

LAW OFFICE OF JOHN ("JACK") P. O'HALE

ATTORNEYS AT LAW

106 SOUTH THIRD STREET

P. O. BOX 2383

SMITHFIELD, NC 27577

www.jackohale.com

JOHN ("JACK") P. O'HALE *
FRANK B. O'HALE

TELEPHONE (919) 934-6021

FACSIMILE (919) 934-0417

* BOARD CERTIFIED SPECIALIST IN CRIMINAL LAW

January 24, 2020

VIA FACSIMILE (919-934-2586)

EMAIL (benwilliams@johnston.k12.nc.us)

& U.S. MAIL

Dr. Ben Williams

Interim Superintendent

Johnston County Schools

P.O. Box 1336

Smithfield, NC 27577

Re: Public Records Request

Dear Dr. Williams:

I represent Kay Carroll, a candidate for the Johnston County Board of Education. On Thursday, January 2, 2020, I hand delivered a request to Johnston County Board Chair Todd Sutton asking to inspect and examine certain public records which I believe are in the care, custody and control of the Johnston County Board of Education/Johnston County Schools. I mailed a copy of my correspondence to your predecessor, Jim Causby, Interim Superintendent of the Johnston County Schools. A copy of my January 2, 2020 correspondence is attached for your review.

On January 6, 2020, I received a letter from Attorney James R. Lawrence informing me that he was in receipt of my January 2, 2020 correspondence. A copy of Mr. Lawrence's January 3, 2020 letter is likewise attached.

On January 8, 2020, I hand delivered to Mr. Lawrence a response to his January 3, 2020 correspondence. Please note that, in my January 8 letter to Mr. Lawrence, I asked that the records sought by my client as more particularly described in the January 2, 2020 correspondence be made available for examination and inspection on or before January 21, 2020.

More than ten (10) business days have elapsed since January 2, 2020 when the public records request was hand delivered to Chairman Todd Sutton.

LAW OFFICE OF JOHN ("JACK") P. O'HALE

Page Two
January 24, 2020

Please be advised that I intend to file suit on behalf of Mr. Carroll, pursuant to N.C. Gen. Stat. § 132-1, et. seq., requiring that the Johnston County Board of Education/Johnston County Schools provide for inspection and examination those public records more particularly described in my January 2, 2020 correspondence.

If you are represented by legal counsel and desire that I serve the summons and complaint on your lawyer, please identify the name of your attorney and I will be happy to serve the summons and complaint on your legal counsel. In the event that I have not received a response from you on or before Monday, January 27, 2020 at 5:00 p.m., I will request that the Sheriff of Johnston County serve you with a copy of the summons and complaint.

Very truly yours,

LAW OFFICE OF
JOHN ("JACK") P. O'HALE



John P. O'Hale

JPO:kwn
enclosures
cc: Kay Carroll
Todd Sutton

January 2, 2020

VIA HAND DELIVERY

Mr. Todd Sutton, Chairman
Johnston County Board of Education

Re: Public Records Request

Dear Mr. Sutton:

Please be advised that I represent Kay Carroll, a candidate for the Johnston County Board of Education. In light of recent public disclosures, media reports and statements made by members of the Johnston County Board of Education, pursuant to the North Carolina Public Records Law (N.C. Gen. Stat. § 132-1, et. seq.), on behalf of Mr. Carroll, we hereby request the opportunity to inspect and examine the following public records:

(1) Copy of check written by the Johnston County Schools to the Johnston County Commissioners sometime during the period of 2010 in the amount of at least \$16,000,000.00 transferring funds to the Johnston County Commissioners and any and all minutes setting forth the approval of the Johnston County Board of Education's aforesaid transfer with the names of all board members at that time along with reasons advanced by the Board of Education for the transfer of said funds to the Johnston County Board of Commissioners.

(2) Copy of all records pertaining to Cenergistic or any other subsidiary names for that parent corporation regarding financial transactions with the Johnston County School system to include the following:

(a) copies of initial contract and all subsequent contracts, agreements, memoranda of understanding, reports, analyses, invoices and payments made to Cenergistic or any successor or legal entity.

(b) all individuals (by school year) hired in Johnston County by either the Johnston County School system or any other entity to assist in preparing the memoranda, reports, and

financial documents pertaining to any transactions with Cenergistic or any successor entity including:

- i. Salaries and funding source;
- ii. The areas where the salaries and funding source were assigned;
- iii. The duties of all individuals hired by the county or participated in any preparation of any documents furnished to Cenergistic or received from Cenergistic or any successor corporation; and
- iv. The names of all supervisors with whom the individuals requested above may have reported.

(3) Copy of all year-end financial audit reports for the Johnston County School system beginning with the year 2009.

(4) Copy of all school system budgets adopted by the Johnston County Board of Education for the fiscal years 2016-2019.

(5) Copies of the board minutes including any and all background material related to any and all requested transfers of funds from the Johnston County Board of Education fund balance to any entity for the years 2009-2019.

(6) Copy of any and all board action, contracts, memoranda of understanding and/or invoices related to the FRECKLES education program.

(7) Copies of all memoranda, emails, inter-office correspondence or notes of any conversation by and between Art Stanley reporting to the Johnston County School Superintendent, any Johnston County Board member, or any other individual or entity the status of the Johnston County Board of Education fund balance for the years 2018 and 2019.

(8) Copies of all minutes, memoranda, emails, or correspondence authorizing the principals of each Johnston County School to deviate from Johnston County Board policy regarding curriculum and instruction in each Johnston County School.

Pursuant to N.C. Gen. Stat. § 132-6 and § 132-6.1, we request that the custodian of the records be made available at a reasonable time to inspect and examine copies of all the above-requested documents or any electronic data processing records containing the above-requested material.

Please contact me within ten (10) business days of the date of this letter and advise as to a time and place that the inspection of the above listed records may take place.

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January 2, 2020

I appreciate your prompt attention to this request for public records pertaining to the Johnston County Schools and the Johnston County Board of Education.

With every good wish, I remain

Very truly yours,

LAW OFFICE OF
JOHN ("JACK") P. O'HALE

John P. O'Hale

JPO:kwn

cc: Terri Sessoms, member, Johnston County Board of Education
James Causby, interim Superintendent, Johnston County Schools
Kay Carroll

N. LEO DAUGHTRY
STEPHEN C. WOODARD, JR. +
JAMES R. LAWRENCE, JR.
LUTHER D. STARLING, JR. *
KELLY K. DAUGHTRY **
ANNETTE CHANCY STARLING
JAMES C. WILLIAMS ***
KARLIE LOVE HUDSON
ANDREW J. DICKERHOFF
JESSICA C. CARTER

DAUGHTRY, WOODARD, LAWRENCE & STARLING
ATTORNEYS AT LAW
405 E. MARKET STREET
P.O. DRAWER 1960
SMITHFIELD, NORTH CAROLINA 27577-1960

SMITHFIELD OFFICE:
(919) 934-5012
(919) 934-5104
Facsimile: (919) 934-9536

+ Retired
* Also licensed in the District of Columbia
and in the State of Georgia
** Board Certified Specialist in Family Law
*** Also licensed in the State of South Carolina

January 3, 2020

John ("Jack") P. O'Hale
Attorney at Law
Post Office Box 2383
Smithfield, NC 27577

Re: Public Records Request

Dear Jack:

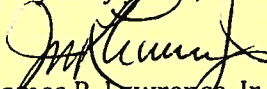
Please be advised that I am in receipt of your Public Records Request on behalf of Kay Carrol. I received a copy of it yesterday from a Board member who I believe you handed it to.

As you are aware, school is not back in session and many of our staff are still on vacation and are not available for me to contact. I will contact the appropriate departments in the Board of Education as soon as school starts back to comply with your request.

Because of the volume of material that you have requested in your Public Records Request, it may take some time to gather all of the information and have it available for you to inspect. I will attempt to comply with your request at the earliest possible time. Once we have gathered the information and have it available for your inspection, I will contact you. Some of the information may be on electronic records and not hard copies and you may need to contact me concerning how you want these items delivered to you.

If you have any further questions concerning this, please do not hesitate to contact me.
I remain,

Very truly yours,


James R. Lawrence, Jr.

JRL;JR/mms
cc: James Causby, Superintendent
Todd Sutton, Board Chairman

RECEIVED
JAN 10 2020

SMITHFIELD, NC 27577

FILE COPY

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January 8, 2020

VIA HAND DELIVERY

Mr. James R. Lawrence, Jr.
Attorney at Law
405 E. Market Street
Smithfield, NC 27577

Re: Public Records Request/Johnston County Board of Education and Johnston County School Board

Dear Jim:

Thank you for your letter dated January 3, 2020 pertaining to the public records request filed on behalf of Kay Carroll, candidate for Johnston County School Board.

I appreciate the fact that Johnston County school system employees were on vacation but it is my understanding that all employees returned from vacation and back at work on Monday, January 3, 2020. Accordingly, any individuals you may need to speak with should be readily available.

I would note that many of the records we are requesting to inspect and examine should be accessible to you including all year-end financial audit reports for the Johnston County School system beginning with the year 2009 through the present; copies of all school budgets adopted by Johnston County Board of Education for the fiscal years 2016 through 2019; and copies of any and all contracts or memoranda and/or invoices related to the FRECKLES educational program.

I trust that these documents, as well as the other documents set forth in our public records request, will be available for examination and inspection on or before January 21, 2020.

LAW OFFICE OF JOHN ("JACK") P. O'HALE

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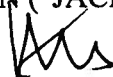
January 8, 2020

Should you have any questions regarding our request, please do not hesitate to contact me.

Thanking you in advance for your anticipated courtesies, I remain

Very truly yours,

LAW OFFICE OF
JOHN ("JACK") P. O'HALE



John P. O'Hale

JPO:kwn

cc: Todd Sutton, member, Johnston County Board of Education
James Causby, interim Superintendent, Johnston County Schools
Kay Carroll