

## Pearl Burris-Floyd

Pearl Burris-Floyd, of Dallas, NC, was appointed by the North Carolina General Assembly in 2015 and reappointed in 2019 to serve on the Board of Governors of the University of North Carolina System. Her term will end in 2023.

Burris-Floyd is the secretary for the Board of Governors and is a member of the Committee on University Personnel and the Committee on Audit, Risk Management, and Compliance.

Burris-Floyd has spent the majority of her professional career providing leadership on health issues and speaking on matters that involve mental and behavioral care. She is the Chief Government Affairs Officer at Partners Behavioral Health and President and CEO of Hidden Gemstones Consulting, LLC. She has worked as a Cancer Detection Specialist and held several administrative positions, including one at the Department of Health and Human Services.

Burris-Floyd is a passionate public servant. She was the first African-American elected to the Gaston County Board of Commissioners, serving as the Vice Chair from 2006-08. In 2008, she was elected to the NC House of Representatives District 110. She served as a State Representative from 2009-11. Burris-Floyd has served on committees on aging, appropriations, education, election law and campaign finance reform, and health and mental health reform.

Burris-Floyd has also served on various boards, including the Gaston County Board of Health, Pathways Mental Health Board of Directors of Cleveland, Lincoln and Gaston Counties, the NC Association of County Commissioners, NC Insurance Pool, and CaroMont Health. She was appointed by Gov. Beverly Perdue to serve as a member of the State Board of Directors for the Partnership for Children in 2011 and reappointed to this board by Gov. Pat McCrory in 2014.

She is the 2009 recipient of the Healthcare Hero Award from The Mecklenburg Times and received the 2011 Circle of Excellence Award from Novant Healthcare System.

She graduated from the University of North Carolina at Chapel Hill with a bachelor's degree in biology and from the UNC-Chapel Hill School of Medicine Cytology. She earned a master's degree in health administration from Pfeiffer University.

Burris-Floyd's service to the community is rooted in her faith. She is an ordained minister and member of the First Baptist Church in Dallas, NC, where she currently serves as the Chair of the Board of Trustees. She is a motivational speaker and has offered keynote addresses at health care forums, women's empowerment conferences, and leadership retreats.

Her advice to today's college students:

"Set goals and work hard to achieve them. Then once you achieve these goals, set new goals. It's important that you remain committed to life-long learning."



**NORTH CAROLINA HOUSE  
UNC BOARD OF GOVERNORS  
2023 NOMINATION FORM**

(1) Representative \_\_\_\_\_ (Sponsor's Name)

proposes \_\_\_\_\_ (Nominee's name) as a nominee for election to the Board of Governors of The University of North Carolina for a four-year term to commence July 1, 2023.

(2) Nominee's Name: Dr. Pearl Burris-Floyd

Nominee's Occupation: County Government Executive

Nominee's **Physical Home** Address: 518 East Main Street  
Dallas, N.C. 28034

Home Phone: 704-860-1000

Mobile Phone: 704-860-1000

Email address: pearlbfloyd@gmail.com

(3) Has the nominee ever served on the Board of Governors of The University of North Carolina?

☒ Yes ☐ No

If yes, please list all terms and dates of service, including full and partial terms.

Term 1 - 2015-2019 full term

Term 2 - 2019 2023 full term

(4) Has the nominee ever been arrested, given a written warning, taken into custody, or accused, formally or informally, of the violation of a law for any offense?

☐ Yes ☒ No

If yes, list every incident including the date, place, charges, and final disposition. Attach additional sheets if necessary.

(5) Is the nominee current on all federal, State, and local taxes?

☒ Yes      ☐ No

(6) Does the nominee currently hold any federal, State, or local offices, either elected or appointed?

☐ Yes      ☒ No

If yes, list all applicable offices:

(7) Does the nominee's spouse currently hold any federal, State, or local offices, either elected or appointed?

☐ Yes      ☒ No

If yes, list all applicable offices:

(8) Is the nominee an officer or employee of the State?

☐ Yes      ☒ No

(9) Is the nominee an officer or employee of The University of North Carolina?

☐ Yes      ☒ No

(10) Is the nominee an officer or employee of any constituent institution of The University of North Carolina?

☐ Yes      ☒ No

(11) Is the nominee's spouse a member of the General Assembly?

☐ Yes      ☒ No

(12) Is the nominee's spouse an officer or employee of The University of North Carolina?

☐ Yes      ☒ No

(13) Is the nominee's spouse an officer or employee of any constituent institution of The University of North Carolina?

☐ Yes ☒ No

(14) If elected, will the nominee serve?

☒ Yes ☐ No

(15) If elected, will the nominee (or if applicable, the nominee's spouse) resign from any elected or appointed offices or any positions of employment which conflict with service on the Board of Governors of The University of North Carolina?

☒ Yes ☐ No

(16) I certify the above information is accurate, I will serve if elected, and I understand that G.S. 116-7(b) provides that "No member of the General Assembly or officer or employee of the State, The University of North Carolina, or any constituent institution may be a member of the Board of Governors. No spouse of a member of the General Assembly, or of an officer or employee of The University of North Carolina, or of any constituent institution may be a member of the Board of Governors."

I also certify that I have attached a current vitae and have submitted a completed original Statement of Economic Interest to the State Ethics Commission.

Pearl Burris-Floyd March 19, 2023

\_\_\_\_\_  
Signature of Nominee/Date

\_\_\_\_\_  
Signature of Sponsor/Date

**Statement of Economic Interest**

All nominees must also file a completed original Statement of Economic Interest with the North Carolina State Ethics Commission, as required by G.S. 138A-22. Nominees must clearly indicate on their Statements of Economic Interest that they are a nominee for the UNC Board of Governors.

**Contact information for the State Ethics Commission:**

Mailing Address: P.O. Box 27685  
Raleigh, NC 27611

Physical Address: 424 N. Blount Street  
Raleigh, NC 27601

Phone Number: (919) 814-3600  
Website: <https://ethics.nc.gov/>

NOTE: The following individuals are not eligible to serve on the UNC Board of Governors: (i) members of the General Assembly, (ii) officers or employees of the State, (iii) officers or employees of The University of North Carolina, and (iv) officers or employees of the constituent institutions of The University of North Carolina.

The spouses of the following individuals are not eligible to serve on the UNC Board of Governors: (i) members of the General Assembly, (ii) officers or employees of The University of North Carolina, and (iii) officers or employees of the constituent institutions of The University of North Carolina.



## STATE ETHICS COMMISSION

POST OFFICE BOX 27685  
RALEIGH, NC 27611  
PHONE: 919-814-3600

### Via Email

August 22, 2022

The Honorable Tim Moore  
Speaker of the House of Representatives  
16 West Jones Street, Room 2304  
Raleigh, North Carolina 27601-1096

**Re: Evaluation of Statement of Economic Interest Filed by Rev. Pearl E. Burris-Floyd**  
**Member of the University of North Carolina Board of Governors**

Dear Speaker Moore:

Our office has received **Reverend Pearl E. Burris-Floyd's** 2022 Statement of Economic Interest as a member of the **University of North Carolina Board of Governors (the "Board")**. We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the State Government Ethics Act (the "Act").

Compliance with the Act and avoidance of conflicts of interest in the performance of public duties are the responsibilities of every covered person, regardless of this letter's contents. This letter, meanwhile, is not meant to impugn the integrity of the covered person in any way. This letter is required by N.C.G.S. § 138A-28(a) and is designed to educate the covered person as to potential issues that could merit particular attention. Advice on compliance with the Act is available to certain public servants and legislative employees under N.C.G.S. § 138A-13.

**We did not find an actual conflict of interest or the likelihood for a conflict of interest.**

Chapter 116 of the North Carolina General Statutes provides for the development of a coordinated system of higher education known as the University of North Carolina, a public, multi-campus university system governed by the Board. Although each constituent institution of the University has a board of trustees, the Board has retained the authority to determine degree programs offered by each institution; set enrollment levels, tuition rates, and uniform admissions requirements; elect the system president; consider the nomination of the president's principal staff and of the principal administrators and tenured faculty of each institution; establish dependent care assistance and flexible compensation plans; administer certain scholarship and financial aid programs; oversee the preparation of the comprehensive University system budget; approve or recommend the acquisition and disposition of real and personal property; license certain nonpublic entities offering post-secondary degrees; and manage the system's endowment and trust funds, including the ability to designate one or more banks or trust companies as the "official depository" of fees and other payments for medical, dental, or other health care services.

By law, no member of the General Assembly, or officer or employee of the State or of any constituent institution, or spouse of any such member, officer, or employee, may be a member of the Board. Any member of the Board who is elected or appointed to the General Assembly or who becomes an officer or employee of the State or of any constituent institution, or whose spouse is elected or appointed to the General Assembly or becomes such officer or employee, shall be deemed to resign from his membership on the Board.

The Act establishes ethical standards for certain public servants and prohibits public servants from: (1) using their positions for their financial benefit or for the benefit of their extended family or business, N.C.G.S. § 138A-31; and (2) participating in official actions from which they or certain associated persons might receive a reasonably foreseeable financial benefit, N.C.G.S. § 138A-36(a). The Act also requires public servants to take appropriate steps to remove themselves from proceedings in which their impartiality might reasonably be questioned due to a familial, personal, or financial relationship with a participant in those proceedings. N.C.G.S. § 138A-36(c).

In addition to the conflicts standards noted above, the Act prohibits public servants from accepting gifts from (1) a lobbyist or lobbyist principal, (2) a person or entity that is seeking to do business with the public servant's agency, is regulated or controlled by that agency, or has financial interests that might be affected by their official actions, or (3) anyone in return for being influenced in the discharge of their official responsibilities. N.C.G.S. § 138A-32. Exceptions to the gifts restrictions are set out in N.C.G.S. § 138A-32(e).

When this letter cites an actual or potential conflict of interest under N.C.G.S. § 138A-24(e), the conflict must be recorded in the minutes of the applicable board and brought to the membership's attention by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the Act. N.C.G.S. § 138A-15(c).

Finally, the Act mandates that all public servants attend an ethics and lobbying education presentation. N.C.G.S. § 138A-14. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the Act.

Sincerely,



Mary Roerden, SEI Unit  
State Ethics Commission

cc: Rev. Pearl E. Burris-Floyd

Andrew Tripp, Senior Vice President for Legal Affairs & General Counsel, UNC System Office

Ruth Brill, Executive Assistant, UNC System Office

Meredith R. McCullen, Secretary of the University, UNC System Office

Attachment: Ethics Education Guide

### C. Philip Byers

C. Philip Byers, of Forest City, NC, was appointed by the North Carolina General Assembly in 2015 and reappointed in 2019 to serve on the Board of Governors of the University of North Carolina System. His term will end in 2023.

Byers is chair of the Subcommittee on Laboratory Schools, vice chair of the Committee on Military and Public Affairs, and a member of the Committee on University Governance. He is passionate about student success, safety on college campuses, and access to education for all citizens in North Carolina.

Byers served in law enforcement for 20 years, retiring in 2006 as sheriff of Rutherford County, NC.

In 2014, Byers was named president of Challenge Foundation Properties, a sister organization to TeamCFA, which helps connect the network's charter schools with the building resources they need for long-term success. In his work, Byers has served as the southeast regional director for the Challenge Foundation and as executive director for Education Freedom Alliance.

Byers joined the Thomas Jefferson Community Education Foundation as executive director. He continues to work with the Thomas Jefferson Classical Academy, having formerly served as a board member and board chair. He is a founding member of the Lake Lure Classical Academy, a Challenge Foundation Academy.

During his tenure in law enforcement, Byers received acclaim for leading the fight against methamphetamine production in rural western North Carolina and, as a result, testified on three occasions before the US Congress. He was instrumental in crafting state and federal laws governing meth production and lab apprehension. Byers was also part of a Federal Hate Crime Task Force from 1996-1999, which worked with the FBI, ATF, US Attorney, and local law enforcement to dismantle the Ku Klux Klan and other white supremacy organizations. Their investigation led to numerous arrests in North Carolina, South Carolina, Tennessee, Ohio, Indiana, Texas, and Georgia. As a result of the investigation, Byers received performance awards from the US Attorney, FBI, and ATF.

He has a positive outlook on life and credits his law enforcement experience for the work he does today. He enjoys engaging with citizens from all walks of life and providing young people with opportunities to get an education.

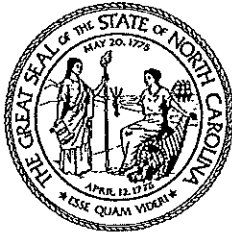
Byers holds a bachelor's degree in secondary education from Appalachian State University and a master's of public affairs from Western Carolina University, and he participated in the Law Enforcement Executive Program at North Carolina State University.

He is a member of several organizations, including Kiwanis International, Masonic Lodge, Oasis Shrine, Pi Gamma Mu National Honor Society, Toastmaster International, Appalachian State's Alumni Association, and WCU's Alumni Association. He is a former Board of Trustees member for WCU.

His advice to today's college students:



"Follow your passion and follow your heart. If you want to become an artist, then become an artist. If you want to earn a PhD from one of the best universities in the UNC System, then go for it. You have to be in love with what you do. I also remind young people that if you treat people well, life will have good things for you. I don't live in a perfect world. There are tragedies and lots of hardships, but if you have passion and a heart, you can deal with those missteps. Then, when success comes your way, remember those who helped you and return the favor to someone less fortunate."



**NORTH CAROLINA HOUSE  
UNC BOARD OF GOVERNORS  
2023 NOMINATION FORM**

(1) Representative \_\_\_\_\_ (Sponsor's Name)

proposes \_\_\_\_\_ (Nominee's name) as a nominee for election to the Board of Governors of The University of North Carolina for a four-year term to commence July 1, 2023.

(2) Nominee's Name: Charles Philip Byers (Philip)  
Nominee's Occupation: Business Owner, Retired Law Enforcement  
Nominee's Physical Home Address: 243 McCall Drive  
FOREST CITY, NC 28043  
Home Phone: N/A  
Mobile Phone: 828.289.2225  
Email address: cphilipbyers@gmail.com

(3) Has the nominee ever served on the Board of Governors of The University of North Carolina?

☒ Yes ☐ No

If yes, please list all terms and dates of service, including full and partial terms.

2016 - Current

(4) Has the nominee ever been arrested, given a written warning, taken into custody, or accused, formally or informally, of the violation of a law for any offense?

☐ Yes ☒ No

If yes, list every incident including the date, place, charges, and final disposition. Attach additional sheets if necessary.

(5) Is the nominee current on all federal, State, and local taxes?

☒ Yes    ☐ No

(6) Does the nominee currently hold any federal, State, or local offices, either elected or appointed?

☐ Yes    ☒ No

If yes, list all applicable offices:

(7) Does the nominee's spouse currently hold any federal, State, or local offices, either elected or appointed?

☐ Yes    ☒ No

If yes, list all applicable offices:

*Divorced*

(8) Is the nominee an officer or employee of the State?

☐ Yes    ☒ No

(9) Is the nominee an officer or employee of The University of North Carolina?

☐ Yes    ☒ No

(10) Is the nominee an officer or employee of any constituent institution of The University of North Carolina?

☐ Yes    ☒ No

(11) Is the nominee's spouse a member of the General Assembly?

☐ Yes    ☒ No

(12) Is the nominee's spouse an officer or employee of The University of North Carolina?

☐ Yes    ☒ No

(13) Is the nominee's spouse an officer or employee of any constituent institution of The University of North Carolina?

☐ Yes ☒ No

(14) If elected, will the nominee serve?

☒ Yes ☐ No

(15) If elected, will the nominee (or if applicable, the nominee's spouse) resign from any elected or appointed offices or any positions of employment which conflict with service on the Board of Governors of The University of North Carolina? N/A

☒ Yes ☐ No

(16) I certify the above information is accurate, I will serve if elected, and I understand that G.S. 116-7(b) provides that "No member of the General Assembly or officer or employee of the State, The University of North Carolina, or any constituent institution may be a member of the Board of Governors. No spouse of a member of the General Assembly, or of an officer or employee of The University of North Carolina, or of any constituent institution may be a member of the Board of Governors."

I also certify that I have attached a current vitae and have submitted a completed original Statement of Economic Interest to the State Ethics Commission.

Charles O. Byrum 03/13/23

Signature of Nominee/Date

\_\_\_\_\_  
Signature of Sponsor/Date



## STATE ETHICS COMMISSION

POST OFFICE BOX 27685  
RALEIGH, NC 27611  
PHONE: 919-814-3600

### Via Email

August 22, 2022

The Honorable Tim Moore  
Speaker of the House of Representatives  
16 West Jones Street, Room 2304  
Raleigh, North Carolina 27601-1096

**Re: Evaluation of Statement of Economic Interest Filed by Mr. C. Philip Byers  
Member of the University of North Carolina Board of Governors**

Dear Speaker Moore:

Our office has received **Mr. C. Philip Byers'** 2022 Statement of Economic Interest as a member of the **University of North Carolina Board of Governors (the "Board")**. We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the State Government Ethics Act (the "Act").

Compliance with the Act and avoidance of conflicts of interest in the performance of public duties are the responsibilities of every covered person, regardless of this letter's contents. This letter, meanwhile, is not meant to impugn the integrity of the covered person in any way. This letter is required by N.C.G.S. § 138A-28(a) and is designed to educate the covered person as to potential issues that could merit particular attention. Advice on compliance with the Act is available to certain public servants and legislative employees under N.C.G.S. § 138A-13.

**We did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.**

Chapter 116 of the North Carolina General Statutes provides for the development of a coordinated system of higher education known as the University of North Carolina, a public, multi-campus university system governed by the Board. Although each constituent institution of the University has a board of trustees, the Board has retained the authority to determine degree programs offered by each institution; set enrollment levels, tuition rates, and uniform admissions requirements; elect the system president; consider the nomination of the president's principal staff and of the principal administrators and tenured faculty of each institution; establish dependent care assistance and flexible compensation plans; administer certain scholarship and financial aid programs; oversee the preparation of the comprehensive University system budget; approve or recommend the acquisition and disposition of real and personal property; license certain nonpublic entities offering post-secondary degrees; and manage the system's endowment and trust funds, including the ability to designate one or more banks or trust companies as the "official depository" of fees and other payments for medical, dental, or other health care services.

By law, no member of the General Assembly, or officer or employee of the State or of any constituent institution, or spouse of any such member, officer, or employee, may be a member of the Board. Any member of the Board who is elected or appointed to the General Assembly or who becomes an officer or employee of the State or of any constituent institution, or whose spouse is elected or appointed to the

General Assembly or becomes such officer or employee, shall be deemed to resign from his membership on the Board.

The Act establishes ethical standards for certain public servants and prohibits public servants from: (1) using their positions for their financial benefit or for the benefit of their extended family or business, N.C.G.S. § 138A-31; and (2) participating in official actions from which they or certain associated persons might receive a reasonably foreseeable financial benefit, N.C.G.S. § 138A-36(a). The Act also requires public servants to take appropriate steps to remove themselves from proceedings in which their impartiality might reasonably be questioned due to a familial, personal, or financial relationship with a participant in those proceedings. N.C.G.S. § 138A-36(c).

Mr. Byers is a Senior Partner with Byers, Cotham, Harrington and Lancaster, a strategic management and public policy organization. He is a board member of Education Freedom Alliance and the President of Challenge Foundation Properties. In addition, he owns a financial interest in Forest City Capital Partners. Therefore, Mr. Byers has the potential for a conflict of interest and should exercise appropriate caution in the performance of his public duties should these entities, or issues involving his clients, his real estate, or any other entity in which he owns a financial interest come before the Board for official action.

In addition to the conflicts standards noted above, the Act prohibits public servants from accepting gifts from (1) a lobbyist or lobbyist principal, (2) a person or entity that is seeking to do business with the public servant's agency, is regulated or controlled by that agency, or has financial interests that might be affected by their official actions, or (3) anyone in return for being influenced in the discharge of their official responsibilities. N.C.G.S. § 138A-32. Exceptions to the gifts restrictions are set out in N.C.G.S. § 138A-32(e).

When this letter cites an actual or potential conflict of interest under N.C.G.S. § 138A-24(e), the conflict must be recorded in the minutes of the applicable board and brought to the membership's attention by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the Act. N.C.G.S. § 138A-15(c).

Finally, the Act mandates that all public servants attend an ethics and lobbying education presentation. N.C.G.S. § 138A-14. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the Act.

Sincerely,



Mary Roerden, SEI Unit  
State Ethics Commission

cc: C. Philip Byers

Andrew Tripp, Senior Vice President for Legal Affairs & General Counsel, UNC System Office  
Ruth Brill, Executive Assistant, UNC System Office  
Meredith R. McCullen, Secretary of the University, UNC System Office

Attachment: Ethics Education Guide

**Swadesh Chatterjee**  
Cary, North Carolina  
*schat@ncrrbiz.com*  
Tel: 919-345-5989



Swadesh Chatterjee is a nationally and internationally recognized civic leader, businessman, and entrepreneur. He has a deep and enduring commitment to civic and educational causes and has worked tirelessly with those of differing political, national, religious, and cultural affiliations to achieve major accomplishments benefitting the United States.

Chatterjee is perhaps best known as Chairman and Co-founder of the U.S.-India Friendship Council, a coalition of prominent Indian American individuals and associations that worked with then-Senator Joe Biden (and many other U.S. Senators and House members) and the George W. Bush administration towards achieving the US-India Civilian Nuclear Deal. Final legislation for this landmark deal was signed into law by President George W. Bush on Wednesday, October 8, 2008.

Chatterjee also worked with both the Clinton administration and the Congress to stabilize the U.S.-India relationship after the disruptive Indian nuclear tests of 1998. He played a critical role in ensuring the support of then-Chairman of the Foreign Relations Committee, Senator Jesse Helms (R-NC), which brought about a reconciliation between the U.S. and India. He also accompanied President Clinton during his March 2000 visit to India.

Chatterjee is a pioneer in bringing political awareness and involvement to the Indian American community. His service as National President of the Indian American Forum for Political Education (1998-2000) built upon his presidency of the North Carolina chapter of the IAFPE (1994-1996), his service on the Board of Directors of the Hindu Society of North Carolina (1988-1990) and as founder and President of the North Carolina Bengali Association.

All of these activities he did for the public good without compensation of any kind and entirely at his own expense to bolster constructive communications between the U.S. and India. Chatterjee has been honored repeatedly for his international work. He was conferred the **Padma Bhushan**, India's highest civilian award, by the president of India and named **Community Leader of the Year (2006)** by the most prominent ethnic newspaper, India Abroad. In 2001, he was inducted as a member of the Prime Minister of India's Global Advisory Council.

Chatterjee has also been publicly recognized by a number of prominent U.S. Senators, Members of Congress and local leaders [e.g., Senator Jesse Helms; Congressman David Price; Governor Roy Cooper to name just a few] from both parties for his tireless dedication and public service over many decades. He has worked to increase jobs and prosperity in his home state of North Carolina. He was appointed by the NC Governor to serve on the North Carolina Joining Our Business and Schools (JOBS) Commission and was a founding member of TiE Carolinas, a group of successful businesspeople whose primary goal is to develop and assist fledgling entrepreneurs. He served a two-year term (2003-2004) as President of the group.

Chatterjee is currently a Vice Chair of the Chancellor's Global Advisory Council and Chair of the Modern India Studies Program Steering Committee at UNC-Chapel Hill. He is also the President and CEO of Swadesh Chatterjee & Associates and supervises a number of biotech and life science companies in the U.S., Sweden, Finland, Norway, Denmark, France and India. Additionally, he serves on the Board of Directors for a number of private biotech companies in the U.S. Europe and India. Swadesh is author of the book, "Building Bridges: How Indian Americans Brought the United States and India Closer Together" and is frequently featured in news outlets in both the U.S. and India.

He received his M.B.A degree from North Carolina State University, a B.S. Degree in Physics from Calcutta University, and a B.S. Degree in Instrumentation and Electronic Engineering from Jadavpur University. Chatterjee is married to Manju Chatterjee, M.D. and has two children, Sohini Chatterjee, a human rights attorney and Associate Professor at Columbia University, and Souvik Chatterjee, M.D. who serves as Chief of Intensive Care at Johns Hopkins University Hospital.

### **Civic Involvement**

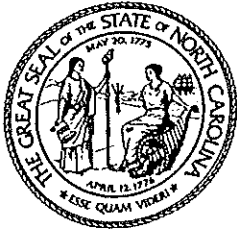
#### ***Present***

- Chairman and Co-Founder of U.S.-India Friendship Council (2017-Present)
- Vice Chair of the Chancellor's Global Leadership Council at UNC Chapel Hill, N.C. (2018-Present)
- Chairman of the steering committee of Modern Indian Studies Initiative at UNC Chapel Hill, NC. (2018-Present)

#### ***Previous***

- National President of the Indian American Forum of Political Education
- Co-Founder and President of the Tie Carolinas
- President of Indian American Political Forum of N.C. Chapter
- Founder and President of N.C. Bengali Association
- Member of NC JOBS Commission
- Prime Minister of India's Global Advisory Council
- Board of Directors of Hindu Society of N.C.





**NORTH CAROLINA HOUSE  
UNC BOARD OF GOVERNORS  
2023 NOMINATION FORM**

- (1) Representative \_\_\_\_\_ (Sponsor's Name) proposes  
SWADESH CHATTERJEE (Nominee's name) as a nominee for  
election to the Board of Governors of The University of North Carolina for a four-year term to  
commence July 1, 2023.

- (2) Nominee's Name: Swadesh Chatterjee  
Nominee's Occupation: Consultant  
Nominee's Physical Home Address: 114, Bay Brook Court, Cary N.C-27518

Home Phone: 919-615-1324

Mobile Phone: 919-345-5989

Email address: sehat@nerrbiz.com

- (3) Has the nominee ever served on the Board of Governors of The University of North Carolina?  
☐ Yes ☒ No

If yes, please list all terms and dates of service, including full and partial terms.

- (4) Has the nominee ever been arrested, given a written warning, taken into custody, or accused,  
formally or informally, of the violation of a law for any offense?

☐ Yes ☒ No

If yes, list every incident including the date, place, charges, and final disposition. Attach additional sheets if  
necessary.

(5) Is the nominee current on all federal, State, and local taxes?  
☒ Yes ☒ No

(6) Does the nominee currently hold any federal, State, or local offices, either elected or appointed?  
☐ Yes ☒ No

If yes, list all applicable offices:

(7) Does the nominee's spouse currently hold any federal, State, or local offices, either elected or appointed?  
☐ Yes ☒ No

If yes, list all applicable offices:

(8) Is the nominee an officer or employee of the State?  
☐ Yes ☒ No

(9) Is the nominee an officer or employee of The University of North Carolina?  
☐ Yes ☒ No

(10) Is the nominee an officer or employee of any constituent institution of The University of North Carolina?  
☐ Yes ☒ No

(11) Is the nominee's spouse a member of the General Assembly?  
☐ Yes ☒ No

(12) Is the nominee's spouse an officer or employee of The University of North Carolina?  
☐ Yes ☒ No

- (12) Is the nominee's spouse an officer or employee of The University of North Carolina?  
☐ Yes ☒ No
- (13) Is the nominee's spouse an officer or employee of any constituent institution of The University of North Carolina?  
☐ Yes ☒ No
- (14) If elected, will the nominee serve?  
☒ Yes ☐ No
- (15) If elected, will the nominee (or if applicable, the nominee's spouse) resign from any elected or appointed offices or any positions of employment which conflict with service on the Board of Governors of The University of North Carolina?  
☒ Yes ☐ No

- (16) I certify the above information is accurate, I will serve if elected, and I understand that C provides that "No member of the General Assembly or officer or employee of the State University of North Carolina, or any constituent institution may be a member of the F Governors. No spouse of a member of the General Assembly, or of an officer or em University of North Carolina, or of any constituent institution may be a member of Governors."

I also certify that I have attached a current vitae and have submitted a completed original Economic Interest to the State Ethics Commission.



Signature of Nominee/Date



## STATE ETHICS COMMISSION

POST OFFICE BOX 27685  
RALEIGH, NC 27611  
PHONE: 919-814-3600

Via Email

May 3, 2023

The Honorable Tim Moore  
Speaker of the House of Representatives  
16 West Jones Street, Room 2304  
Raleigh, North Carolina 27601-1096

Re: Evaluation of Statement of Economic Interest Filed by Mr. Swadesh Chatterjee  
Prospective Appointee to the University of North Carolina Board of Governors

Dear Speaker Moore:

Our office has received Mr. Swadesh Chatterjee's 2023 Statement of Economic Interest as a prospective appointee to the University of North Carolina Board of Governors (the "Board"). We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the State Government Ethics Act (the "Act").

Compliance with the Act and avoidance of conflicts of interest in the performance of public duties are the responsibilities of every covered person, regardless of this letter's contents. This letter, meanwhile, is not meant to impugn the integrity of the covered person in any way. This letter is required by N.C.G.S. § 138A-28(a) and is designed to educate the covered person as to potential issues that could merit particular attention. Advice on compliance with the Act is available to certain public servants and legislative employees under N.C.G.S. § 138A-13.

**We did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.**

Chapter 116 of the North Carolina General Statutes provides for the development of a coordinated system of higher education known as the University of North Carolina, a public, multi-campus university system governed by the Board. Although each constituent institution of the University has a board of trustees, the Board has retained the authority to determine degree programs offered by each institution; set enrollment levels, tuition rates, and uniform admissions requirements; elect the system president; consider the nomination of the president's principal staff and of the principal administrators and tenured faculty of each institution; establish dependent care assistance and flexible compensation plans; administer certain scholarship and financial aid programs; oversee the preparation of the comprehensive University system budget; approve or recommend the acquisition and disposition of real and personal property; license certain nonpublic entities offering post-secondary degrees; and manage the system's endowment and trust funds, including the ability to designate one or more banks or trust companies as the "official depository" of fees and other payments for medical, dental, or other health care services.

By law, no member of the General Assembly, or officer or employee of the State or of any constituent institution, or spouse of any such member, officer, or employee, may be a member of the Board. Any member of the Board who is elected or appointed to the General Assembly or who becomes an officer or employee of the State or of any constituent institution, or whose spouse is elected or appointed to the

General Assembly or becomes such officer or employee, shall be deemed to resign from his membership on the Board.

The Act establishes ethical standards for certain public servants and prohibits public servants from: (1) using their positions for their financial benefit or for the benefit of their extended family or business, N.C.G.S. § 138A-31; and (2) participating in official actions from which they or certain associated persons might receive a reasonably foreseeable financial benefit, N.C.G.S. § 138A-36(a). The Act also requires public servants to take appropriate steps to remove themselves from proceedings in which their impartiality might reasonably be questioned due to a familial, personal, or financial relationship with a participant in those proceedings. N.C.G.S. § 138A-36(c).

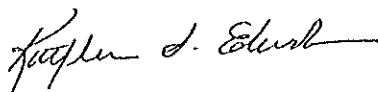
Mr. Chatterjee described his occupation as a self-employed consultant. He discloses that in 2022 he received interest and dividends from Wells Fargo and Company, a financial services company. Therefore, Mr. Chatterjee has the potential for a conflict of interest and should exercise appropriate caution in the performance of his public duties should issues involving Wells Fargo of any of his consulting clients come before the Board for official action.

In addition to the conflicts standards noted above, the Act prohibits public servants from accepting gifts from (1) a lobbyist or lobbyist principal, (2) a person or entity that is seeking to do business with the public servant's agency, is regulated or controlled by that agency, or has financial interests that might be affected by their official actions, or (3) anyone in return for being influenced in the discharge of their official responsibilities. N.C.G.S. § 138A-32. Exceptions to the gifts restrictions are set out in N.C.G.S. § 138A-32(e).

When this letter cites an actual or potential conflict of interest under N.C.G.S. § 138A-24(e), the conflict must be recorded in the minutes of the applicable board and brought to the membership's attention by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the Act. N.C.G.S. § 138A-15(c).

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the Act.

Sincerely,



Kathleen S. Edwards  
State Ethics Commission

cc: Swadesh Chatterjee

**R. GENE DAVIS, JR.**  
4012 City of Oaks Wynd  
Raleigh, North Carolina 27612  
gene@genedavislaw.com

#### **PERSONAL**

Home – Raleigh, North Carolina  
Wife – Mary Kaitland Stuart Davis  
Children – Stuart Wynn Fortescue Davis, Elizabeth Ann Rogers Davis,  
and Hartsfield Rex Phelps Davis

#### **EDUCATION**

University of North Carolina School of Law, Chapel Hill, North Carolina, J.D.  
University of North Carolina, Chapel Hill, North Carolina, B.A. with distinction  
Majors: Speech Communications and Political Science  
La Sorbonne, Paris, France, Certificat de langue française  
Duke University, Durham, North Carolina, Certificate of Nonprofit Management  
Cardinal Gibbons High School, Raleigh, North Carolina, Diploma

#### **SCHOLASTIC HONORS AND ACTIVITIES**

##### **Law School**

Executive Editor and Founding Member, 1996-1997, NORTH CAROLINA BANKING INSTITUTE  
Recipient, 1997, Lissa L. Broome Award for outstanding service to the banking law journal  
Articles Editor, 1996-1997, Staff Member, 1995-1996, NORTH CAROLINA JOURNAL OF  
INTERNATIONAL LAW AND COMMERCIAL REGULATION  
Inductee, 1997, James E. and Carolyn B. Davis Law School Honorary Society  
Recipient, Certificate of Merit, International Business Transactions  
Chief Justice, 1996-1997, Associate Justice, 1994-1996, Law School Honor Court  
Chief Justice, 1995-1996, Phi Alpha Delta  
Associate Justice, 1994-1997, University of North Carolina Supreme Court  
Delegata, 1995-1997, Order of the Grail Honorary Society  
Vice President, 1995-1996, Order of the Old Well Honorary Society

### **Undergraduate**

President, 1989-1990, University of North Carolina Association of Student Governments

Speaker, 1989-1990, University of North Carolina at Chapel Hill Student Congress

Rules and Judiciary Chair, 1988-1989, University of North Carolina at Chapel Hill Student Congress

Ethics Chair, 1987-1988, University of North Carolina at Chapel Hill Student Congress

President, 1989-1990, North Carolina Inter-Campus Government Association

Board of Directors, Student Union, University of North Carolina at Chapel Hill

Board of Directors, WXYC

Member, Order of the Old Well Honorary Society

Member, Philanthropic Society (Di-Phi)

Member, Theta Chi Fraternity

Phi Eta Sigma

### **PROFESSIONAL BACKGROUND**

Attorney at Law, 2006-present, Gene Davis Law, PLLC  
(also known as Gene Davis Law Group, PLLC and Gene Davis Law)  
Raleigh, North Carolina  
Midtown Magazine Diamond Award for Best Law Firm, 2021 and 2023  
(one of three law firms in Raleigh selected)

Partner, 2000-2005, Davis, Flanagan, Bibbs & Smith, PLLC  
Raleigh, North Carolina

Associate, 1998-2000, Wood & Francis, PLLC  
Raleigh, North Carolina

Attorney at Law, 1997, R. Gene Davis, Jr., Attorney-at-law  
Raleigh, North Carolina

### **AREAS OF LAW PRACTICED:**

Real Estate Law (residential and commercial), Real Estate Finance, Corporate and Business Formation,  
Estate Planning and Administration, Corporate Representation and General Business Law

## BOARDS, HONORS, AND ACTIVITIES

University of North Carolina at Chapel Hill Board of Trustees, 2019 - present  
(Elected by the University of North Carolina Board of Governors, 2019)

Vice Chair, 2019 – 2021

External Relations Committee, Member, 2019 – present  
Chair, 2019-2021

Finance, Infrastructure, & Audit Committee, Member, 2019 – 2021

University Affairs Committee, Member, 2021 - present

Strategic Initiatives Committee, Member, 2021 - present

Chancellor Search Committee, 2019

Dean of Arts and Sciences Search Committee, 2021 – 2022

Dean of School of Government Search Committee, 2022 - 2023

North Carolina Museum of Art Board of Trustees, 2013 - present

(Appointed by the Speaker of the North Carolina House of Representatives and approved by the North Carolina House of Representatives, 2013; reappointed 2015; reappointed 2017)

Vice Chair of Board of Trustees, 2019 – present

Director's Committee, Member, 2019 – present

Committee on Trustees, Member, 2013 – present

Buildings and Grounds Committee, Member, 2013 – present, Chair, 2016 - present

Executive Committee, Member, 2016 – present

Director Search Committee, Member, 2017 – 2018

Development Director Search Committee, Member, 2018 – 2019

North Carolina Housing Finance Agency Board of Directors, 2010 - 2019

(Appointed by the Governor, 2010; reappointed 2013; reappointed 2017)

Chair, 2017 – 2019 (Appointed Chair by the Governor)

Audit Committee, Member, 2011 - 2017

Housing Credit Advisory Committee, Chair, 2011 - 2017

Raleigh Arts Commission, 2011 - 2018

(Appointed by the Raleigh City Council, 2011; reappointed 2013; reappointed 2015; reappointed 2017)

Chair, 2017 - 2018

Vice Chair, 2015 - 2017

Art, Education and Collections Committee, Chair, 2014 - 2017

Executive Committee, Member, 2014 - 2018

Grant Appeals Committee, Chair, 2016

North Carolina Housing Coordination and Policy Council, 2011 - 2014

(Appointed by the Governor, 2011; reappointed by the Governor, 2014)

Acting Chair, 2013-14

National Conference of State Housing Boards, 2015 – 2019

President, 2018 - 2019

First Vice President, 2017 – 2018

Second Vice President, 2016 - 2017

Board of Directors, 2015 – 2019



The Old North State Award  
(Bestowed by the Governor of North Carolina, 2019)

North Caroliniana Society

North Carolina Committee on Inaugural Ceremonies, 2012 - 2013  
(Appointed by the outgoing Governor, 2012)

Cardinal Gibbons High School Alumni Council, 1999 - 2002, 2010 - 2015  
President, 2011 - 2015  
Inducted into the Alumni Hall of Fame, 2015  
Alumni Legacy Award, 2014

Sir Walter Raleigh Awards Committee, 2013, 2014 and 2016

Raleigh Medal of Arts Awards Selection Committee, 2014, 2016 and 2018  
Chair, 2018

Gifts of Gold Art Jury, Wake County Public Schools, 2015, 2016 and 2017

Duke University Paralegal Program, 2009 - 2015  
Instructor of Real Estate Law and Business Law

Guest Lecturer, Real Estate Finance, 2016 - present  
Campbell Law School

Guest Lecturer, Real Estate Finance, 2018 - present  
University of North Carolina School of Law

Wake County Habitat for Humanity, Annual Holiday Home Tour, 2011  
Chaired by Gene and Mary Kaitland Davis

Wake County Habitat for Humanity, Fund Development Committee, 2009 - 2012

Wake County Bar Association  
Professionalism Committee, Member, 2005 - 2008  
History Committee, Member, 2014 - present

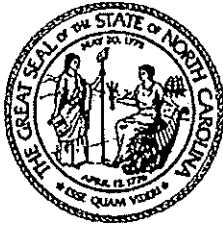
The Ark of Wake County, Board of Directors, 2002 - 2003

Good Work, Board of Directors, 1998 - 2001

Hayes Barton United Methodist Church  
Sunday School Teacher, 2011 - 2019  
Staff Parish Relations Committee, 2013 - 2019

St. Mark's United Methodist Church  
Sunday School Teacher, 1988 - 1993  
Pastor Parish Relations Committee, 1992 - 1993

New York City Marathon, Finisher, 2008



**NORTH CAROLINA HOUSE  
UNC BOARD OF GOVERNORS  
2023 NOMINATION FORM**

(1) Representative \_\_\_\_\_ (Sponsor's Name)

proposes Rodney "Gene" Davis, Jr. (Nominee's name) as a nominee for election to the Board of Governors of The University of North Carolina for a four-year term to commence July 1, 2023.

(2) Nominee's Name: Rodney "Gene" Davis, Jr.

Nominee's Occupation: Attorney

Nominee's Physical Home Address: 4012 City of Oaks Wynd  
Raleigh, North Carolina 27612

Home Phone: N/A

Mobile Phone: 919-795-8575

Email address: gene@genedavislaw.com

(3) Has the nominee ever served on the Board of Governors of The University of North Carolina?

☐ Yes ☒ No

If yes, please list all terms and dates of service, including full and partial terms.  
N/A

(4) Has the nominee ever been arrested, given a written warning, taken into custody, or accused, formally or informally, of the violation of a law for any offense?

☒ Yes ☐ No

If yes, list every incident including the date, place, charges, and final disposition. Attach additional sheets if necessary.

Only minor traffic tickets - all of which were disposed of either by dismissal, prayer for judgment or plea.

(5) Is the nominee current on all federal, State, and local taxes?

☒ Yes    ☐ No

(6) Does the nominee currently hold any federal, State, or local offices, either elected or appointed?

☒ Yes    ☐ No

If yes, list all applicable offices:

University of North Carolina at Chapel Hill Board of Trustees  
(if applicable)

North Carolina Museum of Art Board of Trustees  
(if applicable)

(7) Does the nominee's spouse currently hold any federal, State, or local offices, either elected or appointed?

☐ Yes    ☒ No

If yes, list all applicable offices:

N/A

(8) Is the nominee an officer or employee of the State?

☐ Yes    ☒ No

(9) Is the nominee an officer or employee of The University of North Carolina?

☐ Yes    ☒ No

(10) Is the nominee an officer or employee of any constituent institution of The University of North Carolina?

☐ Yes    ☒ No

(11) Is the nominee's spouse a member of the General Assembly?

☐ Yes    ☒ No

(12) Is the nominee's spouse an officer or employee of The University of North Carolina?

☐ Yes    ☒ No

(13) Is the nominee's spouse an officer or employee of any constituent institution of The University of North Carolina?

☐ Yes    ☒ No

(14) If elected, will the nominee serve?

☒ Yes    ☐ No

(15) If elected, will the nominee (or if applicable, the nominee's spouse) resign from any elected or appointed offices or any positions of employment which conflict with service on the Board of Governors of The University of North Carolina?

☒ Yes    ☐ No

(16) I certify the above information is accurate, I will serve if elected, and I understand that G.S. 116-7(b) provides that "No member of the General Assembly or officer or employee of the State, The University of North Carolina, or any constituent institution may be a member of the Board of Governors. No spouse of a member of the General Assembly, or of an officer or employee of The University of North Carolina, or of any constituent institution may be a member of the Board of Governors."

I also certify that I have attached a current vitae and have submitted a completed original Statement of Economic Interest to the State Ethics Commission.

R. D. Dainoff 5/2/2023

Signature of Nominee/Date

\_\_\_\_\_  
Signature of Sponsor/Date

**Statement of Economic Interest**

All nominees must also file a completed original Statement of Economic Interest with the North Carolina State Ethics Commission, as required by G.S. 138A-22. Nominees must clearly indicate on their Statements of Economic Interest that they are a nominee for the UNC Board of Governors.

**Contact information for the State Ethics Commission:**

**Mailing Address:** P.O. Box 27685  
Raleigh, NC 27611

**Physical Address:** 424 N. Blount Street  
Raleigh, NC 27601

**Phone Number:** (919) 814-3600  
**Website:** <https://ethics.nc.gov/>

**NOTE:** The following individuals are not eligible to serve on the UNC Board of Governors: (i) members of the General Assembly, (ii) officers or employees of the State, (iii) officers or employees of The University of North Carolina, and (iv) officers or employees of the constituent institutions of The University of North Carolina.

The spouses of the following individuals are not eligible to serve on the UNC Board of Governors: (i) members of the General Assembly, (ii) officers or employees of The University of North Carolina, and (iii) officers or employees of the constituent institutions of The University of North Carolina.



## STATE ETHICS COMMISSION

POST OFFICE BOX 27685  
RALEIGH, NC 27611  
PHONE: 919-814-3600

Via Email

May 3, 2023

The Honorable Tim Moore  
Speaker of the House of Representatives  
16 West Jones Street, Room 2304  
Raleigh, North Carolina 27601-1096

Re: Evaluation of Statement of Economic Interest Filed by Mr. Rodney "Gene" Davis  
Prospective Appointee to the University of North Carolina Board of Governors

Dear Speaker Moore:

Our office has received **Mr. Rodney "Gene" Davis's** 2023 Statement of Economic Interest as a prospective appointee to the **University of North Carolina Board of Governors (the "Board")**. We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the State Government Ethics Act (the "Act").

Compliance with the Act and avoidance of conflicts of interest in the performance of public duties are the responsibilities of every covered person, regardless of this letter's contents. This letter, meanwhile, is not meant to impugn the integrity of the covered person in any way. This letter is required by N.C.G.S. § 138A-28(a) and is designed to educate the covered person as to potential issues that could merit particular attention. Advice on compliance with the Act is available to certain public servants and legislative employees under N.C.G.S. § 138A-13.

**We did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.**

Chapter 116 of the North Carolina General Statutes provides for the development of a coordinated system of higher education known as the University of North Carolina, a public, multi-campus university system governed by the Board. Although each constituent institution of the University has a board of trustees, the Board has retained the authority to determine degree programs offered by each institution; set enrollment levels, tuition rates, and uniform admissions requirements; elect the system president; consider the nomination of the president's principal staff and of the principal administrators and tenured faculty of each institution; establish dependent care assistance and flexible compensation plans; administer certain scholarship and financial aid programs; oversee the preparation of the comprehensive University system budget; approve or recommend the acquisition and disposition of real and personal property; license certain nonpublic entities offering post-secondary degrees; and manage the system's endowment and trust funds, including the ability to designate one or more banks or trust companies as the "official depository" of fees and other payments for medical, dental, or other health care services.

By law, no member of the General Assembly, or officer or employee of the State or of any constituent institution, or spouse of any such member, officer, or employee, may be a member of the Board. Any member of the Board who is elected or appointed to the General Assembly or who becomes an officer or employee of the State or of any constituent institution, or whose spouse is elected or appointed to the

General Assembly or becomes such officer or employee, shall be deemed to resign from his membership on the Board.

The Act establishes ethical standards for certain public servants and prohibits public servants from: (1) using their positions for their financial benefit or for the benefit of their extended family or business, N.C.G.S. § 138A-31; and (2) participating in official actions from which they or certain associated persons might receive a reasonably foreseeable financial benefit, N.C.G.S. § 138A-36(a). The Act also requires public servants to take appropriate steps to remove themselves from proceedings in which their impartiality might reasonably be questioned due to a familial, personal, or financial relationship with a participant in those proceedings. N.C.G.S. § 138A-36(c).

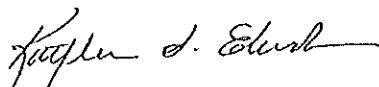
Mr. Davis is the proprietor of Gene Davis Law, PLLC. Therefore, Mr. Davis has the potential for a conflict of interest and should exercise appropriate caution in the performance of his public duties, should issues involving Gene Davis Law, PLLC, or its clients come before the Board for official action.

In addition to the conflicts standards noted above, the Act prohibits public servants from accepting gifts from (1) a lobbyist or lobbyist principal, (2) a person or entity that is seeking to do business with the public servant's agency, is regulated or controlled by that agency, or has financial interests that might be affected by their official actions, or (3) anyone in return for being influenced in the discharge of their official responsibilities. N.C.G.S. § 138A-32. Exceptions to the gifts restrictions are set out in N.C.G.S. § 138A-32(e).

When this letter cites an actual or potential conflict of interest under N.C.G.S. § 138A-24(e), the conflict must be recorded in the minutes of the applicable board and brought to the membership's attention by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the Act. N.C.G.S. § 138A-15(c).

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the Act.

Sincerely,



Kathleen S. Edwards  
State Ethics Commission

cc: Rodney Davis



## Terry Hutchens

Terry Hutchens, of Fayetteville, NC, was appointed by the NC General Assembly in 2019 to serve on the Board of Governors of the University of North Carolina System. His term will end in 2023.

Hutchens serves as chair of the Committee on Audit, Risk Management, and Compliance, and as a member of the Committee on Budget and Finance.

Hutchens began his law practice in 1978 and grew it into a multi-state practice of 250 lawyers and staff, with offices in Cameron, Charlotte, Fayetteville, Hampstead, Sanford, Southern Pines, Southport, and Wilmington, NC, and in Columbia, Myrtle Beach, and Surfside Beach, SC. Hutchens is the managing partner of Hutchens Law Firm LLP, and concentrates his practice in the areas of real estate, business, creditors' rights, and litigation.

During his 40-year career as a licensed attorney, he has represented large residential and commercial construction companies and provided legal assistance for clients in North and South Carolina (some working in cooperation with federal programs for low-income, elderly, special needs populations). He has tried cases across North Carolina in both the state and federal courts, including bankruptcy court, as well as handled appeals to the North Carolina Court of Appeals and the North Carolina Supreme Court.

In step with the state's constitutional mandate that requires the UNC System to provide a college education to students free of expense, as far as practical, Hutchens is committed to ensuring that public dollars are spent, to the fullest extent possible, on education and that spending on administration be limited. To create a sustainable and successful UNC System, he advocates for controlling costs, strategically allocating resources, hiring the right people, and adjusting to market dynamics. He hopes to add his time, effort, and life experiences to pursue a common goal of ensuring that the UNC System provides an affordable, useful education to its students, "while teaching them how to think, not what to think".

Hutchens is a recipient of the Order of the Long Leaf Pine Award the highest civilian honor given by the state. He has also received the American Business Ethics Award, presented by Methodist University and the Foundation for Financial Service Professionals; the Silver Spoon Award, presented by Methodist University School of Business; US News & World Report Best Lawyers in America; and North Carolina Super Lawyers. He is a frequent author and lecturer on default servicing matters at mortgage seminars, on-site training sessions, and bar-sponsored seminars.

Hutchens has held membership and positions on various boards, including the Wake Forest Law School Board of Visitors, Methodist University Board of Trustees, Peace University Board of Trustees, Fayetteville Academy Board of Trustees, North Carolina State Bar, North Carolina Bar Association, North Carolina Twelfth Judicial District (president), North Carolina Creditors Committee, Board of Directors (president), USFN -- Americas Mortgage Banking Attorneys Board of Directors, YMCA of Fayetteville (president), Greater Fayetteville Chamber of Commerce Board of Directors (president), Fayetteville Economic Development Corporation Board of Directors (president), North Carolina Board of Transportation, and the North Carolina Board for Economic Development.

He holds a bachelor's degree from North Carolina State University, and an MBA and Juris Doctor from Wake Forest University.

Hutchens has been married for 49 years to Rosalind Godwin Hutchens. They have four children -- Hutch, Windy, Joanne, and John Barry.

His advice for today's students:

"You don't need to be perfect. Don't punish yourself because you aren't. Set goals that make you stretch. Celebrate your successes, large and small."



## STATE ETHICS COMMISSION

POST OFFICE BOX 27685

RALEIGH, NC 27611

PHONE: 919-814-3600

### Via Email

August 22, 2022

The Honorable Tim Moore  
Speaker of the House of Representatives  
16 West Jones Street, Room 2304  
Raleigh, North Carolina 27601-1096

**Re: Evaluation of Statement of Economic Interest Filed by Mr. H. Terry Hutchens  
Member of the University of North Carolina Board of Governors**

Dear Speaker Moore:

Our office has received **Mr. H. Terry Hutchens'** 2022 Statement of Economic Interest as a member of the **University of North Carolina Board of Governors (the "Board")**. We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the State Government Ethics Act (the "Act").

Compliance with the Act and avoidance of conflicts of interest in the performance of public duties are the responsibilities of every covered person, regardless of this letter's contents. This letter, meanwhile, is not meant to impugn the integrity of the covered person in any way. This letter is required by N.C.G.S. § 138A-28(a) and is designed to educate the covered person as to potential issues that could merit particular attention. Advice on compliance with the Act is available to certain public servants and legislative employees under N.C.G.S. § 138A-13.

**We did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.**

Chapter 116 of the North Carolina General Statutes provides for the development of a coordinated system of higher education known as the University of North Carolina, a public, multi-campus university system governed by the Board. Although each constituent institution of the University has a board of trustees, the Board has retained the authority to determine degree programs offered by each institution; set enrollment levels, tuition rates, and uniform admissions requirements; elect the system president; consider the nomination of the president's principal staff and of the principal administrators and tenured faculty of each institution; establish dependent care assistance and flexible compensation plans; administer certain scholarship and financial aid programs; oversee the preparation of the comprehensive University system budget; approve or recommend the acquisition and disposition of real and personal property; license certain nonpublic entities offering post-secondary degrees; and manage the system's endowment and trust funds, including the ability to designate one or more banks or trust companies as the "official depository" of fees and other payments for medical, dental, or other health care services.

By law, no member of the General Assembly, or officer or employee of the State or of any constituent institution, or spouse of any such member, officer, or employee, may be a member of the Board. Any member of the Board who is elected or appointed to the General Assembly or who becomes an officer or employee of the State or of any constituent institution, or whose spouse is elected or appointed to the

General Assembly or becomes such officer or employee, shall be deemed to resign from his membership on the Board.

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Mr. Hutchens is a managing partner of Hutchens Law Firm, LLP and owns a financial interest in Hutchens, Senter, Kellam & Pettit, P.A., which also provides legal services. In addition, he owns financial interests in various real estate-related companies, including Great Escapes Aviation, LLC, Ramsey Street Office Building, LLC and Tylers Ridge Southern Pines, LLC. His spouse owns a financial interest in the commercial real estate company, McPherson Square Associates, LLC. Therefore, Mr. Hutchens has the potential for a conflict of interest and should exercise appropriate caution in the performance of his public duties, should the business of Hutchens Law Firm, LLP or Hutchens Senter, Kellam & Pettit, P.A., or issues involving his real estate interests or any entity in which he or his spouse own a financial interest come before the Board for official action.

In addition to the conflicts standards noted above, the Act prohibits public servants from accepting gifts from (1) a lobbyist or lobbyist principal, (2) a person or entity that is seeking to do business with the public servant's agency, is regulated or controlled by that agency, or has financial interests that might be affected by their official actions, or (3) anyone in return for being influenced in the discharge of their official responsibilities. N.C.G.S. § 138A-32. Exceptions to the gifts restrictions are set out in N.C.G.S. § 138A-32(e).

When this letter cites an actual or potential conflict of interest under N.C.G.S. § 138A-24(e), the conflict must be recorded in the minutes of the applicable board and brought to the membership's attention by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the Act. N.C.G.S. § 138A-15(c).

Finally, the Act mandates that all public servants attend an ethics and lobbying education presentation. N.C.G.S. § 138A-14. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the Act.

Sincerely,



Mary Roerden, SEI Unit  
State Ethics Commission

cc: H. Terry Hutchens  
Andrew Tripp, Senior Vice President for Legal Affairs & General Counsel, UNC System Office  
Ruth Brill, Executive Assistant, UNC System Office  
Meredith R. McCullen, Secretary of the University, UNC System Office

## J. Alex Mitchell

J. Alex Mitchell, of Durham, NC, was appointed by the North Carolina General Assembly in 2015 and reappointed in 2019 to serve on the Board of Governors of the University of North Carolina System. His term will end in 2023.

Mitchell serves as vice chair of the Committee on University Governance and as secretary of the Committee on Military and Public Affairs.

Mitchell is a real estate developer who has a deep commitment to the UNC System. Born and raised in Winston-Salem, Mitchell is a second-generation college graduate. He believes a college education is the key factor in positively shifting the trajectory of any family for generations. Mitchell is passionate about making sure first-generation students have the same access to the resources they need to become successful.

He credits his experience as a real estate developer for his ability to listen to others and to seek out compromise on issues. As a Board member, he led the effort to adopt the 120 credit-hour graduation policy, which makes graduation requirements consistent and predictable for all students across the UNC System. He was applauded for the process, which sought and received input and support from both the faculty and staff assemblies, student government presidents, chancellors, and Board members.

Mitchell earned his bachelor's degree in business management from North Carolina State University. He and his wife Drewry have four sons.

His advice to today's college students:

"Unplug, turn off your (mobile phone) screens. Take time to get away from all the information and data that you're receiving every second of every day. Put down your phones and computers and learn how to spend time speaking to people, engaging with your fellow students, and having healthy discussions with your professors. Learn how to communicate face to face."



**NORTH CAROLINA HOUSE  
UNC BOARD OF GOVERNORS  
2023 NOMINATION FORM**

(1) Representative \_\_\_\_\_ (Sponsor's Name)

proposes J. Alex Mitchell (Nominee's name) as a nominee for election to the Board of Governors of The University of North Carolina for a four-year term to commence July 1, 2023.

(2) Nominee's Name: J. Alex Mitchell

Nominee's Occupation: Real Estate Developer

Nominee's Physical Home Address:

1717 Colvard Farms Rd  
Durham, NC 27713 (Chatham County)

Home Phone: 919-806-1710

Mobile Phone: 919-730-0252

Email address: alexmitchell@frontier.com

(3) Has the nominee ever served on the Board of Governors of The University of North Carolina?

☒ Yes ☐ No

If yes, please list all terms and dates of service, including full and partial terms.

2015-2019  
2019-2023

(4) Has the nominee ever been arrested, given a written warning, taken into custody, or accused, formally or informally, of the violation of a law for any offense?

☐ Yes ☒ No

If yes, list every incident including the date, place, charges, and final disposition. Attach additional sheets if necessary.

(5) Is the nominee current on all federal, State, and local taxes?

☒ Yes    ☐ No

(6) Does the nominee currently hold any federal, State, or local offices, either elected or appointed?

☐ Yes    ☒ No

If yes, list all applicable offices:

(7) Does the nominee's spouse currently hold any federal, State, or local offices, either elected or appointed?

☐ Yes    ☒ No

If yes, list all applicable offices:

(8) Is the nominee an officer or employee of the State?

☐ Yes    ☒ No

(9) Is the nominee an officer or employee of The University of North Carolina?

☐ Yes    ☒ No

(10) Is the nominee an officer or employee of any constituent institution of The University of North Carolina?

☐ Yes    ☒ No

(11) Is the nominee's spouse a member of the General Assembly?

☐ Yes    ☒ No

(12) Is the nominee's spouse an officer or employee of The University of North Carolina?

☐ Yes    ☒ No

(13) Is the nominee's spouse an officer or employee of any constituent institution of The University of North Carolina?

☐ Yes ☒ No

(14) If elected, will the nominee serve?

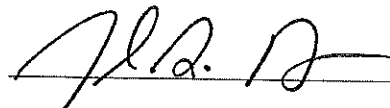
☒ Yes ☐ No

(15) If elected, will the nominee (or if applicable, the nominee's spouse) resign from any elected or appointed offices or any positions of employment which conflict with service on the Board of Governors of The University of North Carolina?

☒ Yes ☐ No

(16) I certify the above information is accurate, I will serve if elected, and I understand that G.S. 116-7(b) provides that "No member of the General Assembly or officer or employee of the State, The University of North Carolina, or any constituent institution may be a member of the Board of Governors. No spouse of a member of the General Assembly, or of an officer or employee of The University of North Carolina, or of any constituent institution may be a member of the Board of Governors."

I also certify that I have attached a current vitae and have submitted a completed original Statement of Economic Interest to the State Ethics Commission.

 3/10/23  
Signature of Nominee/Date

\_\_\_\_\_  
Signature of Sponsor/Date





## STATE ETHICS COMMISSION

POST OFFICE BOX 27685  
RALEIGH, NC 27611  
PHONE: 919-814-3600

### Via Email

August 19, 2022

The Honorable Tim Moore  
Speaker of the House of Representatives  
16 West Jones Street, Room 2304  
Raleigh, North Carolina 27601-1096

**Re: Evaluation of Statement of Economic Interest Filed by Mr. John Alexander Mitchell  
Member of the University of North Carolina Board of Governors**

Dear Speaker Moore:

Our office has received **Mr. John Alexander Mitchell's** 2022 Statement of Economic Interest as a member of the **University of North Carolina Board of Governors (the "Board")**. We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the State Government Ethics Act (the "Act").

Compliance with the Act and avoidance of conflicts of interest in the performance of public duties are the responsibilities of every covered person, regardless of this letter's contents. This letter, meanwhile, is not meant to impugn the integrity of the covered person in any way. This letter is required by N.C.G.S. § 138A-28(a) and is designed to educate the covered person as to potential issues that could merit particular attention. Advice on compliance with the Act is available to certain public servants and legislative employees under N.C.G.S. § 138A-13.

**We did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.**

Chapter 116 of the North Carolina General Statutes provides for the development of a coordinated system of higher education known as the University of North Carolina, a public, multi-campus university system governed by the Board. Although each constituent institution of the University has a board of trustees, the Board has retained the authority to determine degree programs offered by each institution; set enrollment levels, tuition rates, and uniform admissions requirements; elect the system president; consider the nomination of the president's principal staff and of the principal administrators and tenured faculty of each institution; establish dependent care assistance and flexible compensation plans; administer certain scholarship and financial aid programs; oversee the preparation of the comprehensive University system budget; approve or recommend the acquisition and disposition of real and personal property; license certain nonpublic entities offering post-secondary degrees; and manage the system's endowment and trust funds, including the ability to designate one or more banks or trust companies as the "official depository" of fees and other payments for medical, dental, or other health care services.

By law, no member of the General Assembly, or officer or employee of the State or of any constituent institution, or spouse of any such member, officer, or employee, may be a member of the Board. Any member of the Board who is elected or appointed to the General Assembly or who becomes an officer or employee of the State or of any constituent institution, or whose spouse is elected or appointed to the General Assembly or becomes such officer or employee, shall be deemed to resign from his membership on the Board.

The Act establishes ethical standards for certain public servants and prohibits public servants from: (1) using their positions for their financial benefit or for the benefit of their extended family or business, N.C.G.S. § 138A-31; and (2) participating in official actions from which they or certain associated persons might receive a reasonably foreseeable financial benefit, N.C.G.S. § 138A-36(a). The Act also requires public servants to take appropriate steps to remove themselves from proceedings in which their impartiality might reasonably be questioned due to a familial, personal, or financial relationship with a participant in those proceedings. N.C.G.S. § 138A-36(c).

Mr. Mitchell is the president of 751 South, Inc., a real estate development company and owns financial interests in other real estate related businesses, including Southern Durham Development, LLC. Therefore, he has the potential for a conflict of interest and should exercise appropriate caution in the performance of his public duties should issues involving his real estate interests or any entity in which he or his spouse own a financial interest come before the Board for official action.


In addition to the conflicts standards noted above, the Act prohibits public servants from accepting gifts from (1) a lobbyist or lobbyist principal, (2) a person or entity that is seeking to do business with the public servant's agency, is regulated or controlled by that agency, or has financial interests that might be affected by their official actions, or (3) anyone in return for being influenced in the discharge of their official responsibilities. N.C.G.S. § 138A-32. Exceptions to the gifts restrictions are set out in N.C.G.S. § 138A-32(e).

When this letter cites an actual or potential conflict of interest under N.C.G.S. § 138A-24(e), the conflict must be recorded in the minutes of the applicable board and brought to the membership's attention by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the Act. N.C.G.S. § 138A-15(c).

Finally, the Act mandates that all public servants attend an ethics and lobbying education presentation. N.C.G.S. § 138A-14. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the Act.

Sincerely,



Mary Roerden, SEI Unit  
State Ethics Commission

cc: John Alexander Mitchell

Andrew Tripp, Senior Vice President for Legal Affairs & General Counsel, UNC System Office

Ruth Brill, Executive Assistant, UNC System Office

Meredith R. McCullen, Secretary of the University, UNC System Office

Attachment: Ethics Education Guide