of record in the criminal case as soon as I know who that person is.

I respect that the Select Committee is trying to carry out its new duties and determine whether Rep. Wright should be disciplined for his conduct, and I respect

the public's right to know what its government is doing. However, I sincerely urge them to respect Rep. Wright's right to a fair trial, and not to take action that could adversely impact that right. The public also has a right to see that this matter is handled properly by all of us, and previous Legislatures have enacted laws addressing this particular issue. The Committee can proceed with the allegation about the letter and not address the issues in the other indictments without calling into question its handling of other similar cases or Rep. Wright's right to a fair trial. The Legislative Ethics Act recognizes that these problems can occur and authorizes the Legislature to defer to other authorities when appropriate. See N. C. G. S. §120-103.1(b)(2)c.

I hope they will give use the opportunity to carry out appropriately the responsibilities they have assigned to us.

With highest personal and professional regards, I remain

Very truly yours,

Colon Willoughby
District Attorney

CW:lbb

Rep. Rick Glazier

From: Wesley Taylor (Financial Services, Controller) **Sent:** Wed 1/2/2008 3:13 PM
To: Walker Reagan (Research)
George Hall (Legislative Services Officer); Brad Krehely (Research); Heather Fennell (Research); Kory Goldsmith (Research); Denise Huntley (Research); Carin Savel (Rep. Glazier); Rep. Rick Glazier
Subject: RE: House Select Committe on Wright Investigation Meeting Cancelled
Attachments:

Thanks Walker. This will help when talking with the reporters.

From: Walker Reagan (Research)
Sent: Wednesday, January 02, 2008 2:47 PM
To: Wesley Taylor (Financial Services, Controller)
Cc: George Hall (Legislative Services Officer); Brad Krehely (Research); Heather Fennell (Research); Kory Goldsmith (Research); Denise Huntley (Research); Carin Savel (Rep. Glazier); Rep. Rick Glazier
Subject: RE: House Select Committe on Wright Investigation Meeting Cancelled
Importance: High

The meeting of the House Select Committee has been rescheduled for next Wednesday, January 9th beginning at 1:00 p.m. in Room 643. We confirmed with Rep. Glazier this morning that he does want a court reporter for this meeting. I anticipate that the meeting could run 2 hours, and possibly 3, but probably not longer. We will not need an immediate turn around on the transcription of this meeting. I understand from Rep. Glazier that the Speaker has OK this expense.

Please feel free to work with Denise Huntley on any of the procedural questions the reporter might have, like contact information and seating arrangements.

Let me know if you have questions or need further assistance from me. Thanks.

From: Wesley Taylor (Financial Services, Controller)
Sent: Wednesday, January 02, 2008 10:00 AM
To: Walker Reagan (Research)
Cc: George Hall (Legislative Services Officer)
Subject: RE: House Select Committe on Wright Investigation Meeting Cancelled

Could you give us an idea of the time we will need the court reporter in case they ask?

From: Walker Reagan (Research)
Sent: Monday, December 31, 2007 1:30 PM
To: George Hall (Legislative Services Officer); Bill Hart (bhart@ncdoj.gov); Alec Peters (apeters@ncdoj.gov); Wesley Taylor (Financial Services, Controller); Rep. Rick Glazier
Cc: Denise Huntley (Research)
Subject: House Select Committe on Wright Investigation Meeting Cancelled
Importance: High

The meeting of the House Select Committee on the Wright Investigation scheduled for Thursday, Jan. 3rd at 10:00 a.m. has been cancelled due to the death of Rep. Warren's husband. Rep. Warren is a member of the Committee.

We will be polling the Committee members about rescheduling the meeting next week, either Tuesday at 1 or Wednesday at 3 and will let you know the time for the meeting.

Bill and Alec: Please let Denise know as soon as possible if you are available on both Tuesday and Wednesday before she polls the Committee about those days. Thanks.

You replied on 12/31/2007 12:01 PM.

Rep. Rick Glazier

From: Daniel G. Clodfelter [danclodfelter@mvalaw.com] **Sent:** Mon 12/31/2007 10:35 AM
Kory Goldsmith (Research); Rep. Rick Glazier
Sen. Daniel Clodfelter
Subject: Re: response to your December 20th e-mail
Attachments:

I have read this email and the resulting chain and am in full accord with Kory's analysis. I am also very frustrated with our outside counsel. Rick, do you think we need to visit with Roy?

Moore & Van Allen PLLC
Daniel G. Clodfelter
Attorney at Law
danclodfelter@mvalaw.com
T 704 331 1041
F 704 378 2041

Suite 4700
100 North Tryon Street
Charlotte, NC 28202

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

From: Kory Goldsmith (Research) <Koryg@ncleg.net>
To: Rep. Rick Glazier <RickG@ncleg.net>
Cc: Sen. Daniel Clodfelter <Danielc@ncleg.net>; Daniel G. Clodfelter
Sent: Mon Dec 31 09:08:44 2007
Subject: RE: response to your December 20th e-mail

Rep. Glazier - I completely agree with you that DOR should be able to provide the tax records under the current law. I am forwarding to you an email that I sent to Alec Peters on 12/19 regarding the same. I think the other issues are more a matter of logistics and can be worked-out fairly quickly once we get this resolved.

I'm not quite sure why the AG's office has not moved more quickly on obtaining the subpoena. I've expressed repeatedly to Alec that this issue is something the LEC directed the AG's office to move forward on some time ago and that returning with a report of no substantial progress is not going to be well received.

Its pretty clear we won't have the records by the 3rd, but I will continue to push for a quick turn-around.

Will see you soon.

Kory

From: Rep. Rick Glazier
Sent: Sun 12/30/2007 11:36 PM
To: Kory Goldsmith (Research)
Cc: Sen. Daniel Clodfelter; danclodfelter@mvalaw.com
Subject: response to your December 20th e-mail

This message was sent with high importance.

Rep. Rick Glazier

Wright Comments

From: Denise Huntley (Research)
Rep. Rick Glazier

Sent: Mon 12/31/2007 1:21 PM

Sen. Daniel Clodfelter; Walker Reagan (Research); Heather Fennell (Research); Brad Krehely (Research); Kory Goldsmith (Research)

Subject: Attempts at delivery of notice to Rep. Wright

Attachments:

LEC only

Rep. Glazier,

Per request, I am summarizing our attempts to deliver the LEC's Notice of Charge of Unethical Conduct by Rep. Thomas E. Wright (transmittal of count 1 and a copy of the updated rules):

12/13–I sent the notice and the rules via certified mail, return receipt requested, to Rep. Wright's home address. No return receipt has been received to date.

12/13–I sent the notice and the rules via regular mail to Rep. Wright's home address. No letter has been returned as undeliverable.

12/14–Bill Hart had a SBI agent attempt to deliver a copy of the notice to Rep. Wright at the Wake County courthouse three separate times. Rep. Wright refused to accept the envelope.

12/17–Clarestene Stewart, legislative assistant to Rep. Wright, signed a confirmation of delivery of the notice.

Denise

[redacted]se Huntley
[redacted]earch Assistant
Research Division, North Carolina General Assembly
Suite 545, Legislative Office Building, Raleigh, NC 27603
Telephone (919) 733-2578 Fax (919) 715-8365
Email address: denisehu@ncleg.net

You replied on 1/1/2008 6:18 PM.

Rep. Rick Glazier

From: Walker Reagan (Research) **Sent:** Mon 12/31/2007 12:54 PM

Rep. Rick Glazier

Rep. Paul Stam; Brad Krehely (Research); Kory Goldsmith (Research); Denise Huntley (Research); Heather Fennell (Research); Amanda Smith (Research)

Subject: RE: agenda for thursday

Attachments:

I have gotten your messages about the SEC Christmas card message, background on probable cause standards, the proposed agenda for Thursday's meeting and the request to arrange a court reporter for Thursday. I would like to respond to all these matters but may need to do so by separate emails.

As to the court reporter for Thursday, I have a call into Bill Hart to make sure he does not have a problem with this for Thursday. When we last spoke before Christmas, he was planning to have the lead SBI agent appear before the Committee and was going to work with Colin to be sure that does not create problems for him. Colin has concerns about the Committee getting sworn testimony from his witnesses before the criminal case is tried, because any inconsistencies can be exploited by Wright's attorney on cross. Bill does not expect that the SBI will be called as a witness so he did not think having the SBI agent appearing before the Committee would be a concern to the DA, but he wanted to check.

I also have a call into George Hall about arrangements for a court reporter. He will want to clear this with the Speaker's office since this will have to be paid from House funds. I expect to contact Robin as we work out the details. We will be working on those details this afternoon.

As to your proposed agenda, I think this looks good. I would suggest two additional presentations, both prior to the presentment of the case. The first would be a presentation on the history and authority of legislatures disciplining their members, including the history in NC, in Congress and other states. This will help the Committee focus on the types of conduct for which disciplinary action can be taken. The second would be a presentation on the legal concept of probable cause. This would help the Committee focus on the standard of proof that they should consider at this stage of the proceedings. We will begin working on finding the probable cause standard on Wednesday.

I see where Rep. Warren's husband has died and I am wondering whether that might affect this week's schedule.

Please feel free to call me either on my home phone – 919-467-7934 or my cell phone – 919-749-7467 if we need to talk further today. Thanks.

From: Rep. Rick Glazier
Sent: Sunday, December 30, 2007 11:15 PM
To: Walker Reagan (Research)
Cc: Rep. Paul Stam; Brad Krehely (Research); Kory Goldsmith (Research); Denise Huntley (Research); Heather Fennell (Research); Amanda Smith (Research)
Subject: agenda for thursday

Importance: High

[redacted]er--my suggestion for agenda for Thursday is as follows:

Introduction of purpose of hearing and personnel, incl ct reporter

Committee counsel to present possible counts for consideration--please ask Bill to have them on document to hand out to committee

Presentation of evidence by committee counsel generally--witnesses and documents

Presentation of each count and argument to support probable cause determination on each count based on presentation of evidence

Committee questions on each count as we proceed

Committee debate on each count as we proceed

Committee vote on each count as we proceed

If probable cause found on any count, committee discussion at the end on schedule for hearing and pre hearing deadlines

[redacted]

Based on what we discussed earlier, can you please prepare for me a tentative schedule with all of the deadlines in and add in a dispositive motions deadline of Jan. 24th and response date of Jan. 31. Thanks very much. Rick

[redacted]

You replied on 12/31/2007 12:01 PM.

Rep. Rick Glazier

From: Daniel G. Clodfelter [danclodfelter@mvalaw.com] **Sent:** Mon 12/31/2007 10:35 AM
Kory Goldsmith (Research); Rep. Rick Glazier
Sen. Daniel Clodfelter
Subject: Re: response to your December 20th e-mail
Attachments:

With counsel like

I have read this email and the resulting chain and am in full accord with Kory's analysis. I am also very frustrated with our outside counsel. Rick, do you think we need to visit with Roy?

Moore & Van Allen PLLC
Daniel G. Clodfelter
Attorney at Law
danclodfelter@mvalaw.com
T 704 331 1041
F 704 378 2041

Suite 4700
100 North Tryon Street
Charlotte, NC 28202

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

From: Kory Goldsmith (Research) <Koryg@ncleg.net>
To: Rep. Rick Glazier <RickG@ncleg.net>
Cc: Sen. Daniel Clodfelter <Danielc@ncleg.net>; Daniel G. Clodfelter
Sent: Mon Dec 31 09:08:44 2007
Subject: RE: response to your December 20th e-mail

Rep. Glazier - I completely agree with you that DOR should be able to provide the tax records under the current law. I am forwarding to you an email that I sent to Alec Peters on 12/19 regarding the same. I think the other issues are more a matter of logistics and can be worked-out fairly quickly once we get this resolved.

I'm not quite sure why the AG's office has not moved more quickly on obtaining the subpoena. I've expressed repeatedly to Alec that this issue is something the LEC directed the AG's office to move forward on some time ago and that returning with a report of no substantial progress is not going to be well received.

Its pretty clear we won't have the records by the 3rd, but I will continue to push for a quick turn-around.

Will see you soon.

Kory

From: Rep. Rick Glazier
Sent: Sun 12/30/2007 11:36 PM
To: Kory Goldsmith (Research)
Cc: Sen. Daniel Clodfelter; danclodfelter@mvalaw.com
Subject: response to your December 20th e-mail

Kory: This note is in response to your December 20th e-mail on an LEC subpoena for Rep. Wright's tax records. First, as to the subpoena, even if the Joint Ethics Committee is limited by 120-102, the House Select Committee is not so the House Select Committee may proceed here if LEC can not. However, second, I think 105-259 (b) (1) allows disclosure [redacted]urt order in these circumstances, (b) (2) allows disclosure to the AG or his representative which is also available [redacted]since the AG designee is our counsel, and (b) (15a) would also apply thru the AG and SBI. These exceptions I think are clearly contemplated in the 120-19, 120-102.1 scheme and there is no bar in my view to the Joint Committee obtaining the records under one or all of these 105-259 exceptions. Third, I am convinced that DOR can, with some minimum effort, determine which tax return belongs to a Thomas Wright in Wilmington who is a state rep. without reference to a SSN so that issue really should as a practical matter be moot. Fourth, para. 3 of your note is now moot since we are past the holidays. Fifth, I agree on the need to meet, but believe that can be by conference call. Finally, I think the tax records can tell us a great deal--as Rep. Stam has suggested, we know Rep. Wright's leg salary b/t 2001-06 . He is accused of receiving another 350K of income. Even if the state returns are not itemized, we will probably be able to tell if income of that magnitude was reported or not. If he reported a large amount of income, that may end our ability to investigate the matter without federal records, but if it was not, then we legitimately have an issue to look at. Either way, I think it is worth pursuing. My vote would be for staff and committee counsel to pursue this issue as the LEC has discussed and twice now authorized. I will forward these comments to Senator Clodfelter for his review and decision. Take care and many thanks for all of the work on this. Happy New Year to you and your family. Rick

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To comply with certain U.S. Treasury regulations, we inform you that, unless expressly stated otherwise, any U.S. Federal tax advice contained in this e-mail, including attachments, is not intended or written to be used, and cannot be used, by any person for the purpose of avoiding any penalties that may be imposed by the Internal Revenue Service.

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Rep. Rick Glazier

To... walker reagan

Cc... kory goldsmith; heather fennell; brad krehely; denise huntley; amanda smith

paul stam

Subject: Research requested

Attachments:

Wright
cruise
notes

1. I would like to get a short memo on any caselaw, in any context, that exists (federal or state) on the public's right to integrity of the legislative process and of the legislature; a representative's constituents' right to the opportunity for fair, full and effective representation–that is the district's right to be represented; and the House of Representatives' (or any legislative body) right to determine for itself the basic ethical standards of its members. I am asking for this research in anticipation of an argument that the only right at issue here is Rep. Wright's Sixth Amendment right to a fair trial and all other rights must cede to it, which strikes me at first glance as an incomplete and unbalanced look at all of the rights involved here.

2. Second, please create a notebook for me of the following materials: In re Chapman, 166 U.S. 661 (1897); Powell v McCormack, 395 U.S. 486 (1969) as well as all of the Circuit court opinions in the case, including the concurring opinion by Judge McGowan; United States v. Rose, 28 F.3d 181 (D.C.Cir. 1994); Justice Joseph Story, Commentaries on the Constitution of the United States, Vol. II, Sections 835 and 836 (Boston 1883); Cushing, The Law and Practice of Legislative Assemblies, pp. 250-270 (Boston 1874); and 29 Syracuse Law Review 1071 (1978).

Thanks very much. Rick

You replied on 12/22/2007 8:13 PM.

Rick Glazier

From: Rep. Paul Stam **Sent:** Sat 12/22/2007 2:32 PM
To: Rep. Rick Glazier
Cc:
Subject: RE: LEC Subpoena for Wright's tax records
Attachments:

Rick, Here's the relevance; We know exactly what his legislative salary has been 2001-2006 because it is the same as yours. He's accused of receiving another 350k of income. Even if the state returns are not itemized I think that you will be able to tell if he is reporting additional income of the magnitude. On the other hand if he is reporting large sums as income, you won't necessarily know the source. Skip I'm betting on the former as a probability. Skip

---

From: Rep. Rick Glazier
Sent: Saturday, December 22, 2007 11:55 AM
To: Rep. Paul Stam
Subject: FW: LEC Subpoena for Wright's tax records

Skip--FYI. Take care. Rick

From: Kory Goldsmith (Research)
Sent: Thu 12/20/2007 4:21 PM
To: Rep. Rick Glazier; 'danclodfelter@mvalaw.com'; Sen. Daniel Clodfelter
Cc: Walker Reagan (Research); Brad Krehely (Research); Heather Fennell (Research); Denise Huntley (Research)
Subject: LEC Subpoena for Wright's tax records

Rep. Glazier and Sen. Clodfelter - I wanted to update you on the status of obtaining Wright's tax records. I've been working with Alec Peters, who has been working with the DOR's attorney, Bill and Grayson Kelly. We have been working towards obtaining the information in time for a LEC meeting on 1/3, but have also encountered several issues that make that date problematic.

1. What authority would a judge have to order DOR to release the records to the LEC? DOR is concerned that language in 120-19 and 120-102.1(b) prohibit the General Assembly from obtaining tax records. Those statutes have language to the effect that notwithstanding any other law, agencies shall provide information to committees of the General Assembly, except for tax records and subject to 105-259. Although 105-259 allows DOR to release tax records in response to a court order, they believe the "notwithstanding" language may preclude the court from making that order.

2. Wright's Social Security Number - DOR has indicated that it needs Wrights SSN in order to be sure it is releasing the correct information in the event it has the authority to do so. Although the General Assembly has Wright's SSN, we are concerned that b/c it is part of his personnel file, there are significant restrictions on GA administrative staff from releasing it. We also believe it would be a conflict of interest for us to advise GA administrative staff on this matter given that we are staffing the committee that is seeking the information. I have explained this to Alec and asked that the AG's State Personnel attorneys look at this and advise our administrative staff. We are trying to think of some public source where we can get the information.

3. Logistics of executing the subpoena - G.S. 120-19.2 allows a GA committee to issue a subpoena, but only if authorized by both the Speaker and President Pro Tempore, both cochairs, and in this case, a judge. Tracking down Basnight, Hackney, each of you and a Superior Court Judge during the holidays is possible, but has its challenges.

Does the LEC have to hold a meeting to receive the documents? Based upon the language in the statutes and also the language in the subpoena that the Legislative Services Commission has adopted (and we must use), it appears that the LEC must hold a meeting even if its just for the purpose of the delivery of documents. While we can do this via telephone conference, arrangements will need to be made for that.

5. What will the DOR tax records tell us? We have had some brief conversations with the DOR attorneys who have raised concerns that the State tax records are based on the federal filings. As a result, the State does not get W-2s or other documentation of income. While the State has access to some federal records, DOR did not think the W-2s, etc. are documents that the feds generally save.

So, at this point, Alec and Bill are meeting with Grayson Kelly this afternoon to try and work these things out. One possibility that is being discussed is whether Bill and Alec could be added to the list of AG designees who are authorized under 105-259 to review tax records. While they could not inform the committee of what they see, they could make a judgment about the returns' probative value and whether it is worth the LEC's time to push forward with a subpoena. We will keep you posted.

I'll be in the office tomorrow (Friday) if you have any questions.

Kory

Rep. Rick Glazier

From: Hart, William [BHart@ncdoj.gov] **Sent:** Mon 12/17/2007 4:26 PM
To: Rep. Rick Glazier
Peters, Alec
[redacted]ect: Ethics Committee dates
Attachments:

File - Wright Ethics Committee

Representative Glazier,

Walker Reagan has sent me proposed dates for action by the House Special Ethics Committee. I am concerned that those dates may be somewhat ambitious. Colon Willoughby has not yet decided whether he will allow us to have copies of the SBI reports. We will be able to talk with the Agents, but that review may take some time, and there may be additional information that we may need to flesh out any action that taken under the auspices of Representative Wright's position as a Legislator. I'm concerned about how much we will be able to present on January 3rd. I'm more concerned about the dates after that and our ability to prepare the information needed to present in a full hearing. I'd be glad to talk about this with you at your convenience.

Counsel

Bill (o) 716-6510 (c) 801-9045

[redacted]

William P. Hart

Senior Deputy Attorney General

Criminal Division

North Carolina Department of Justice

(919) 716-6510

bhart@ncdoj.gov

[redacted]

Keep - Ethics C

Rep. Rick Glazier

From: Martha Hoover (Rep. E. Warren) **Sent:** Tue 12/18/2007 2:58 PM
Rep. Rick Glazier

Subject: RE: House Select Committee on Investigate Alleged Misconduct and Others Matters Included in Indictments Against Rep. Thomas A. Wright - Staff Appointments

Attachments:

Rep. Warren's home phone is (252) 753-4198. Her cell is (252) 531-3986.

From: Rep. Rick Glazier
Sent: Friday, December 14, 2007 8:53 PM
To: Rep. Paul Stam; Rep. Marvin Lucas; Rep. William C. McGee; Rep. Edith Warren; Rep. Laura Wiley
Subject: FW: House Select Committee on Investigate Alleged Misconduct and Others Matters Included in Indictments Against Rep. Thomas A. Wright - Staff Appointments
Importance: High

FYI and Skip and I will keep you informed of all critical correspondence. I also want to alert you to a likely schedule for the next several weeks and will try to keep it to a minimum of travel for the holiday break. Staff will be working through the weekend on a draft of rules of operation for the committee for us to review asap next week. Staff will circulate to all of us as soon as a draft is available. I will be checking with all of you on schedules for Tuesday, but right now, will likely call a conference call meeting of all of us late that afternoon to discuss the rules and adopt them. In addition, we will have to consider authorizing counsel to investigate any charges we wish reviewed consistent with our charge. AG Counsel from Joint Ethics were requested by the Speaker today to serve as counsel for our committee as well. I believe that was approved by the AG, but have not heard for certain. Counsel and staff will work on possible investigation authorization language. We will also have to adopt a tentative schedule. I have suggested some dates today with staff and they are running the dates and numbers this weekend so we can decide in our conference call. Several reminders to all of us are probably in order. First, unlike Joint Ethics, our committee will operate fully in [redacted]ic–even our conference call, from which I will place with public notice likely from either Room 544 or 643. Second, [redacted] are still proceedings in Joint Ethics that are private and not public until the hearing date so please as best as [redacted]ible differentiate correspondence for the two meetings. Any information on the House Committee alone will be available to the public; not necessarily so on the Joint correspondence. In that vein, it is totally your choice, but you may want to limit any comments on even the House Committee's work except to acknowledge schedule and defer substantive questions to counsel, the Chair or Vice Chair. Third, all of us need to remember we are only in the preliminary investigative stage of the House Committee and although we are likely to be on a track that moves with all deliberate speed consistent with due process, we are several steps behind the Joint Committee at this point. Fourth, attached is the staff appointments' correspondence. From the amount and quality of staff, you can see the leadership and Leg Services committment to provide us all the resources we need to do this very difficult and I anticipate time consuming task to the best of our ability–please, please feel free to call on them whenever needed or if you can not reach me or Skip or have any questions about anything we are doing or having to decide. Fifth, I have also asked staff to begin legal research on several early issues we may confront. They have worked most of the day on our Committee work and I suspect will be giving up most of next week and even some of the holiday break to get the Committee in a position to act expeditiously and fairly as is our charge. The same will be true of Alec and Bill and all of their work is tremendously appreciated. Sixth, Rep. Wright was given his initial appearance today in Raleigh on the criminal charges and released on bond. I do not know of counsel appointment or retention. Finally, I know I can get this from staff, but would really appreciate it if everyone can e-mail me their home and cell numbers over the weekend or whatever number would be easiest to get you during the time we are not in Raleigh over the next 8 weeks or so. Thanks so very much for assuming this responsibility and I will try to do all I can to limit the number of meetings we must have and to provide all of the assistance you want or need to help in the decisions we will have to make together. Take good care and have a great weekend. Rick

---

From: Lucy Anders (Research)
Sent: Fri 12/14/2007 4:10 PM
To: Rep. Rick Glazier
Cc: Rep. Joe Hackney (Speaker); George Hall (Legislative Services Officer); Terry Sullivan (Research, Director); Walker [redacted]an (Research); Kory Goldsmith (Research); Erika Churchill (Research); Denise Huntley (Research); Brad Krehely [redacted]earch); Amanda Smith (Research); Brian Peck (Research/Library); Christy Henson (Research/Library)
Subject: House Select Committee on Investigate Alleged Misconduct and Others Matters Included in Indictments

LEC CHANGE

NOTICE OF CHARGES OF UNETHICAL CONDUCT BY REPRESENTATIVE THOMAS E. WRIGHT

Draft

The Legislative Ethics Committee, having convened for hearing on the report of preliminary investigative findings on questions of possible criminal and/or unethical conduct, hereby finds that there is sufficient basis to believe that Representative Thomas E. Wright has engaged in unethical conduct during his tenure as a member of the North Carolina House of Representatives by committing the following acts:

COUNT 1 Adopted unanimously by vote

Between on or about March 13, 2002 and on or about March 15, 2002, while a member of the North Carolina House of Representatives, Thomas E. Wright did orally and in writing improperly and unethically solicit Torlen L. Wade, Acting Director of the North Carolina Department of Health and Human Services Office of Research, Demonstrations, and Rural Health Development, to write and mail to him a fraudulent letter stating that such Office was endorsing the Community Health Foundation's project to convert a building located on the 900 block of 4th Street in Wilmington, North Carolina into Community Health Foundation offices, New Hanover Community Health Center offices, and a History Museum and committing $150,000.00 in funding toward the completion of that project. At the time of the solicitation, Thomas E. Wright was the Chairman of the Community Health Foundation, Inc., located at 322 South 17th Street in Wilmington, North Carolina. Thomas E. Wright confirmed his earlier oral solicitation by having his legislative assistant type the necessary details needed in the commitment letter in an e-mail that was sent to Torlen L. Wade by use of his State e-mail account and on a State computer, both of which were authorized for him based on his position as a member of the North Carolina House of Representatives. At the time of the oral solicitation, the typing and sending of the e-mail, and the typing and sending of the Torlen L. Wade letter, both Thomas E. Wright and Torlen L. Wade knew that the Office of Rural Health would not make such a grant and that Thomas E. Wright would use the letter in seeking to fraudulently obtain funding for the Community Health Foundation from other sources such as financial institutions and other organizations that make grants and that would believe and rely on the false representations in Torlen L. Wade's letter.

COUNT 2 Not adopted

Between on or about July 1, 2000 and on or about May 31, 2007, while a member of the North Carolina House of Representatives, Thomas E. Wright did apply for, receive, and keep reimbursement funds in the total amount of $1,404.71 from the State of North Carolina, through the Department of Health and Human Services (DHHS) and the General Assembly, that he was not entitled to under the laws and rules related to reimbursement of Legislators. Those improper reimbursements, as outlined in the attached spread sheet include the following:

1. eight instances where Representative Wright received subsistence and/or mileage reimbursement from DHHS as well as from the

General Assembly for the same time period;

2. two instances where Representative Wright received subsistence ($104/day) reimbursement from DHHS although the Office of Minority Health and Health Disparities paid for his lodging directly;

3. two instances where Representative Wright appears to have claimed excessive mileage (380 miles) reimbursement for attending Minority Health Advisory Council meetings in Raleigh;

4. one instance where Representative Wright received excess reimbursement when he submitted two different mileage reimbursement requests for attending the same Public Health Task Force meeting.

Comparison of DHHS & DEHNR Subsistence and Mileage Reimbursement with General Assembly Reimbursements for Subsistence/Mileage Paid to Representative Thomas Wright
For the Period From July 1, 2000 through May 31, 2007

Exhibit 1

DHHS Reimbursement										Legislative Reimbursement									
Purpose of Trip	Location of Meeting	Reimbursement Date	Signature Stamp used on Travel Form	Subsistence (Meals and Lodging)	Travel (mileage)	Mileage Rate	Travel Costs	Other (Lunch)	Total	General Assembly In Session	Reimbursement Period / Date	Subsistence (Meals and Lodging)	Travel (mileage)	Mileage Rate	Travel Costs	Total	Questioned Costs	Note(s)	Comments
AAHS	Winston-Salem	09/22/2000	Yes	$ -	242	0 25	$ 60 50		$ 60 50	No	n/a					$ -	$ -		Meals and lodging paid directly by DEHNR
AAHS	Winston-Salem	09/23/2000	Yes		242	0 25	60 50		60 50	No	n/a					-	-		GA uses 280 miles for Rep Wright's round trip
									121 00							-	-		
MHAC	Raleigh	11/08/2000	Yes	104 00			-	-	104 00	No	n/a					-	-		
MHAC	Raleigh	11/08/2000	Yes	-	380	0.29	110 20	-	110 20	No	n/a					-	-		Breakfast and lunch provided during DHHS meeting
11/12/00	ck # 1123339								214 20							-	29 00	A	
																-	29 00		
MHAC / NCAAC	Raleigh	01/19/2001	No	104 00			-	-	104 00	No	01/25/2001	208 00			-	208 00	-		GA paid 2 days for week 1/18/01 and 1/25/01,
MHAC	Raleigh	01/19/2001	No	-	380	0.25	95 00	-	95 00	No	01/25/2001	-	280	0.29	81.20	81.20	95 00	B	Lunch provided during DHHS meeting
									199 00							289.20	95 00		
MHAC	Raleigh	02/28/2001	Yes	104 00			-	-	104 00	Yes	week 3/1/01	728 00			-	728 00	104 00	C	
MHAC	Raleigh	02/28/2001	Yes	-	260	0 26	67 60	-	67 60	Yes	week 3/1/01	-	280	0 29	81 20	81 20	67 60	D	
MHAC	Raleigh	02/28/2001	Yes	-			-	8 00	8 00	Yes		-			-	-	8 00	E	
3/14/01	ck # 1134881								179 60							809.20	179 60		
MHAC	Raleigh	05/09/2001	Yes	104 00			-	-	104 00	Yes	week 5/10/01	728 00			-	728 00	104 00	F	Breakfast and lunch provided by DHHS
MHAC	Raleigh	05/09/2001	Yes	-	260	0.26	67 60	-	67 60	Yes	week 5/10/01	-	280	0.29	81 20	81.20	67.60	G	
5/17/01	ck # 1140774								171 60							809.20	171.60		
PHTF	Raleigh	09/29/2003	No	208 00				-	208.00	No	n/a	-			-	-	-		Lunch provided by DHHS,
PHTF	Raleigh	09/29/2003	No	-	280	0 29	81 20	-	81.20	No	n/a	-			-	-	-		Wright did not sign attendance sheet
PHTF	Raleigh	09/29/2003	No	-	246	0.29	71 34	-	71.34	No		-			-	-	71 34	H	
11/4/03	ck # 1233884	$71.34							360 54							-	71.34		
MHAC	Raleigh	11/12/2003	Yes	104 00				-	104 00	No	n/a	-			-	-	-		
MHAC	Raleigh	11/12/2003	Yes	-	258	0.25	64 50	-	64 50	No	n/a	-			-	-	-		Breakfast and lunch provided by DHHS
									168 50							-	-		
PHTF	Raleigh	11/19/2003	No	104 00				-	104.00	No	n/a	-			-	-	-		
PHTF	Raleigh	11/19/2003	No	-	280	0.29	81 20	-	81.20	No	n/a	-			-	-	-		
1/28/04	ck # 1242648	$474.40							185 20							-	-		
PHTF	Raleigh	02/25/2004	No	-	280	0.29	81 20	-	81 20	No	n/a	-			-	-	-		
									81 20							-	-		
MHAC	Raleigh	05/12/2004	Yes	-						Yes	5/10-13/04	416 00				416.00	-		Breakfast and lunch provided by DHHS
MHAC	Raleigh	05/12/2004	Yes	-	129	0.29	37 41	-	37 41	Yes	week 5/13/04	-	280	0 29	81 20	81.20	37 41	I	
6/7/04	ck # 1257250								37 41							81.20	37 41		
MHAC	Raleigh	08/11/2004	Yes	104 00				-	104 00	No	n/a	-			-	-	-		
MHAC	Raleigh	08/11/2004	Yes	-	258	0.25	64 50	-	64 50	No	n/a	-			-	-	-		Breakfast and lunch provided
9/8/04	ck # 1267610								168 50							-	-		
MHAC	Raleigh	11/08/2004	No	104 00				-	104 00	No	11/8-10/04	312 00			-	312 00	104 00	J	
MHAC	Raleigh	11/08/2004	No	-	258	0 23	59 34	-	59 34	No	week 11 10/04	-	280	0 29	81 20	81 20	59 34	K	Breakfast and lunch provided
									163 34							393 20	163 34		
MHAC	Raleigh	05/11/2005	No	104 00				-	104 00	Yes	week 5 12/05	728 00			-	728 00	104 00	L	
MHAC	Raleigh	05/11/2005	No	-	260	0 25	65 00	-	65 00	Yes	week 5 12/05	-	280	0 29	81 20	81.20	65 00	M	Breakfast and lunch provided by DHHS
									169 00							809 20	169 00		

Comparison of DHHS & DEHNR Subsistence and Mileage Reimbursement with General Assembly Reimbursements for Subsistence/Mileage Paid to Representative Thomas Wright
For the Period From July 1, 2000 through May 31, 2007

DHHS Reimbursement										Legislative Reimbursement										
Purpose of Trip	Location of Meeting	Reimbursement Date	Signature Stamp used on Travel Form	Subsistence (Meals and Lodging)	Travel (mileage)	Mileage Rate	Travel Costs	Other (Lunch)	Total	General Assembly In Session	Reimbursement Period / Date	Subsistence (Meals and Lodging)	Travel (mileage)	Mileage Rate	Travel Costs	Total	Questioned Costs	Note(s)	Comments
MHAC	Raleigh	08/10/2005	No	104 00				-	104 00	Yes	week 8/11/05	728 00			-	728 00	104 00	N	Breakfast and lunch provided by DHHS
MHAC	Raleigh	08/10/2005	No	-	260	0 25	65 00	-	65 00	Yes	week 8/11/05	-	280	0 29	81 20	81 20	65 00	O	
									169 00							809 20	169 00		
MHAC	New Bern	11/09/2005	No	104 00				-	104 00	No	n/a	-			-	-			Breakfast and lunch provided by DHHS,
MHAC	New Bern	11/09/2005	No	-	182	0 25	45 50	-	45 50	No	n/a	-			-	-	77 97	P	DHHS paid for room ($69 + $8 97 tax)
11/29/05	ck # 1318557								149 50							-	77 97		
MHAC	Elizabeth City	02/07/2006	No	104 00				-	104 00	No	n/a	-			-	-			Breakfast and lunch provided by DHHS,
MHAC	Elizabeth City	2/7-8/06	No	-	420	0 25	105 00	-	105 00	No	n/a	-			-	-	73 45	Q	DHHS paid for room ($65 + $8.45 tax)
2/17/06	ck # 1327869								209 00							-	73 45		
MHAC	Raleigh	08/08/2006	No	104 00				-	104 00	No	n/a	-			-	-	-		
MHAC	Raleigh	8/8-9/06	No	-	276	0 25	69 00	-	69 00	No	n/a	-			-	-	-		Breakfast and lunch provided by DHHS
8/22/06	ck # 1349731								173 00							-	-		
MHAC	Lauringburg	11/30/2006	No	104 00				-	104 00	No	n/a	-			-	-			
MHAC	Lauringburg	11/30 - 12/1/06	No	-	212	0 25	53 00	-	53 00	No	n/a	-			-	-	-		Breakfast and lunch provided by DHHS
									157 00							-	-		
MHAC	Raleigh	02/14/2007	Yes	104 00				-	104 00	Yes	week 2/15/07	728 00			-	728 00	104 00	R	Breakfast and lunch provided by DHHS
MHAC	Raleigh	02/14/2007	Yes	-	256	0 25	64 00	-	64 00	Yes	week 2/15/07	-	280	0 29	81 20	81 20	64 00	S	
									168 00							809 20	168 00		
							Total Reimbursement		$ 3,244 59						GA Reimbursement	$ 4,809 60	$ 1,404 71		Total Questioned Costs

Note(s)

A Excessive travel (mileage) of 100 miles @ $ 29/mile was reimbursed The normal mileage that Representative Wright is reimbursed from the General Assembly is for 280 miles round trip from Wilmington to Raleigh
B Duplicate and excessive mileage payment Representative Wright was paid $81 20 by the General Assembly for travel to Raleigh during the week of 1/19/01 - 1/25/01 Representative Wright was already in Raleigh for this meeting
C Duplicate payment of subsistence Representative Wright was paid $728 (7 days @ $104/day) for subsistence by the General Assembly for the week of 2/28/01 - 3/1/01
D Duplicate payment of mileage Representative Wright was paid $81 20 by the General Assembly for travel to Raleigh during the week of 2/23/01 - 3/1/01 Representative Wright was already in Raleigh for this meeting
E Duplicate payment for lunch expense Representative Wright was paid $104 per day is subsistence by the General Assembly and DHHS for this day
F Duplicate payment of subsistence Representative Wright was paid $728 (7 days @ $104/day) for subsistence by the General Assembly for the week of 5/4/01 - 5/10/01
G Duplicate payment of mileage Representative Wright was paid $81 20 by the General Assembly for travel to Raleigh during the week of 5/4/01 - 5/10/01 Representative Wright was already in Raleigh for this meeting
H Duplicate payment of mileage for the same meeting on 9/29/03
I Duplicate payment of mileage Representative Wright was paid $81 20 by the General Assembly for travel to Raleigh during the week of 5/07/04 - 5/13/04 Representative Wright was already in Raleigh for this meeting
J Duplicate payment of subsistence Representative Wright was paid $312 (3 days @ $104/day) for subsistence by the General Assembly for the week of 11/8/04 - 11/10/04
K Duplicate payment of mileage Representative Wright was paid $81 20 by the General Assembly for travel to Raleigh during the week of 11/04/04 - 11/10/04 Representative Wright was already in Raleigh for this meeting
L Duplicate payment of subsistence Representative Wright was paid $728 (7 days @ $104/day) for subsistence by the General Assembly for the week of 5/6/05 - 5/12/05
M Duplicate payment of mileage Representative Wright was paid $81 20 by the General Assembly for travel to Raleigh during the week of 5/6/05 - 5/12/05 Representative Wright was already in Raleigh for this meeting
N Duplicate payment of subsistence Representative Wright was paid $728 (7 days @ $104/day) for subsistence by the General Assembly for the week of 8/5/05 - 8/11/05
O Duplicate payment of mileage Representative Wright was paid $81 20 by the General Assembly for travel to Raleigh during the week of 8/5/05 - 8/11/05 Representative Wright was already in Raleigh for this meeting
P Duplicate payment for lodging DHHS paid hotel room bill ($77 97) for Representative Wright for 11/9/05 meeting
Q Duplicate payment for lodging DHHS paid hotel room bill ($73 45) for Representative Wright for 2/8/06 meeting
R Duplicate payment of subsistence Representative Wright was paid $728 (7 days @ $104/day) for subsistence by the General Assembly for the week of 2/9/07 - 2/15/07
S Duplicate payment of mileage Representative Wright was paid $81 20 by the General Assembly for travel to Raleigh during the week of 2/9/07 - 2/15/07 Representative Wright was already in Raleigh for this meeting

AAHS - The African-American Health Summit
MHAC - Minority Health Advisory Council
PHTF - Public Health Task Force
NCAAC - North Carolina AIDS Advisory Council

NORTH CAROLINA GENERAL ASSEMBLY
Legislative Services Office

George R. Hall, Legislative Services Officer

Research Division
300 N. Salisbury Street, Suite 545
Raleigh, NC 27603-5925
Tel. 919-733-2578 Fax 919-715-5460

Terrence D. Sullivan
Director

December 14, 2007

The Honorable Rick Glazier, Chair
House Select Committee to Investigate Alleged Misconduct
and Other Matters Included in Indictments Against
Representative Thomas E. Wright
North Carolina House of Representatives
16 West Jones Street, Room 2215
Raleigh, NC 27601-1096

Dear Representative Glazier:

I congratulate you on your appointment as Chair of the House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright.

I have asked Mr. Walker Reagan, Ms. Kory Goldsmith, Ms. Erika Churchill, Ms. Denise Huntley, Mr. Brad Krehely, and Ms. Amanda Smith, with the Research Division, to serve as staff to the Committee. In accordance with the Committee's directions as expressed through the Chair, they will aid in all aspects of the Committee's work.

Should you wish to contact Mr. Reagan, Ms. Goldsmith, Ms. Churchill, Ms. Huntley, Mr. Krehely, and Ms. Smith, they may be reached by telephone at (919) 733-2578.

I enclose a copy of the authorization which includes a list of the membership of the Committee.

My best wishes go to the Committee in conducting its work. If I may be of any service to you or the Committee, please contact me.

Yours truly,

Terry

Terrence D. Sullivan
Director of Research

TDS/lba
Enclosure

cc: Hon. Joe Hackney, Speaker
Mr. George Hall
Mr. Walker Reagan
Ms. Kory Goldsmith
Ms. Erika Churchill
Ms. Denise Huntley
Mr. Brad Krehely
Ms. Amanda Smith
Mr. Brian Peck
Ms. Christy Henson

This message was sent with high importance.
The sender of this message has requested a read receipt. Click here to send a receipt.

Rep. Rick Glazier

From: Walker Reagan (Research) **Sent:** Fri 12/14/2007 5:19 PM
To: Rep. Paul Stam; Rep. Laura Wiley; Rep. William C. McGee; Rep. Marvin Lucas; Rep. Edith Warren
Cc: Rep. Rick Glazier; Brad Krehely (Research); Heather Fennell (Research); Kory Goldsmith (Research); Denise Huntley (Research); Bill Hart (bhart@ncdoj.gov); 'Peters, Alec'
Subject: Initial Meeting of the House Select Committee on Wright Investigation
Attachments:

Rep. Glazier asked me to alert you to his plan to call a teleconference meeting of the House Select Committee on the Wright Investigation next Tuesday, December 18th at 4:00 p.m.. The purpose of the meeting will be organizational with the adoption of the rules for the committee's investigation and a timetable for proceeding. We will get the formal meeting notice sent out on Monday. We will also give you the telephone number that we would like to ask you call Tuesday afternoon. We will need to have at least 4 members participating in the call. We will also discuss some conference call protocols with you before the meeting.

It is our plan to send you copies of all relevant materials electronically prior to the meeting. Feel free to call any of the staff if necessary prior to that time.

~~~~~~~~~~~~~~~~~~~~

O. Walker Reagan, Staff Attorney

Research Division, North Carolina General Assembly

Suite 545, Legislative Office Building, Raleigh, N.C. 27603-5925

Telephone (919) 733-2578 Fax (919) 715-8365

Internet Address: walkerr@ncleg.net

~~~~~~~~~~~~~~~~~~~~

https://exchange.ncl

Counsel

Office of the Speaker

North Carolina House of Representatives
Raleigh 27601-1096

JOE HACKNEY
SPEAKER

December 13, 2007

The Honorable Rick Glazier
North Carolina House of Representatives
Legislative Building, Room 2215
Raleigh, North Carolina 27601

Dear Representative Glazier:

Pursuant to the authority granted to me in G.S. 120.19.6(a) and Rule 26(a) of the Rules of the House of Representatives of the 2007 General Assembly, I am pleased to appoint you to serve as Chair of the House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright. Your appointment is effective immediately and Committee members serve at the pleasure of the Speaker of the House of Representatives.

I appreciate your willingness to serve in this capacity and I am confident you will have much to offer to the House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright. I know that you will be effective and diligent in your service to our State.

Sincerely,

Joe Hackney

JH:ar

Copy: Governor Michael F. Easley
Lieutenant Governor Beverly E. Perdue
The Honorable Marc Basnight
The Honorable Elaine Marshall
Denise Weeks, House Principal Clerk
Janet Pruitt, Senate Principal Clerk
George Hall, Legislative Services Officer
Terrence Sullivan, Director of Research
Office of the State Controller
State Library
Legislative Library

You replied on 12/16/2007 6:50 PM.

Rep. Rick Glazier

From: Walker Reagan (Research) **Sent:** Sun 12/16/2007 6:05 PM
To: Rep. Rick Glazier
Cc: Brad Krehely (Research); Kory Goldsmith (Research); Denise Huntley (Research); Amanda Smith (Research); Heather Fennell (Research)
Subject: RE: some thoughts in prep for Tuesday and for legal research as we proceed
Attachments:

We will start working on these things tomorrow. Some we may want to include Bill and Alec since they will be handling the legal arguments with Wright's counsel and will be representing the Committee before the court if necessary.

I have had problems getting online today but have gotten ISD to fix the problem for me now. My wife and I have a dinner party related to her work in Farrington Village tonight at 6:30 p.m. After we get back from the dinner, I will work on the final staff revisions to the suggested rules and will get them to you tonight. I would love to get your OK on these before sending them to the Committee members tomorrow. We can also work on editing tomorrow and even more on Tuesday if necessary.

I agree with you that the most important issue we need to help the Committee with is what constitutes conduct for which a person can be expelled. I think the evidence will speak for itself and probably will not be in great dispute, but how the GA should view that evidence in light of the constitutional tests of what disqualifies an elected member from continuing to serve is the real question. The second most important thing to do is to be sure that we provide all the minimal due process protections so the Supreme Court will not be willing to issue a stay against the House's expulsion. If there is a reasonable dispute as to whether fundamental due process has been provided for I think Wright has a better chance for the courts to slow this down to think about it. I want to encourage you to do this in such a way that it is a no-brainer.

Is Carin coming in tomorrow? We need to work with her on the meeting notice which will be slightly different since the meeting will be done by teleconference.

I will be back in touch later tonight. Thanks.

From: Rep. Rick Glazier
Sent: Sunday, December 16, 2007 1:36 PM
To: Walker Reagan (Research)
Cc: Brad Krehely (Research); Kory Goldsmith (Research); Denise Huntley (Research); Amanda Smith (Research)
Subject: some thoughts in prep for Tuesday and for legal research as we proceed
Importance: High

First, a note of thanks for all of your work to date and in the future on this committee. You will not hear thanks from many on this task except those involved on the committee, so store it away for those days when thanks should be expressed by many, but was not. Second, for Tuesday, Walker if you and staff could talk by phone with each member of the committee as you suggested and remind them, including me, of any protocol needed for public session telephone

conference calls that would be most appreciated. Third, in your e-mail out to all the members, please remind them to have a copy of the rules you send in front of them for the conference. Fourth, not for this meeting, but I would like to get lined up a list of court reporters who would be available and willing to record and transcribe all proceedings in this case--any hearing where counsel or Rep. Wright are involved and that will include any meetings with just the chair for [redacted]relim matters if counsel or Wright are involved. One condition is that I would like to get next day transcript of any [redacted]ntiary hearings so that will need to be included in their consideration and price. As soon as we set dates with [redacted]idence, I will want to lock a reporter in and also can we just hire, do we go thru LSC, etc.... Fourth, I would like to survey thru NCSL or otherwise, and know if any other states have conducted a similar ethics inquiry at this level that might have led, and those that did lead, to a recommendation of a legislator's removal. I would like a copy of any official docs and procedures from those states if they exist and are available or a summary from y'all of those proceedings. I am particularly looking for what factors any state has used for determining recommendation as to punishment in these cases.; that is, how does one decide objectively whether censure is appropriate, or removal; or something in between. Fifth, I would like a summary of the law on Rep. Wright's Fifth Amendment protections in our context as it relates to cross examination if he takes the stand so to speak; the panel asking him questions; and advice I must give him before any of the proceedings to make certain he is informed of those rights. Sixth, what should be the defintion of relevancy in these proceedings and, for that matter, do the proceedings have to follow the rules of evidence or, even if not, should they as a practical matter, and if they should, which rules? Seventh, what is our subpoena power over persons and documents? Thanks very much. Rick

You forwarded this message on 12/16/2007 1:36 PM.
This message was sent with high importance.

Rep. Rick Glazier

From: Rep. Rick Glazier **Sent:** Sun 12/16/2007 1:35 PM
To: Walker Reagan (Research)
Cc: Brad Krehely (Research); Kory Goldsmith (Research); Denise Huntley (Research); Amanda Smith (Research)
Subject: some thoughts in prep for Tuesday and for legal research as we proceed
Attachments:

First, a note of thanks for all of your work to date and in the future on this committee. You will not hear thanks from many on this task except those involved on the committee, so store it away for those days when thanks should be offered by many, but was not. Second, for Tuesday, Walker if you and staff could talk by phone with each member of the committee as you suggested and remind them, including me, of any protocol needed for public session telephone conference calls that would be most appreciated. Third, in your e-mail out to all the members, please remind them to have a copy of the rules you send in front of them for the conference. Fourth, not for this meeting, but I would like to get lined up a list of court reporters who would be available and willing to record and transcribe all proceedings in this case–any hearing where counsel or Rep. Wright are involved and that will include any meetings with just the chair for any prelim matters if counsel or Wright are involved. One condition is that I would like to get next day transcript of any evidentiary hearings so that will need to be included in their consideration and price. As soon as we set dates with confidence, I will want to lock a reporter in and also can we just hire, do we go thru LSC, etc.... Fourth, I would like to survey thru NCSL or otherwise, and know if any other states have conducted a similar ethics inquiry at this level that might have led, and those that did lead, to a recommendation of a legislator's removal. I would like a copy of any official docs and procedures from those states if they exist and are available or a summary from y'all of those proceedings. I am particularly looking for what factors any state has used for determining recommendation as to punishment in these cases.; that is, how does one decide objectively whether censure is appropriate, or removal; or something in between. Fifth, I would like a summary of the law on Rep. Wright's Fifth Amendment protections in our context as it relates to cross examination if he takes the stand so to speak; the panel asking him questions; and advice I must give him before any of the proceedings to make certain he is informed of those rights. Sixth, what should be the defintion of relevancy in these proceedings and, for that matter, do the proceedings have to follow the rules of evidence or, even if not, should they as a practical matter, and if they should, which rules? Seventh, what is our subpoena power over persons and documents? Thanks very much. Rick

Rep. Rick Glazier

From: RepMcgee [repmcgee@bellsouth.net] **Sent:** Sat 12/15/2007 10:01 AM
To: Rep. Rick Glazier
Subject: Information
Attachments:

Rick: My email address is repmcgee@bellsouth.net, and my cell number is 336 817 6531. My home number is 336 766 4481. A message can be left on my home number, and my cell remembers all calls unanswered. Best I can do. You have my sympathy. Bill McGee

You replied on 12/16/2007 9:09 AM.

Rep. Rick Glazier

From: Paul Stam [paulstam@bellsouth.net] **Sent:** Sun 12/16/2007 9:00 AM
Rep. Rick Glazier

Subject: stam
Attachments:

My home and cell home 919-362-4835 cell 919-740-5913 wiley's home is 336 841-0045 and cell 336-471-6357 and email HPWard6@aol.com and McGee home is 336-766-4481 and hcell 336-817-4481 and repmcgee@bellsouth.net Paul Stam

STAM FORDHAM & DANCHI, P.A.
P.O. Box 1600
510 W. Williams Street
Apex, NC 27502
Tel: 919-362-8873
Fax: 919-387-7329
Cell: 919-740-5913

NORTH CAROLINA
STATE BUREAU OF INVESTIGATION
DEPARTMENT OF JUSTICE

3320 GARNER ROAD
PO BOX 29500
RALEIGH, NC 27626-0500
(919) 662-4500
FAX: (919) 662-4523

ROY COOPER
ATTORNEY GENERAL

ROBIN P. PENDERGRAFT
DIRECTOR

December 14, 2007

TO: William P. Hart, Senior Deputy Attorney General

FROM: Assistant Special Agent in Charge J. E. Umphlet

SUBJECT: Attempted Service of Legislative Ethics Paperwork

On Thursday, December 13, 2007, State Bureau of Investigation (SBI) Assistant Special Agent in Charge (ASAC) J. E. Umphlet was requested through SBI Assistant Director E. A. Hooks to serve administrative Legislative Ethics Committee paperwork on Representative Thomas Wright. On Friday, December 14, 2007, ASAC Umphlet obtained the required paperwork from your office through ASAC M. A. DeSilva.

On Friday, December 14, 2007, at approximately 11:30 am, ASAC Umphlet attempted to serve Representative Wright with the Legislative paperwork during the period of time Representative Wright was being served with an order for his arrest. Representative Wright refused to take the paperwork after learning the paperwork was from the Legislative Ethics Committee. ASAC Umphlet made several attempts to hand the paperwork to Representative Wright, at which Wright advised that he would not accept the paperwork from ASAC Umphlet and that the Legislative Committee could either mail him the paperwork or hand it to him in person. Representative Wright advised he did not want to involve ASAC Umphlet in the process. As a result the paperwork was not handed to Representative Wright, but was returned to your office on the same date.

Cc: Assistant Director E. A. Hooks

Expulsion, Exclusion, or Censure of Legislators by the General Assembly

Writ - E
N.C. History

	A	B	C	D	E	F
1	**Date**	**Legislator**	**Charge**	**Resolution**	**Notes**	Constitutional provision
2	11/23/1757	James Carter - Rowan County	Mishandling public funds - failed to purchase arms and ammunition "for the Defence of the Frontier County of Rowan" as directed.	Expelled from House	North Carolina Colonial Records, Vol. V, pp. 846, 892-893	That the Senate and House of Commons... shall each have power to ...be judges of the qualifications and elections of their members (Sec. 10, NC Constitution of 1776
3	12/5/1758	Francis Brown - Currituck County	Conduct that was "Unworthy a seat [in the House of Representatives]" - admitted to committing perjury before a House investigative committee.	Expelled from House and "rendered incapable to serve as a Member of the Assembly."	Re-elected in 1760. House resolved that "Francis Brown is rendered incapable to sit and vote" in the House and that "his Excellency be addressed to direct the Clerk of the Crown to Issue a Writ for Electing a Member from the County of Perquimans to sit and vote ... in the stead of Mr. Francis Brown." North Carolina Colonial Records, Vol. V, pp. 1050-1051, 1057-58; Vol. VI, pp. 374-376, 473-474.	
4	12/20/1770	Hermon Husband (Husbands) - Orange County	Promoted "Riots and seditions in the County of Orange", published a letter "Libeling Maurice Moore, Jr." in his newspaper, "was guilty of gross prevarication and falsehood" when examined by a House committee regarding the alleged Libel, and threatened a riot if the House disciplined him.	Expelled from House - "Resolved that the conduct of [Hermon Husband] both as a Member of this House in particular and of the Community in general, has justly incurred the contempt of this House, and rendered him unworthy of a seat in the Assembly."	Dictionary of North Carolina Biography, Vol. 3, p. 243; North Carolina Colonial Records, Vol. VIII, pp. 268-270, 330-331, 471, 643, 645-646	
5	2/8/1779	William Gilbert - Tryon County	"Intentionally defrauded the publick to a Considerable amount" - duplicated vouchers for military goods	Expelled from House	Dictionary of North Carolina Biography, Vol. 2, p. 296; North Carolina Colonial Records (State Records of North Carolina), Vol. XIII, pp. 703-708.	
6	11/11/1784	Edward Clay - Caswell County	Petty larceny (no criminal charge)	Expelled from the House	North Carolina Colonial Records (State Records of North Carolina), Vol. XIX, pp. 776-778, 782-787; Vol. XVII p. 181	
7	4/21/1784 (?)	Farquahard Campbell - Cumberland County	"This day a committee of the Senate resolved that F. Campbell's election is void, and that he be expelled the House. The election was palpably illegal, and some things appeared against his political character, which occasioned the resolve for expulsion.	Expelled from Senate	This account is contained in a letter from the Hon. A. MacLaine to George Hooper dated 4/21/1784 - State Records of North Carolina, Vol. XVII, pp. 134-135. Based on the language of the letter, it appears Mr. Campbell took office and was later expelled.	
8	11/23/1786	Benjamin Herndon - Wilkes County	"The election for a Senator in the County of Wilkes hath been illegally conducted."	Ordered that a writ of election issue to Wilkes County and that a new election be held.	State Records of North Carolina, Vol. XVIII pp 6, 14.	
9	12/11/1786	Benjamin McCulloch (McCulloh, McCulloch) - Halifax County	Fraud in the disbursement of public money (army accounts).	Expelled from Senate (?)	State Records of North Carolina, Vol. XX, pp. 408-409, 628-631 (1785-1788); Vol. XVIII, Prefatory Notes (1786).	

Expulsion, Exclusion, or Censure of Legislators by the General Assembly

	A	B	C	D	E	F
10	12/1/1786	Philip Alston - Moore County	Murder indictment, threatened a riot if his opponent was elected, denied the existence of God and declared the Scriptures were set forth as a Scare-Crow to children, attempted to corrupt the conductors of the election.	Resolved - "Mr. Philip Alston was not eligible to a seat in the General Assembly at the time of his election, and that his seat therefore be vacated".	State Records of North Carolina, Vol. XVIII , p. 32	
11	12/15/1786	Henry Montfort - Warren County	Fraud in the disbursement of public money (army accounts).	Expelled from House	State Records of North Carolina, Vol. XVIII, pp. 306-307, 322-323	
12	12/14/1787	John Bonds - Nash County	Fraud - "having fraudulently drawn from the Commissioners of Army Accounts sundry due bills and Certificates."	Expelled from House	House investigation and exclusion occurred while Bonds was under multiple criminal indictments for fraud and forgery. House of Commons Joumal, December 12, 1787, State Records of North Carolina, Vol. XVIII, pp. 109, 150, 335, 370-372; XX, pp. 170-171, 213, 233-235.	
13	11/11/1788	Hardy Holmes - Sullivan County	Public Indebtedness - Holmes was the Collector of the Public Tax in Sampson County and was "in arrears to the public for the Collection of the public Tax in the said County for the year 1787."	Initially excluded from taking a seat - "Mr. Holmes...is indebted to the public and that he was not eligible to a seat in this present General Assembly at the time he was Elected." On 11/29/88, he presented the "Certificate of his Election", was qualified agreeable to Law and was seated.	State Records of North Carolina, Vol. XX, pp.494-495, 562.	
14	11/13/1789	Thomas Wade - Anson County	Public Indebtedness - Wade "is in arrears to the public on account of his collection of the taxes of [Anson County] as late Sheriff."	Excluded from taking a seat - "Mr. Wade was not at the time of the election, nor is at this time, eligible to a seat in the present General Assembly."	State Records of North Carolina, Vol. XXI, p. 595	
15	12/2/1809	John Clary - Perquimans County	Criminal conviction of cohabitating with stepdaughter - "a crime so enormous as renders it unfit that he should be permitted to continue as member."	Resigned before resolution of expulsion could be voted upon.	Journal of the House of Commons of the State of North Carolina, 1809, pp. 10, 14, 20, 22; Dictionary of North Carolina Biography, Vol. 1 pp. 383-384	
16	1816	John Roberts - Carteret County	Forgery and fraud committed while an assistant paymaster during the War of 1812	Expelled from Senate - the resolution declare him ineligible for office and vacated his seat.	Dictionary of North Carolina Biography, pp. 227-228; No House Journal located.	
17	1/2/1835	Robert Potter - Granville County	Public reports that were "highly injurious" to member's reputation and "derogatory to the dignity of this House, touching on his conduct since he took his seat as a member."	Expelled from House	Engaged in a fight after a card game, during which he drew a pistol and a knife. Journal of the House of Commons, 1834, pp. 223-224. 231, 233-234 (December 29, 1834; January 1-2, 1835); Dictionary of North Carolina Biography, Vol. V., p. 133.	

Expulsion, Exclusion, or Censure of Legislators by the General Assembly

	A	B	C	D	E	F
18	8/20/1868	William Long - Casewell county	Representative elect "is banned by the 14th Article of the Constitution of the United States"	House seat declared vacant	Journal record does not specify how the member was excluded under the U.S. Constitution. However, Section 3 of the 14th Amendment to the U.S. Constitution prohibits a person from holding any State or federal office if, while holding that office the person "engaged in insurrection or rebellion against the United States Constitution." Journal of the House of Representatives of the General Assembly of the State of North Carolina at its Session of 1868, pp. 26, 205, 209-210	Each House shall be judge of the qualifications and elections of its own members. (Art. II, Sec. 24, 1868 Constitution)
19	1875	J. Williams Thorne	Advocated and promulgated a "most sacrilegious doctrine, subversive of the principles of the constitution of the State of North Carolina and of sound morality."	Expelled from the House	Record is unclear as to what the doctrine was, but during the debate, one member offered a substitute resolution accusing Thorne of "denying the being of Almighty God and entertaining regious views at variance with those which should control the action of a representative." That substitute resolution was later withdrawn. Another member moved to amend the resolution to read: "[T]he said J. Williams Thorne has written and published a pamphlet calculated to encourage infideility and a want of confidence in the divine authenticity of the Holy Bible, thereby bringing it into contempt, and promoting vice and immorality." The amendment failed. Journal of the House of Representatives of the General Assembly of the State of North Carolina at its Session of 1874-'75, pp. 261, 465-466, 489-490, 500-503 (p. 503; expelled February 24, 1875); 12 members of the House later submitted a letter of Protest explaining why they voted against the expulsion resolution and stating that "this action of the House is susceptable of being construed as indicative of a spirit of religious bigotry and persecu	
20	3/26/1880	Josiah Turner - Orange County	"[S]aid member from Orange has been guilty of the grossest improprieties upon the floor of this House in his disorderly, contumacious and defiant conduct, violating the rules of this House in a willfully disrespectful manner.	Censured, present when motion of censure was adopted; called to the Bar of the House to receive censure but left the House Chamber, then expelled from the House.	House Journal, 1880 (Special Session), pp. 114-115, and pp. 117-119 (March 26, 1880)	
21	5/13/1996	Ken Miller - Alamance County	Conduct unbecoming and unfitting of a member of the House of Representatives (Unsolicited and in appropriate remarks of a sexual nature to a female employee, to a female lobbyist, and to a female page.)	Censured by the House	Journal of the House of Representatives of the 1995 General Assembly of the State of North Carolina, Second Session 1996, pp. 11-13.	Each house shall be judge of the qualifications and elections of its own members. (Art. II, Sec. 20, Constitution of 1971).

NC History

Disciplinary Actions by the General Assembly Against Members of the House or Senate

	A	B	C	D	E	
17	1/2/1835	Robert Potter - Granville county	Public reports that were "highly injurious" to member's reputation and "derogatory to the dignity of this House, touching on his conduct since he took his seat as a member	Expelled from House	Engaged in a fight after a card game, during which he drew a pistol and a knife. Journal of the House of Commons, 1834, pp. 223-224. 231, 233-234 (December 29, 1834; January 1-2, 1835); Dictionary of North Carolina Biography, Vol. V., p. 133.	
18	8/20/1868	William Long - Casewell county	Representative elect "is banned by the 14th Article of the Constitution of the United States"	House seat declared vacant	Journal record does not specify how the member was excluded under the U.S. Constitution. However, Section 3 of the 14th Amendment to the U.S. Constitution prohibits a person from holding any State or federal office if, while holding that office the person "engaged in insurrection or rebellion against the United States Constitution." Following an investigation by the Committee of Privileges and Elections brought about when Wilson Carey claimed the right to the seat. Journal of the House of Representatives of the General Assembly of the State of North Carolina at its Session of 1868, pp. 26, 205, 209-210	Each Hous and electio 24, 1868 C
19	1875 (1873?)	J. Williams Thorne	Advocated and promulgated a "most sacrilegious doctrine, subversive of the principles of the constitution of the State of North Carolina and of sound morality and the constitution of the United States	Expelled from the House	Record is unclear as to what the doctrine was, but a substitute resolution accused him of "denying the being of Almighty God and entertaining regious views at variance with those which should contrl the action of a representative." Journal of the House of Representatives of the General Assembly of the State of North Carolina at its Session of 1874-'75, pp. 261, 465-466, 489-490, 500-503 (p. 503; expelled February 24, 1875); Protest, pp. 518-19; related: 561, 587, 594, 647	
20	3/26/1880	Josiah Turner - Orange County	Disorderly Conduct	Censured, present when motion of censure is adopted; called to the Bar of the House to receive censure but leaves the House Chamber, then expelled from the House	Censure Resolution provided that "Said member from Orange has been guilty of the grossest improprieties upon the floor of this House in his disorderly, contumacious and defiant conduct, violating the rules of this House in a willfully disrespectful manner." House Journal, 1880 (Special Session), pp. 114-115, and pp. 117-119 (March 26, 1880)	
21	5/13/1996	Ken Miller - Alamance County	Conduct unbecoming and unfitting of a member of the House of Representatives (Unsolicited and in appropriate remarks of a sexual nature to a female employee, to a female lobbyist, and to a female page.)	Censured by the House	Journal of the House of Representatives of the 1995 General Assembly of the State of North Carolina, Second Session 1996, pp. 11-13.	Each hous and electio 20, Consti

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Disciplinary Actions by the General Assembly Against Members of the House or Senate

	A	B	C	D	E	
1	Date	Legislator	Charge	Resolution	Notes	
2	11/23/1757	James Carter - Rowan County	Mishandling Funds	Expelled from House	North Carolina Colonial Records, Vol. V, pp. 846, 892-893	That the S each have qualificatio (Sec. 10, N
3	12/5/1758	Francis Brown - Currituck County	Unworthy Conduct - perjury before a Hou	Expelled from House refusal to seat in 1760	North Carolina Colonial Records, Vol. V, pp. 1050-1051, 1057-58; Vol. VI, pp. 374-376, 473-474	
4	12/20/1770	Hermon Husbands - Orange County	"Libeling Maurice Moore, Jr., for threatening the Assembly, and for initiating the revolt	Expelled from House	Dictionary of North Carolina Biography, Vol. 3, p. 243; North Carolina Colonial Records, Vol. VIII, pp. 268-270, 330-331, 471, 643, 645-646	
5	2/8/1779	William Gilbert - Tryon County	Intentionally defrauding the Public	Expelled from House	Dictionary of North Carolina Biography, Vol. 2, p. 296; North Carolina Colonial Records (State Records of North Carolina), Vol. XIII, pp. 703-708	
6	11/11/1784	Edward Clay - Caswell County	Criminal charge of petty larceny	Expelled from the House	North Carolina Colonial Records (State Records of North Carolina), Vol. XIX, pp. 776-778, 782-787; Vol. XVII p. 181	
7	1784	Farquahard Campbell - Cumberland County	Challenge as to who won election	Expelled from Senate	State Records of North Carolina, Vol. XVII, pp. 134-135.	
8	11/23/1786	Benjamin Herndon's Senate seat - Wilkes County	Allegations of illegalities in election	Senate seat declared vacant	State Records of North Carolina, Vol. XVIII pp 6, 14	
9	12/11/1786	Benjamin McCullock (McCulloh, McCulloch)- Halifax County	Fraud	Expelled from Senate	State Records of North Carolina, Vol. XX, pp. 408-409, 628-631	
10	12/1/1786	Philip Alston - Moore County	Murder indictment	Senate seat declared vacant	State Records of North Carolina, Vol. XVIII , p. 32	
11	12/15/1786	Henry Montfort - Warren County	Fraud	Expelled from House	State Records of North Carolina, Vol. XVIII, pp. 306-307, 322-323	
12	12/14/1787	John Bonds - Nash County	Having fraudulently drawn from the Commissioners of Army Accounts sundry due bills and certificates	Expelled from House	House investigation and ex;ulsion occurred while Bonds was under multiple criminal indictments for fraud and forgery. House of Commons Journal, December 12, 1787, State Records of North Carolina, Vol. XVIII, pp. 109, 150, 335, 370-372; XX, pp. 170-171, 213, 233-235.	
13	11/11/1788	Hardy Holmes - Sullivan County	Public Indebtedness	Senate seat declared vacant, but reseated when cleared of charges	State Records of North Carolina, Vol. XX, pp.494-495, 562	
14	11/13/1789	Thomas Wade - Anson County	Public Indebtedness	Senate seat declared vacant	State Records of North Carolina, Vol. XXI, p. 595	
15	12/2/1809	John Clary - Perquimans County	Criminal conviction of cohabitating with stepdaughter - "a crime so enormous as renders it unfit that he should be permitted to continue as member"	Resigned before resolution of expulsion could be voted upon.	Journal of the House of Commons of the State of North Carolina, 1809, pp. 10, 14, 20, 22; Dictionary of North Carolina Biography, Vol. 1 pp. 383-384	
16	1816	John Roberts - Carteret County	Forgery and fraud committed while an assistant paymaster during the War of 1812	Expelled from Senate?	Dictionary of North Carolina Biography, pp. 227-228; No House Journal located.	

F
Constitutional provision
te and House of Commons... shall ver to ...be judges of the and elections of their members Constitution of 1776

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Introduction of hearing, counsel, sgt at arms and staff for the record.
Note and introduce the court reporter. Every word in open session will be recorded today.
Hear evidence generally—witness and documents.
Committee questions.
Ask committee counsel to present counts for consideration.
Ask Clerk to read each count for the record as presented.
Counsel summarize evidence per count seriatim.
Committee questions.
Committee debate.
Motion and second.
Further debate.
Clerk will call the roll---the question before the Committee on motion by Rep.____ is whether there is a finding of probable cause as to Count__ and thus whether to order a full evidentiary hearing on that count.
Those in favor will vote aye, those opposed will vote no.
The Clerk will call the roll.
Vote.
Chair—As to Count_, the Committee by a vote of __-__ finds probable cause exists to believe a violation has occurred and orders an evidentiary hearing on the merits of this count.
Same for all counts.

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If a motion is made, allow argument for both sides. Rule. Note exception, if necessary, note the ruling will be reduced to writing, but in all events is in the record. Ask if any Committee member wishes to move to overrule the Chair—if yes, take motion and debate, then vote on recorded vote by Clerk. If not, note that no member seeks to overrule.

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Rep. Rick Glazier

From: Paula A. Wolf [wolf@deltaforce.net] **Sent:** Fri 1/4/2008 3:07 PM
To: Paula A. Wolf
[redacted]ect: Wright pleading not guilty, attorney tells judge-Charlotte
Attachments:

Wright
Media

THE NEWS&OBSERVER
newsobserver.com

Published: Jan 04, 2008 10:36 AM
Modified: Jan 04, 2008 10:35 AM

Lawyer Douglas S. Harris talks to reporters just after appearing before Judge Douglas Stephens on behalf of Rep. Thomas Wright, left, in a Wake County courtroom this morning.
Staff photo by Leslie Barbour

Wright pleading not guilty, attorney tells judge

[redacted]id Ingram, The Charlotte Observer

RALEIGH - An attorney for state Rep. Thomas Wright told a judge today that Wright is pleading not guilty to charges that he took $350,000 from banks, corporations and campaign contributors.

"He is pleading not guilty to all charges. He has read all the charges against him," the attorney, Douglas Harris, told Judge Donald Stephens of Wake Superior Court in a hearing.

Wright, a Wilmington Democrat, is charged with five felony counts of obtaining property by false pretenses and one felony count of obstruction of justice. He is the latest N.C. legislator to be caught up in a corruption probe that led to the conviction of former House Speaker Jim Black, a Mecklenburg County Democrat.

A Wake County grand jury indicted Wright last month after a yearlong investigation.

Harris said a criminal trial could come this summer. He also said that Wright plans to run for re-election this year and will fight the threat of expulsion by House colleagues.

"I spent all of New Year's Day eating greens and black-eyed peas and looking through two boxes of documents. I believe that Thomas Wright is innocent," Harris said.

Wright, who declined to comment today, has attributed the accusations to sloppy bookkeeping. Harris agreed.

"A lot of people don't do things as they should," he said, "and I think a lot of CPAs would attest to that."

A hearing for pretrial motions is expected in February.

[redacted]

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Article published Dec 23, 2007

Wright probe's fallout feared

Region's ties may hamper Raleigh efforts

State Rep. Thomas Wright's been stripped of his leadership positions in the General Assembly, the bills he supports get treated like hazardous waste, and he has largely gone underground.

But so far Wilmington and New Hanover County appear to have been spared most of the fallout from Wright's legal troubles.

The other members of the region's legislative delegation said they were able to massage through local bills and funding, such as those for the State Port and Wilmington's rickety sewer system, this year.

But with the criminal and legislative investigations against Wright expected to intensify in early 2008, officials fear the Cape Fear region could soon find itself in the cross hairs, a victim of simple association, if the Wilmington Democrat decides to aggressively fight the charges against him.

"It's given us, everybody, a black eye," said state Rep. Danny McComas, R-New Hanover. "It's affecting everybody."

Wilmington Mayor Bill Saffo said it has been made clear to him and others that, right or wrong, any legislation pushed by Wright won't be going anywhere.

"That's unfortunate," Saffo said. "But that's the nature of the beast."

Going public

While the first formal complaint against Wright was filed last December, the issue remained largely [redacted] of the public eye through the first half of 2007, overshadowed by the scandals surrounding [redacted]mer House Speaker Jim Black.

But this summer Wright's troubles burst into the spotlight when the N.C. State Board of Elections referred Wright's case to the Wake County district attorney. Earlier this month he was indicted on six felony charges of swindling banks, campaign donors and businesses out of nearly $350,000.

His fellow House members then moved swiftly to distance themselves from Wright, with two ethics committees launching investigations into his behavior.

They could end up recommending Wright's expulsion if they find he took part in unethical conduct, corruption and violations of the oath of office and "offenses injurious to the House."

If thrown out, he would become the first member of the General Assembly forced from office since 1880.

He also is facing as much as 11 years in prison if convicted on the criminal charges.

Wright, who didn't return calls to his home and office this week, has repeatedly proclaimed his innocence.

A man apart

Last winter, when other members of the local delegation huddled in Raleigh with state regulators to try to cobble together a solution to Wilmington's leaky sewer system, Wright was conspicuously absent.

He also was a no-show at a follow-up meeting in downtown Wilmington with city and county officials a month later.

State Rep. Carolyn Justice, a Republican who represents parts of New Hanover and Pender counties, said she personally invited Wright to participate in the discussions.

"But he declined, and I don't know why," she said, although Wright's well-known feud with state [redacted]en. Julia Boseman, D-New Hanover, might have played a role.

[redacted]at wasn't the first time Wright has been aloof from his fellow legislators.

But with legal storm clouds gathering around him, Wright has become more and more distant - and

isolated.
Some feel that has carried over into how he's represented his district, which stretches from downtown Wilmington to Burgaw in Pender County.
[redacted] Councilwoman Laura Padgett, who ran against Wright in 2006, said Wilmington is already getting the cold shoulder from Raleigh because of Wright's legal woes.
"I wouldn't say it's a case of exclusion, but of omission more than anything else," she said.
In Raleigh, officials said most of the important legislation pertaining to Wilmington and New Hanover included in this year's long session passed.
McComas said that might have been because most of the major bills were already approved, or well on their way to Gov. Mike Easley's desk, when the serious allegations against Wright surfaced in the summer.

Short session concern

McComas and Justice both cautioned things could get even stickier in May, when the short session begins, if Wright is still in office.
In the upcoming session of the General Assembly, time is of the essence when trying to get legislation passed.
That means avoiding any bills that have a hint of controversy, and that requires having all members of the local delegation on board.
But McComas and Justice said they don't know how Wright will respond, whether positively or negatively, and how any actions will be viewed by the House leadership.
"We've got some major issues dealing with transportation, film incentives and state ports funding coming up," McComas said. "Hopefully, it won't affect any of that. But we just don't know."
Justice said she is pushing for transportation funding to study U.S. 17 through Pender County. The study would look at whether the fast-growing corridor needs to be turned into a "superstreet," similar to what the N.C. Department of Transportation did on U.S. 17 through Leland in Brunswick County.
[redacted] she said that means coordinating meetings with DOT and Pender officials - and with Wright.
[redacted]e initiative that appears to have lost steam this year is a suite of bills generated by the Wilmington Race Riot Commission, a body that was headed by Wright.
Although a resolution condemning the politically and racially charged attack was approved, other commission recommendations have languished. They include calls for additions to textbooks and new library programs.
But officials said the most visible move to recognize the stain on the Port City's history, the 1898 Memorial on North Third Street, is fully funded and under construction.
Another project in Wright's district that has suffered this year is the N.C. 53 Bypass around Burgaw.
That project was recently pushed back on the state's long-range transportation plan.
But Lanny Wilson, who represents the region on the N.C. Board of Transportation, said financial issues and the community's inability to coalesce around a single path for the proposed roadway caused the delay.
"Politics had nothing to do with that decision," he said.

Convention center

Ironically, Wright's legal woes could have actually energized Wilmington officials to jump-start one of the area's most controversial projects.
Wilmington City Council earlier this month held a ceremonial groundbreaking for the $60 million downtown riverfront convention center.
Although it would be built without an attached hotel, city leaders said it was time to move the project forward.
"We felt we needed to send a message to the private sector that we are serious about getting this [redacted]nvention center built," Saffo said.
[redacted] other forces also could have played a role in the decision.

The city faced a deadline next summer for starting construction to avoid risking the loss of room-tax funding for the project.

And while the convention center has been marketed as a regional asset, the project is in Wright's [redacted]trict, and he was one of the primary backers of the legislation allowing taxpayer funds to be [redacted]ed for it.

Similar deadlines have been extended before, Saffo said.

"But I felt personally that if we had to go back to Raleigh to extend the tax, we wouldn't have the support of the state legislature to do that," he said.

And, although he has remained largely out of the spotlight since his troubles came to a head, Wright did appear in public at the Dec. 3 groundbreaking for the center.

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Mecklenburg pols split over Wright

THE SOURCE | POLITICS & PUBLIC LIFE IN THE CAROLINAS -- Mecklenburg pols split over Wright A week ago, state Rep. **Jim Gulley**, a Matthews Republican, called for the resignation of one of his colleagues. He said Rep. **Thomas Wright**, a Wilmington Democrat, should step down after being charged with six felonies for allegedly swindling $350,000 from corporations and his campaign fund.

Since then, The Source surveyed the other nine House members from Mecklenburg County and asked whether Wright should resign. The delegation is split.

Joining Gulley are three freshmen: Charlotte Democrat **Tricia Cotham**, Charlotte Republican **Ric Killian** and Huntersville Republican **Thom Tillis**.

"Very bad judgment was used," Tillis said, "and I don't want members in the General Assembly who use that kind of judgment, especially when it might affect public policy."

In disagreement are Charlotte Democrat **Becky Carney**, Charlotte Democrat **Pete Cunningham** and Huntersville Democrat **Drew Saunders**.

"We use that word very loosely -- `resign' -- no matter what comes out," Cunningham said. "Let's hear all the facts first and let the chips fall where they may."

Charlotte Republican **Ruth Samuelson** was in the middle. She said she hasn't given the issue much thought and wouldn't call for Wright to resign but, if pressed, would vote to expel him.

Charlotte Democrats **Martha Alexander** and **Beverly Earle** did not return calls.

Wright has rebuffed calls for him to quit. He has not yet entered a plea. -- *David Ingram*

Bishop says he lacked effectiveness

It's not often a politician admits he's not effective. But that's what Mecklenburg County commissioner **Dan Bishop** says in explaining why he won't run again next year.Bishop, 43, is calling it quits after two terms representing south Charlotte's District 5. He was part of a Republican minority.

"It's a good idea for people who have these district seats to move up or out," he says. "And I don't think I've been terribly effective as a member of that board. I'm not saying `mea culpa' really. But the things I'd like to see accomplished I'm not seeing done.

"I'm just saying another Republican might be able to lead Republicans to a majority."

Plus, he says, four years in politics goes a long way.

"I've had a good dose," he says. -- *jim morrill*

Hoyle says he'll run for another term

N.C. Sen. **David Hoyle**, the Gaston County Democrat who has managed to hang on to his Republican-leaning district, said he's up for another round. He will run for re-election next year.

Hoyle, 68 and serving his eighth term, had talked of retiring but said his work on education, transportation and economic development is unfinished. He is a co-chair of the finance committee, one of two critical money committees in the Senate, and remains a close ally of Senate President Pro Tem Marc Basnight. The two are roommates in Raleigh during the legislative session.

Republicans are expected to try and take the seat, and Hoyle seemed to be bracing for a tough campaign in a statement Friday.

"I will continue to run the type of positive campaign I have always run," he said, "because the people of Gaston County deserve a campaign about the issues, not about mudslinging." -- *mark Johnson*

Edwards offers a solution to bullying

Former U.S. Sen. **John Edwards**' stump speech on the presidential campaign trail focuses on the fight he wants to wage against special interests, such as health insurance companies and drug companies. He offers a variety of biographical nuggets to illustrate his readiness for such a confrontation, including a tale of getting beat up at age 4 or 5.Edwards tells crowds that his father sat him down and told him he should never start a fight, but that he should never walk away from one. Then he approvingly recalls his father's instructions:

"He said, `Tomorrow you go out and find that kid and kick *his* butt,' " Edwards tells voters.

The Source suspects the teachers union would disagree. -- *mark johnson*

Dole hires campaign manager

U.S. Sen. **Elizabeth Dole**, R-N.C., has hired a manager for her 2008 re-election campaign.

Sam Daniels is expected to begin work in January, bringing experience from several other Southern GOP races. He worked for N.C. gubernatorial candidate **Bill Cobey**, Alabama Gov. **Bob Riley** and S.C. Gov. **Mark Sanford**. He also served as executive director of the S.C. Republican Party. -- *David Ingram*

He enjoys this kind of media

Gov. **Mike Easley** is to appear on PBS' "The Woodwright's Shop" on Dec. 29, though it's not scheduled to air in Charlotte.Easley taped the woodworking show in October. The show's creator and host, **Roy Underhill**, is a UNC Chapel Hill graduate who tapes the 28-year-old program at WUNC's studios in Research Triangle Park.

Published on Monday, December 31, 2007

Rep. Wright appears in court

RALEIGH (AP) — State Representative Thomas Wright has been given two boxes of evidence that prosecutors collected in their criminal case against him.

Wake County District Attorney Colin Willoughby released the evidence during a court hearing Monday.

Wright has been charged with five felony counts for fraudulently obtaining $160,000 in bank loans and pocketing $185,000 meant for his campaign.

He declined comment after the hearing Monday. Another hearing is scheduled Friday.

Meanwhile, a panel of six House members will meet later this week to decide whether there's enough evidence to show that Wright may have participated in unethical or illegal conduct.

The committee could recommend to the entire chamber that Wright be censured or removed from office.

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Charlotte*com

Wednesday, Dec 19, 2007

Posted on Wed, Dec. 19, 2007

Wright disciplinary process begins

DAVID INGRAM

A legislative panel started proceedings Tuesday for the expulsion of state Rep. Thomas Wright, a Wilmington Democrat accused of taking $350,000 from corporations and his campaign fund.

The six members of the House select committee met for an hour and approved the rules they expect to follow over the next couple of months during what should be a historic proceeding. The General Assembly has not expelled a member since 1880.

Wright, 52, was indicted last week on six felony charges -- five counts of obtaining property by false pretenses and one count of obstruction of justice. He has said repeatedly he will not resign, despite calls from Gov. Mike Easley, House Speaker Joe Hackney and others to do so.

The committee voted 6-0 to adopt rules that allow it, by majority vote, to refer Wright's case to the full House for "appropriate action," including censure or expulsion. It is scheduled to meet again Jan. 3 to hear preliminary evidence and consider whether to have a full hearing.

"We have a sitting member who has been indicted on six charges, and besides the criminal process, the public has to have confidence in the ethics of the people who are governing them," said Rep. Rick Glazier, the committee's chair and a Fayetteville Democrat.

A top ally of former House Speaker Jim Black, a Matthews Democrat, Wright is the latest person to be indicted as part of sweeping state and federal investigations of corruption in Raleigh. Black, 72, resigned in February, pleaded guilty to corruption and is now serving a five-year federal prison term.

Wright did not attend Tuesday's hearing, did not appear to have a representative there and did not return a message from the Observer left on his mobile phone Tuesday. Rep. Paul Stam, vice chair and a Wake County Republican, said he did not know whether Wright had an attorney.

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[redacted]ck

[redacted]rticle published Dec 19, 2007

House begins Wright probe

Panel expedites action, hearing set for Jan. 3

Raleigh | The meeting was rather mundane, covering the processes and procedures the committee would follow in investigating the alleged infractions.

Housekeeping, to put it nicely, by the House Select Committee to Investigate Alleged Misconduct/Other Matters Included in Indictments against Rep. Thomas Wright.

But the message was clear, even if little actual action was taken Tuesday.

The House was taking the matter seriously, and moving swiftly to investigate the charges against one of its own.

State Rep. Rick Glazier, D-Cumberland, said House Speaker Jim Hackney had made it clear that he wants the Wright matter "expedited."

That, in part, prompted the committee to set a Jan. 3 date for the hearing to determine probable cause, which would allow officials to move the investigation forward.

Although only two weeks and two big holidays away, Glazier said it would be enough time because the indictments had already been researched by Wake County officials and the State Bureau of Investigation.

Wright, D-New Hanover, was indicted earlier this month by a Wake County grand jury on six felony charges. The most serious included using a fraudulent grant letter to secure a $150,000 loan and misusing up to $185,000 in campaign funds.

[redacted]right has continued to proclaim that he is innocent of the charges and has refused to [redacted]sign from the House.

The six-member special legislative committee, with the mouthful of a name, was cobbled together Dec. 12 to investigate the charges against Wright.

That was two days after Wright was indicted, and a day before the Wilmington Democrat turned himself in to authorities and was released on a $50,000 unsecured bond.

The six committee members are the same six House members who serve on the Joint Legislative Ethics Committee, which is conducting its own investigation of Wright.

The House select committee will consider the indictments under the law in effect prior to January, because the alleged infractions occurred before stiffer rules were enacted this year in the wake of the corruption scandal that engulfed former House Speaker Jim Black.

Wright was a trusted ally of Black, who is now serving a 60-month sentence in a federal work camp after pleading guilty to a political corruption charge.

The committee eventually will make a recommendation to the rest of the House on whether sanctions, up to and including expulsion, are warranted against Wright.

Under state law, the General Assembly is the judge of its own members. That means the House can discipline its members for violation of its rules, including unethical conduct, corruption and violations of the oath of office and "offenses injurious to the House."

Glazier said it's important that the public have confidence in the ethics and conduct of the people who are serving.

But that doesn't make the committee's work easy, said state Rep. Paul Stam, R-Wake and vice chairman of the committee.

"It's unpleasant and sad," the House minority leader said of having to investigate the potential misdeeds of someone he's worked with for years.

[redacted]Wright is expelled by his fellow legislators, it would represent the first time a sitting representative has been forced from the General Assembly since 1880.

Wright didn't attend Tuesday's meeting.
But Glazier said he was invited.
"He received a notice of this hearing like every member of this House," Glazier said, "and he is still a member of this House."
Gareth McGrath: 343-2384
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12-15-2007

THE OBSERVER'S EDITORIALS

MORE MENDING

Our View: More news of political corruption shows need for further reform.

A flurry of corruption-related stories this week reminds us that the ethics reforms that began in the General Assembly this year are only that — a beginning.

The indictment of Rep. Thomas Wright — a New Hanover County Democrat and close associate of jailed former Speaker Jim Black — was another piece of expected fallout from Black's own political demise.

But there was more, and when the pieces are viewed together, it's clear that the reforms initiated under new House Speaker Joe Hackney need to go further.

Out in Asheville, former Buncombe County Sheriff Bobby Medford and three of his former deputies were indicted on charges that they took money to protect an illegal video-poker ring in western North Carolina. Despite its being banned from this state, there is still plenty of video poker money floating around. As reformer Joe Sinsheimer — the watchdog who brought Black down — points out, the former speaker was "the video poker industry's legislative sugar daddy." Further, "thirty-seven different members of the House Democratic Caucus accepted $86,000 in contributions from the video poker industry in 2003-2005 and served as Jim Black's enablers in this scandal."

And speaking of Jim Black, Wake County District Attorney Colon Willoughby said Wednesday that the State Bureau of Investigation is looking into state contracts awarded to Black's son, Jon, whose pest-control company did work at three state prisons, despite charging three times more than the lowest bidder. A former project manager says he was ordered to hire Black at the behest of an unnamed lawmaker.

Sinsheimer says, "If the General Assembly is serious about putting this era behind us, they should use the upcoming February 2008 special session ... to pass a law allowing investigative grand jury powers in political corruption cases." Attorney General Roy Cooper and Wake DA Willoughby have both urged the passage of such a law.

Legislators made great strides in ethics reform in this year's session, and the February public hearings by the Legislative Ethics Committee on the Wright case are compelling evidence of a new era in Raleigh. But there is much work to be done. We hope lawmakers will attend to it, as a top priority, in their next session.

File - Ethics

CRIMINAL INDICTMENT

State Rep. Thomas Wright turns himself in

The Associated Press

RALEIGH — State Rep. Thomas Wright appeared before a Wake County magistrate Friday on six felony charges of illegally obtaining or misusing more than $350,000.

Wright, 52, was released on a $50,000 unsecured bond, and his next court appearance is Dec. 31, according to the Wake County Magistrate's Office. Prosecutors accuse Wright of fraudulently obtaining $160,000 in bank loans for a foundation he led in Wilmington and for converting $185,000 in campaign contributions to his personal use.

"You would have thought I had murdered somebody, wouldn't you?" he quipped as he left the county's public safety center surrounded by cameras.

Wright

A grand jury indicted Wright this week on five counts of obtaining property by false pretense and a sixth on obstruction of justice. If convicted on all counts, he could face up to 11 years in prison.

Two legislative committees are investigating his actions, raising the possibility that the House could remove him from office in a vote. The legislature hasn't removed a lawmaker since 1880.

Wright, an eight-term Democratic lawmaker from Wilmington, refused to resign his seat despite calls to do so by House Speaker Joe Hackney and Gov. Mike Easley back in May, when the State Board of Elections referred Wright's case to prosecutors after a public hearing.

Wright is accused of persuading a state health administrator in 2002 to write a letter to a bank about a fake grant, which helped him get a $150,000 loan for a community health foundation he chaired.

Prosecutors also said Wright used $9,980 from a line of credit at a credit union for himself even though it was for the foundation. He also hid campaign contributions and took $8,900 from three companies that believed the money would be used for the foundation's charitable work, according to the indictment.

Hackney said Wednesday the joint Legislative Ethics Committee would hold a public hearing in February to look into allegations that Wright misused his office to obtain a bank loan. The hearing would give Wright a chance to respond to the allegations and call witnesses.

A separate House committee created by Hackney late Thursday will review only the specific allegations made in the indictments.

Both committees could recommend the House censure Wright or remove him from office. If that occurs, the full House would vote on a punishment.

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Article published Dec 13, 2007

Wright to face hearing before ethics panel

A bad week for state Rep. Thomas Wright got worse Wednesday as House Speaker Joe Hackney said the Legislative Ethics Committee had found enough evidence against the lawmaker to hold a public hearing on charges against him.

Wright already is facing a bruising court battle after being indicted Monday on five counts of obtaining property by false pretense and one count of obstructing justice. Now he will have to fight against being punished by fellow lawmakers, whose options could include expulsion.

Hackney said the ethics committee probably will meet in February, allowing both sides to present evidence. Any punishment would require a vote of the full House, which would not usually convene until May.

But in a sign of Wright's increasingly precarious position, Gov. Mike Easley said Wednesday he was willing to call a special session of the General Assembly to deal with the Wright situation. Easley previously called on Wright, a fellow Democrat, to resign, part of a chorus of similar voices that includes the New Hanover County Democratic Party.

Both the criminal trial and the ethics investigation are rooted in an N.C. State Board of Elections investigation into campaign finance records. The most serious charges allege that Wright used a state grant letter to fraudulently obtain a $150,000 bank loan and that he pocketed $185,000 in campaign contributions for his personal benefit.

The results of either the ethics or the criminal investigation could cost Wright the job he has held for 15 years. Legislators may vote to remove Wright, who would lose his position anyway if he's found guilty of a felony.

Wright didn't return messages left Wednesday on his cell phone.

His declining fortunes are turning attention to who would replace him. In the event of a vacancy, his replacement would be voted on by the District 18 committee, four previously appointed representatives from the New Hanover and Pender chapters of the Democratic Party. Wright's district covers parts of both counties.

Pete Cowan, one of the representatives, said he accepted his appointment to the committee several years ago without thinking he'd ever have to do anything.

At the time, the odds of having to replace the area's senior legislator seemed long indeed, said Cowan, who is mayor of Burgaw.

But suddenly it seems the holders of the usually ceremonial positions might soon have to take action, he said.

"It's just starting to sink in," said Cowan, who said any decision would be made in consultation with other party members. "We'll have to give it some serious thought."

Reese Smith, a retired longshoreman who is one of the New Hanover representatives, said he never expected things to go so far. He is a Wright supporter who hasn't thought much about a replacement.

"Let the system play out and then if I've got to make a decision, I'll make a decision," he said.

James Faison, who stepped down as chairman of the Pender County Democratic Party in May, is the other Pender representative. He said the group would look for someone who wants to hold the position past next year's election. It's not a perfect way of naming a replacement, he said, but it's the best way he knows.

Lynn McIntyre is the other New Hanover County representative on the committee.
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Charlotte*com

Friday, Dec 14, 2007

Posted on Fri, Dec. 14, 2007

Another indictment

A Wake County grand jury has made appalling but not unexpected news. It has indicted state Rep. Thomas Wright, once a key aide of former N.C. House Speaker Jim Black, on five charges of cheating banks, corporations and political contributors out of $350,000. In doing so he helped rob the people of North Carolina of their trust in elected government and contributed to the state's growing reputation for corruption in public office.

In our system of justice, of course, Rep. Wright is entitled to a strong defense on the charges of false pretences and obstruction of justice, which could bring him a prison term of about 11 years. But the House judges its members' fitness to serve. There's no need to wait for the legal process to run its course before concluding he no longer deserves to hold his seat in the N.C. House of Representatives, where he once chaired the health committee and cochaired the powerful budget committee.

House Speaker Joe Hackney, who succeeded Jim Black and has called for Rep. Wright's resignation, at first reacted with restraint to the news. "It's disappointing anytime an elected official is accused of wrongdoing, but the allegations in this case date back several years and don't reflect on the many good things we did this past legislative session," he said. He later said the House likely will return for a special session to consider expulsion after February hearings on allegations against Rep. Wright.

Speaker Hackney is right that Rep. Wright's offenses must be resolved quickly by the House. The speaker was overly patient in acquiescing in the request of the Wake County district attorney to wait while state investigators were probing Rep. Wright's activities. Rep. Wright's recent record, and findings by the State Board of Elections last spring, clearly define him as a huckster, a swindler and a public predator willing to take whatever financial advantage he can from his position.

Among other things, he failed to report nearly $200,000 in contributions, spent $185,000 in contributions for personal use and talked a state employee into writing a bogus letter about forthcoming state funds so that a foundation he headed could get a $150,000 bank loan that was never repaid. He also walked off with a $10,000 credit union loan meant for the foundation, the grand jury charged. These constitute a disgraceful performance.

That's why the House must move swiftly to expel Rep. Wright. The Legislative Ethics Committee gave Wake District Attorney Colon Willoughby plenty of time to perform a thorough investigation of Mr. Wright so its own inquiry would not complicate the Wake County grand jury's job. But the House has had plenty of information upon which to judge Rep. Wright's fitness for public office.

Mr. Wright is entitled to a presumption of innocence in the courtroom. But there's ample evidence to establish that he no longer deserves to remain a member of the General Assembly.

CITIZEN-TIMES.com

New year starts with old problem for Wright

The year 2008 has opened in Raleigh with some lingering unpleasant business left over from 2007 — the case of Rep. Thomas Wright, D-New Hanover.

The ethics accusations leveled against Wright are serious, with allegations he hoodwinked campaign contributors, banks and corporations out of $350,000. Calls for the eight-term representative to step down reached a crescendo last spring, when fellow Democrats Gov. Mike Easley and House Speaker Joe Hackney suggested he head for the exit.

Given the fact Wright was indicted last month on an obstruction of justice charge and five charges of obtaining property by false pretenses, we see no reason why that assessment should change.

On Monday Wright appeared in a Raleigh courtroom to answer to the charges. Even that short appearance added an additional layer of contention to the saga: His lawyer didn't appear with him. (Wright said he was at a trial). Judge Donald Stephens ordered the lawyer, Douglas Harris, to appear Friday, saying, "I want a lawyer here to stand before me and tell me he represents Mr. Wright."

2 investigations

Wright is the focus of two legislative committees. A House group is looking at the criminal charges leveled against Wright; a House-Senate committee is also probing Wright. Either committee could issue a recommendation to the House calling for Wright's censure or removal.

In a nutshell, the charges against Wright go like this: He allegedly spent nearly a quarter of a million dollars in campaign contributions for personal purposes over six years. Additionally, Wright is said to have asked a prominent state official to write a letter saying a historic building would receive a state grant of $150,000. (No such grant existed). A community health foundation headed by Wright in Wilmington was to turn the building into a museum commemorating the horrific race riots of 1898. The letter noting a grant that didn't exist was used to get a bank loan, which in turn wasn't repaid, and subsequently the building went into foreclosure.

Prison time possible

If Wright is convicted on all the charges he faces, he could be in prison a very long time. As it is, he hasn't even effectively responded to them publicly, despite being under an ethical cloud for a couple of years. The episode is a reminder of ethical woes in some corners of state government that have been all-too evident for years, scandals that have taken down a one-time agriculture commissioner and House speaker.

The reminders of that speaker, Jim Black, are not surprising. Wright was an ally and defender of Black when he faced ethical charges, and Black overstayed his welcome in state government.

It's possible Wright can see his name cleared, but it doesn't seem possible he can effectively represent his constituents.

Gary Robertson of The Associated Press reported State Sen. Julia Boseman, D-New Hanover, told television on WECT the Wright case "... is a disgrace for North Carolina. It's a disgrace for Wilmington. I wish he would step down so we could have somebody in there who could help us."

If Wright doesn't do his constituents right, it's up to the House to do it for them. In North Carolina, a House member hasn't been kicked out since 1880.

2008 may be the time to see that streak end.

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