It’s Time for Tim Moore to do some Talking!!! Are you still the “Small Town Lawyer” you claim to be??? Report by Robert A. Williams

Tim Moore is Speaker of the NC House. A powerful position for a person whose recent campaign mailer says “I’m just a small-town lawyer – that’s all I’ve ever been. I won’t change at all from the way I’ve been all these years. What you see is what you get.”

Well, as Speaker of the House, and a conservative, Tim Moore has been the target of lots of tall tales and twisted stories from the Charlotte observer in Charlotte and the News and Observer in Raleigh. Among other critics. We have investigated several of those twisted reports and made our reports. Tim has come through those particular investigations with flying colors. Look on back in our archives and read for yourselves.

However, as the old saying goes, “Power Corrupts, Absolute power corrupts absolutely.” Commissioner Eddie Holbrook comes to my mind as the perfect example of that. Cleveland County wants to know whether or not Tim Moore is still the “small town lawyer” or has he been corrupted by the big city political office that he is presently in. Bill Williams from Lattimore asked me to find that out. Cousin Bill says, “use my name too.” It’s hard to get one over on Bill Williams. And on me too, I like to think.

The issues now in question are some more recent allegations that need some direct attention from Tim Moore himself. Us voters in Cleveland County will either bring Tim home from

Raleigh or send him back in this coming election. Voters in Charlotte and Raleigh or anywhere else be damned. This is on US. Tim is MY representative, Bill Williams' representative and YOURS too. And Tim faces some big money Democrat opposition from Tim's Home town-Kings Mountain.

Tim, we are including four articles that carry disturbing allegations and accusations about you. Two from Raleigh News and Observer reporters, both of which were printed in the Charlotte Observer (serving Cleveland County) just days ago. An article in "The Daily Haymaker" that accuse you and other lawyer-representatives in Raleigh of running on-the-side legal services in Raleigh for big-shot high dollar clients who want favorable legislation passed for their own monetary benefit. And, the most recent article that accuses you of "making" a high paying state job for your Raleigh girlfriend for $89,000 per year. A girlfriend you are alleged of being engaged to.

Please respond to the allegations noted in those articles. Your response will be published and provided to the citizens of Cleveland County to help them decide how to vote in this upcoming election. No response would be unacceptable at this stage of the 2018 election cycle.

None of this information has been reported in the Shelby Star. No mystery there.

Thank you in advance for your cooperation in responding to the allegations found in the following four articles:

Those four articles are shown below: The links are provided so you can see the articles themselves, pictures and all.

1. *House Speaker Moore needs to explain his work for a developer's company*
BY N AND O EDITORIAL BOARD

September 27, 2018 07:28 PM

Updated September 28, 2018 09:39 AM

North Carolina House Speaker Tim Moore doesn't want to explain his questionable work for KNOW Bio, a Triangle-based pharmaceutical start-up co-founded by a developer who benefited from special legislation sponsored by Moore.

When The News & Observer's Dan Kane questioned Moore about his contract with KNOW Bio, he wouldn't even confirm he previously had a contract with the company, let alone discuss how much he was paid. But a former KNOW Bio executive said she discovered — and promptly ended as unnecessary — a contract that the company's co-founder, developer Neal Hunter, had set up with the House speaker.

Moore, an attorney, says attorney-client privilege prevents him from identifying his clients. That's a questionable response since Anne Whitaker, the company's former chief executive officer, and Harry Smith, a former member of KNOW Bio's board, have confirmed that the company had a retainer agreement with Moore.

Moore's reticence is especially concerning because this contract from Hunter came after Moore's legislative actions benefited Hunter. In 2013, when Moore, a Republican, was chairman of the powerful House Rules Committee, he pushed through special legislation that overruled city of Durham officials and allowed for the development of 751 South, a 166-acre residential and office development near Jordan Lake.

Hunter sold the land for the 751 South project and has a stake in it. One of its developers is Alex Mitchell of Durham, a friend and campaign supporter of Moore's. State records show that since 2013, Mitchell and his wife have contributed $30,300 to Moore. Hunter and his wife have contributed $33,300 over the same period. Mitchell and Hunter did not respond to Kane's repeated requests for comment.

Moore and his developer friends would rather not say anything

about this cozy arrangement in which the legislature takes the rare step of overruling local officials in a land use case and the sponsor of the legislation gets an undisclosed contract from a beneficiary of the legislation.

Unfortunately, existing state ethics laws do not require Moore to disclose how much he was paid by KNOW Bio nor the relationship itself. But given his role as one of the state's three most powerful officials, Moore has an obligation to explain the extent and nature of his work for the company.

As Jane Pinsky, director of the N.C. Coalition for Lobbying and Government Reform, said of the contract, "Without disclosure, it's not going to pass the smell test for North Carolinians."

Meanwhile, this arrangement needs scrutiny from federal and state agencies. Whitaker, the former CEO, said her understanding of Moore's work for KNOW Bio was that he was pushing for changes in federal tax law that would help companies that develop new antibiotics. However, Moore never registered as a federal lobbyist.

Meanwhile, this matter reveals a yawning gap in state disclosure requirements. Lawmakers who are lawyers don't have reveal who their clients are, even those clients who are paying them significant amounts of money. And some lawmaker lawyers are quite busy in their private practices. Moore, for instance, says he has more than 100 private clients.

While he wouldn't discuss his contract with KNOW Bio, Moore said the public should have confidence that he avoids conflicts of interest. He said: "Know this: Anytime I take on a client I ensure there are no conflicts with other legal matters I'm handling, and I'm always double extra careful to make sure there's no conflicts or anything with my legislative role."

The problem is we don't "know this" about KNOW Bio. The

public is entitled to know more about the private business dealings of the man who can steer or sideline legislation. The law may not require it, but continued public confidence in the House speaker does.

2. [NC House Speaker Tim Moore's legal contract with start-up raises questions]
BY DAN KANE

dkane@newsobserver.com

September 24, 2018 03:34 PM

Updated September 24, 2018 05:36 PM

A short time into Anne Whitaker's tenure as chief executive officer of KNOW Bio, a Triangle-based pharmaceutical start-up, she learned of a legal services contract given to an attorney she had never heard of.

The company already had lawyers handling internal and external matters and she didn't understand why KNOW Bio needed yet another lawyer – one whose services she felt were of questionable value for a company that in early 2017 was barely a year old.

The lawyer was Tim Moore, a Cleveland County Republican and speaker of the N.C. House – one of the state's three most powerful officials. When she learned the details of his contract and his work, which struck her as federal lobbying, she said she terminated it with the support of company board members.

"He was working on really, something about how [limited liability corporations] were treated, the tax treatment of LLCs, as well as trying to drive awareness around antibiotic resistance with, I guess with, the politicians, and trying to get incentives for antibiotics to be developed," Whitaker

said. “At least that’s what I understand his purpose was, but we were a small company, and to me it wasn’t a priority.”

Whitaker said KNOW Bio’s co-founder and board chairman Neal Hunter had given Moore the contract. What Whitaker, who left the company in April, said she didn’t know is that four years earlier, Moore as the powerful Rules Committee chairman had helped Hunter with a controversial development that was in danger of failing. Moore ran legislation that forced the city of Durham to provide water and sewer for the 751 South project, which will place 1,300 residences and 600,000 square feet of offices and shops on 166 acres near Jordan Lake.

Hunter sold the land to the developers, Alex Mitchell of Durham and Tyler Morris of Raleigh, for $18 million a decade ago. He received $8 million up front and financed the rest, with interest, and he obtained a non-voting share in their company. Hunter and Mitchell are cousins.

Mitchell is a friend and campaign supporter of Moore’s. In 2015, when Moore became speaker, the House voted Mitchell to the UNC Board of Governors. State election records show since 2013, Mitchell and his wife have contributed $30,300 to Moore’s campaign fund; Hunter and his wife have given $33,300.

In an interview, Moore would not confirm he previously had a contract with KNOW Bio, but he said he does not have the company as a client now. He said attorney-client privilege prevents him from identifying private clients. In addition, state ethics laws do not require state lawmakers who are private attorneys to identify their clients. The lawmakers do have to recuse themselves in votes involving their clients.

He insisted he has never improperly mixed his private business with his public responsibilities.

“Know this: Anytime I take on a client I ensure there are no conflicts with other legal matters I’m handling, and I’m

always double extra careful to make sure there's no conflicts or anything with my legislative role," Moore said.

Jane Pinsky, director of the N.C. Coalition for Lobbying and Government Reform, said she is troubled by the financial connections between Moore and two of the 751 South project's partners. She said Moore needs to be forthcoming about how he got the work, how much he was paid, what he did for KNOW Bio and any other financial ties between the principals.

"Without disclosure, it's not going to pass the smell test for North Carolinians," Pinsky said.

Hunter and Mitchell did not respond to several attempts by a News & Observer reporter to contact them via phone and letter over the past two weeks. The News & Observer tried to visit them at their homes, but they both live in a section of Colvard Farms where no-trespassing signs are posted.

A controversy-filled journey
The project's mix of offices, shops, townhomes and single-family houses is being built within two miles of Jordan Lake, a man-made source of drinking water for much of the Triangle that has long been polluted by stormwater runoff. The project broke ground in April, but getting to that point was a long journey filled with controversy.

Hunter originally owned the property, which is adjacent to Colvard Farms, a high-end housing community he previously developed that is continuing to expand. Hunter is a co-founder of Cree, an LED manufacturer, and is a well-known entrepreneur in the Triangle.

In 2006, Hunter won a land designation change for the property from Durham's planning director, making it acceptable for development without the involvement of state officials. Hunter then sold the property to Mitchell and Morris.

The Durham county attorney later said the planning director lacked the authority to make the change. That triggered the start of a protracted battle that included lawsuits and the developers giving a slice of their land to the state transportation department to invalidate a protest petition from neighbors that might have killed it.

In the end, only the City of Durham stood in the way of the development by voting against extending city water and sewer. That's when Moore stepped in with his legislation. It had failed by one vote in 2012 in the Republican-controlled state legislature but passed the following year. Only one lawmaker from Durham's state delegation – state Sen. Floyd McKissick Jr. – voted for the legislation, and that was after he said helped negotiate some concessions from the developers.

The state law also requires extending water and sewer to Colvard Farms.

Moore said he pushed the legislation aiding the 751 South project because Durham had treated the developers unfairly. He said Durham had "overstepped the property rights of individuals who lawfully tried to develop their property."

It was a rare example of state lawmakers stepping into local land-use matters. Gerry Cohen, an attorney who spent nearly all of his 37 years at the legislature as head of bill drafting before becoming a lobbyist in 2015, said he could only recall two other instances when lawmakers passed legislation affecting local land use.

Eugene Brown was a veteran Durham City Council member who cast the deciding vote against extending water and sewer services to 751 South in 2013. He said the legislature's decision to "become our planning department" prompted his no vote.

He, too, said Moore's legal work for KNOW Bio raises questions that need answers.

“I would suggest that sunshine is the best disinfectant, and more of it needs to be shined on this entire episode, including the past history and what’s happening currently,” Brown said.

The law and conflicts of interest
State ethics laws require many public officials to file an annual report disclosing potential conflicts of interest such as their employers and business partners. But the law does not require attorneys to disclose their clients. Instead, they must report the categories of law in which they earned more than $10,000. Fourteen categories are listed, as well as one for “other.”

Moore’s report for 2017 doesn’t mention KNOW Bio. It shows he checked the categories of administrative, decedent’s estates, local government, tort litigation, corporate and criminal.

The law also requires reporting investments of $10,000 or more. Moore’s 2017 report shows a financial interest in Novan, the company KNOW Bio was spun from. Hunter is a founding investor and former chairman of Novan.

Moore confirmed he’s bought Novan stock, but he said he hasn’t made any money.

Whitaker said Hunter gave Moore the contract sometime before she joined KNOW Bio in February 2017. She said she does not have a copy of the contract and could not recall how much Moore was paid. She recalled meeting him, but she never sought any work product related to the contract.

“You wouldn’t normally find any sort of contract like that,” Whitaker said. “We’re a small, early-stage company with limited cash flow. It didn’t seem necessary and I didn’t want to take it any further, given the cost, and we didn’t need it. And I didn’t understand why the speaker of the House would be our consultant.”

She said she thought Moore's work involved lobbying. Moore would be prohibited from lobbying his colleagues in the legislature, but he could lobby the federal government, so long as he registered as a lobbyist.

Federal records show he hasn't done that. Moore confirmed he hasn't, but said, in general, he could handle some federal government matters as a private attorney without having to register.

Whitaker said she brought the contract to the attention of some members of KNOW Bio's board of directors. One of them, Harry Smith, a businessman from Greenville who is now chairman of the UNC Board of Governors, largely confirmed Whitaker's account.

Smith said as part of joining the board and investing $1 million, he brought in John Oakley as the chief financial officer. Oakley had served in that role for Smith when he led Flanders Corporation. Smith said Oakley and Whitaker are highly qualified company executives.

Oakley and Whitaker reviewed the retainer agreement for Moore's services and terminated it as part of what Smith called "minimizing cash-burn."

"We stopped a lot of vendors," Smith said. "We were trying to preserve and protect cash flow, and that's the extent."

Smith said he could not discuss how much money Moore had received and he did not know what work Moore had done for KNOW Bio. He said he knew little about Moore's prior efforts to help the 751 South project, while Whitaker said she wasn't aware of that controversy at all.

Smith and two others joined the board at the same time in mid-2017. He said all three left six months later, after Oakley and Whitaker had discovered Moore's contract. Smith said his exit was not driven by Moore's contract, and had to

do with pursuing other opportunities he considered more lucrative.

One of those former board members is Haywood Cochrane, a biotech executive who is the current chairman of UNC-Chapel Hill's board of trustees. He could not be reached for comment.

Public clients, private clients
Moore said he has about 100 to 150 clients in his law practice, which is based in his hometown of Kings Mountain in Cleveland County. He said he also has a small satellite office in Raleigh. The only clients he said he can talk about are public entities: Cleveland County, where he serves as county attorney; and the Cleveland County Water District.

He said his other clients do not include companies or individuals with significant business interests before the legislature. A written opinion from state ethics officials clears him to work as Cleveland County's attorney. He said he's also received three informal opinions that haven't been made public clearing him to represent other clients he said he couldn't disclose.

"I like to err on the side of caution," he said.

A decade ago, state lawmakers discussed whether disclosure of legal clients should be part of a package of ethics, lobbying and campaign finance reforms in the wake of the scandals in former House Speaker Jim Black's administration. Black, a Matthews Democrat, served three years in prison for taking $25,000 in cash and a $4,000 check from chiropractors to push through legislation they sought; he had given some of the money to another House member to persuade him to switch parties and keep Black in power.

The lawmakers didn't include client disclosure among the reforms.

“You run into the legal ethics of client confidentiality, which is so well-established over many generations that the conflict between full disclosure and full confidentiality was resolved in favor of the client,” said former Rep. Joe Hackney, a Democrat and Chapel Hill attorney who was House speaker when the reform package passed.

Client confidentiality can be important. An attorney may be helping a client in a criminal investigation that ultimately determines no crime was committed. But in other legal matters, the disclosure of an attorney-client relationship would cause little harm to a client while exposing potential conflicts of interest for an elected official.

Federal ethics rules, for example, require candidates who are attorneys in private practice to disclose clients who have paid more than $5,000 a year for their services. There are limited exceptions for situations in which that disclosure would cause harm to the client.

Whitaker said she left KNOW Bio in April after realizing it would take longer to bring a product to market than she had anticipated. Two months later, the Kilpatrick Townsend & Stockton law firm filed federal lobbying reports saying it was representing a company with the same name, but with a Morrisville address, on “tax policy on investments.”

Among the three lobbyists listed is Nelson Freeman, whose bio identifies him as a former top advisor to Moore on “tax policy, information technology policy, Alcohol Beverage Control, and economic development. “

He could not be reached for comment.

Brian Murphy of McClatchy DC contributed to this report.

Dan Kane: 919-829-4861, @dankanenando

3. #ncga: A lawyer problem
by Brant Clifton • September 25, 2018 • 9 Comments

I must confess. I have little to no use for most lawyers. It's an occupation where one is paid big bucks to lie, obfuscate, tap dance around and stomp all over ethics and morality and those sorts of things.

They have no real skills – short of running their mouths. Yet they are over-represented in the ranks of government – telling the rest of us what is good for us, what is bad for us, and how we are going to live our lives.

A friend who used to serve in the NC House tells me members, who also happen to be practicing attorneys, spent most of their time in the lobby outside the chamber running their practices via cell phone. A whip would come out and tell them its time to vote and how to vote. Few spent any time listening to debate inside the chamber.

Now, let's focus on this piece of info from the Raleigh drivebys today:

[… He said attorney-client privilege prevents him from identifying private clients. In addition, state ethics laws do not require state lawmakers who are private attorneys to identify their clients. The lawmakers do have to recuse themselves in votes involving their clients.[….]

"HE" is House speaker Tim Moore, arguably one of the most powerful people in state government. One would imagine having one of the two top dogs on Jones Street as your attorney gives you quite the leg up when dealing with state government.

I can understand attorney-client privilege blocking the revelation of private discussions between an attorney and his client. But NOT the identification of private clients. THAT happens all the time in county courthouses. At the clerk's

office, you can regularly and easily access lists of parties to cases and their corresponding attorneys. Moore's claim here does not pass the smell test.

Why wouldn't the question of whether you've done things officially for someone who has paid money into your private business be part of the whole ethics process? It all looks so tailor-made for corruption.

And not recusing yourself? How is it kosher to vote for something that benefits someone who has paid money into your personal business?

Moore apparently has a "satellite" law office in Raleigh. With all the high-dollar white shoe firms already in Raleigh, what interest would there be in a small country firm from Cleveland County? (If the lawyer running said firm is the speaker of the NC House – PLENTY.) It's a fine line between this and lobbying – which requires all kinds of disclosure and reports.

Here is the gist of what got the drivebys so interested in young Timmy:

A short time into Anne Whitaker's tenure as chief executive officer of KNOW Bio, a Triangle-based pharmaceutical start-up, she learned of a legal services contract given to an attorney she had never heard of.

The company already had lawyers handling internal and external matters and she didn't understand why KNOW Bio needed yet another lawyer – one whose services she felt were of questionable value for a company that in early 2017 was barely a year old.

The lawyer was Tim Moore, a Cleveland County Republican and speaker of the N.C. House – one of the state's three most powerful officials. When she learned the details of his contract and his work, which struck her as federal lobbying,

she said she terminated it with the support of company board members.

“He was working on really, something about how [limited liability corporations] were treated, the tax treatment of LLCs, as well as trying to drive awareness around antibiotic resistance with, I guess with, the politicians, and trying to get incentives for antibiotics to be developed,” Whitaker said. “At least that’s what I understand his purpose was, but we were a small company, and to me it wasn’t a priority.”

Whitaker said KNOW Bio’s co-founder and board chairman Neal Hunter had given Moore the contract. What Whitaker, who left the company in April, said she didn’t know is that four years earlier, Moore as the powerful Rules Committee chairman had helped Hunter with a controversial development that was in danger of failing. Moore ran legislation that forced the city of Durham to provide water and sewer for the 751 South project, which will place 1,300 residences and 600,000 square feet of offices and shops on 166 acres near Jordan Lake.

Hunter sold the land to the developers, Alex Mitchell of Durham and Tyler Morris of Raleigh, for $18 million a decade ago. He received $8 million up front and financed the rest, with interest, and he obtained a non-voting share in their company. Hunter and Mitchell are cousins.

Mitchell is a friend and campaign supporter of Moore’s. In 2015, when Moore became speaker, the House voted Mitchell to the UNC Board of Governors. State election records show since 2013, Mitchell and his wife have contributed $30,300 to Moore’s campaign fund; Hunter and his wife have given $33,300.[…]

4. [High-Paying State Government Job Given to Speaker Tim Moore’s Girlfriend Raises Questions]

2018-09-27

No Other Applicants Were Considered for the Job Attorney Jennifer Gray was given the newly-created position of associate general counsel of the North Carolina Dept. of Insurance (DOI) on March 6, 2017. A month later, at the Queen's Cup Steeplechase, she was photographed standing next to powerful House Speaker Tim Moore. According to two sources, Speaker Moore and Ms. Gray are engaged to be married.

Though North Carolina has clear hiring procedures, Jennifer Gray landed the $89,000 a-year post even though no other applicants were interviewed – or even considered – for the job, according to the DOI's Marla Sink.

This raises two possibilities, both of which present problems for the DOI and, possibly, Speaker Tim Moore himself. The DOI itself has given conflicting accounts to Checks and Balances Project.

#1: Ms. Gray's Hiring Was a Violation
According to a document provided by the DOI, the job the Speaker's girlfriend was given should have been governed by North Carolina's Policy for Selecting Employees. That would mean state hiring requirements were ignored when the high-paying job was given to a woman romantically linked to the powerful Speaker of the House.

This document, provided by the DOI, is from the North Carolina State Government's internal Human Resource Information System known as "Beacon." It clearly indicates that Jennifer Gray started hire date was March 6, 2017, and her "current position" number is 65026433. (Click here to see the entire document.)

North Carolina's Policy for Selecting Employees includes these requirements:
• "Employment shall be offered based upon the job-related

qualifications of applicants for employment using fair and valid selection criteria and not on political affiliation or political influence." [Emphasis added.]
• "Political influence occurs when political affiliation impacts the decision to hire or not to hire and the selection decision was not based on fair and valid selection criteria."
• "The individual selected for the position must be chosen from the pool of the most qualified applicants."

If a violation occurred, according to the Office of State Human Resources, the state enforcement agencies responsible for investigations and sanctions equal opportunity employment violations are the State Courts, State Human Resources Commission, and/or Office of Administrative Hearings.

#2 Gray Got a Political Patronage Job That Could Ignore State Hiring Policy
A second possibility – stated in documents and emails provided to C&BP by the DOI – is that Insurance Commissioner Mike Causey hired Ms. Gray into a vacant, existing "policy-making exempt position" – job #60013309. Policy-making exempt is a category of state jobs that can be filled without hiring state hiring procedures – essentially a political patronage job.

C&BP repeatedly asked for an explanation of why the internal Beacon document clearly states Ms. Gray's "current position" is job #65026433 – not job #60013309, the policy-making exempt position.

But no one would fully answer that question. Instead, they keep repeating the same answer, despite the fact that the documents conflict:

We Requested Emails but Received None
In our July 12, 2018, records request to DOI's Marla Sink, we asked for "all communications with applicants regarding the position. After receiving some records, but no emails, we

contacted Ms. Sink who said she just needed to have them pulled. A week later, she emailed back to say that there were none. (See the records request here.)

Does Either Explanation Matter?
These conflicting accounts raise questions:
• When did the relationship between Speaker Tim Moore and Ms. Gray begin?
• Why does DOI refuse to respond to the question of different job numbers.
• Why are there no emails at all, even any arranging an interview, notification of a start date, etc.
• Did a violation of state hiring policy take place?

Jennifer Gray has relevant previous legal background as an Assistant District Attorney in the Wake County District Attorney's Office. But there are many previous assistant district attorneys.

Only one is Speaker Tim Moore's girlfriend.

Scott Peterson is executive director of Checks and Balances Project, an investigative blog that seeks to hold government officials, lobbyists and corporate management accountable to the public. Funding for C&BP comes from sustainable economy philanthropies and other donors.

Go to this article for more information: