# Close Examination of Court Documents Spell Big Trouble for City of Shelby and City Officials!! Complaints include Perjury, forgery and other allegations of high crimes and misdemeanors!!! Comments, reports and arguendo provided by Robert A. Williams

In the lawsuit Willie Green v. Rick Howell, Rick Howell alleged that he could do what he pleased as the City Manager of the City of Shelby. It is called “immunity” and protects elected and other city officials as long as the acts of the officials are not of a malicious nature or with criminal intent. A Cleveland County Superior Court “Hearing” was conducted on December 10, 2019 and Superior Court Judge W. Todd Pomeroy entered his Ruling in a January 13, 2020 Court Order that ruled that Rick Howell’s Motion to Dismiss based on immunity was denied. Thereby allowing a Court Trial against Howell to continue. Thus, no immunity for City Manager Rick Howell or any other governmental official (like Shelby Mayor Stan Anthony and the entire Shelby City Council. As well as Shelby employees Bernadette Parduski, Lacey Tindall, Walt Scharer and interim City Attorney Martha Thompson and everybody else too. Any provable hint of lying, stealing, corruption of any kind as well as malicious intent by the

Shelby City government and employees is now accountable under the law. Just like you and me are accountable for our bad behavior. Same for the Cleveland County Commissioners, School Board and Cleveland Community College Board of Trustees.

Of course, City Manager Rick Howell has to “appeal” this precedent setting Judge’s Order to the North Carolina Court of Appeals. The NC COA heard Howell’s Case this past week and the Ruling is expected any time now. If the COA rules against Rick Howell as expected, it is likely Howell will then appeal to the NC Supreme Court. And, all you Shelby Taxpayers ought to know by now that YOU are paying for Howell’s lawyers bills.

If the Court of Appeals rules in favor of Rick Howell, it is expected that Mr. Willie Green will appeal the case to the NC Supreme Court at his own expense. We never said that justice is always fair or ever cheap. But the stakes are high and Mr. Green will be able to make Rick Howell pay all his lawyer bills and much, much more when he (Willie Green) eventually wins this case as well as the other cases that have or will arise because of the City of Shelby’s long time corruption and their determination to remain corrupt.

Now let’s look at (and closely examine) the next case that Mr. Green has filed against Shelby Mayor Stan Anthony. A case of defamation by Mayor Stan Anthony published in the Shelby Star against Mr. Green. A case that Mayor Stan Anthony claims that he too has immunity from prosecution. A case that Stan Anthony is also fighting with Mr. Green using Taxpayer money. A case that could wind up including the Shelby Star for not fact checking Anthony’s defamatory statements. A case that could wind up including all of the City of Shelby officials. A case of apparent desperation that is sucking in potential felony criminal acts from City employees Walt Scharer (perjury), Bernadette Parduski (conspiracy to commit perjury), Lacey Tindall (conspiracy to commit perjury and forgery) as well as Attorney Martha Thompson (Rule 11 violations, conspiracy to suborn (entice or induce) perjury). All alleged, reported and

with investigations requested. All serious felony crimes, worthy of imprisonment, if true. And if prosecuted by the do-nothing Cleveland County District Attorney's Office under Mike Miller, who rarely prosecutes a case himself. Even Murder cases.

Anyway, the facts go like this:

**Walt Scharer** is a long time City of Shelby employee who is presently the Director of the City's Planning and Zoning Department. Mayor Stan Anthony has "imposed" upon Walt Scharer the task of providing him (Anthony) the task of backing up Anthony's defamatory statements in the notorious Shelby Star article about why the Shelby City Council denied Mr. Willie Green's particular zoning change request-despite Mayor Anthony's attorney's (Martha Thompson's) advice to keep his mouth shut. (This is the same Stan Anthony who spoke recently at a County Commissioner's meeting in favor of the County removing the Confederate Soldier's Monument on the Court Square. Although Mayor Stan Anthony has the First Amendment right of Freedom to speak. This First Amendment "Right" does NOT include protection from telling lies or libeling or defaming any other person. And neither does the First Amendment protect Walt Scharer or anybody else from lying, libel, slander and defamation.

Anyway, Mayor Stan Anthony has defended his defamation on hearsay from Walt Scharer that Scharer told Willie Green that he should place a "contingency" on certain property that Green was attempting to rezone. Never mind that such a contingency was NOT involved with a certain piece of property that Shelby City Councilman Eric Hendrick was trying to get rezoned at about the same time as Mr. Green. Henrick's zoning change request was approved and Willie Green's zoning request was denied. A fact-check shows that over the past five years only two such rezoning requests were denied. Mr. Green's and another by Scottie Webber several years ago. The only connection between Mr. Green's and Mr. Webber's zoning change

requests is that both Mr. Green and Mr. Webber are African-American. But that is a story for another day!

Walt Scharer, to back up his boss-Mayor Anthony's-story issued a sworn affidavit with which he "attempted" to back up Anthony's defamatory statements published in the Shelby Star article. Scharer included meeting dates and other dates to back up his affidavit.

The only thing wrong with Walt Scharer's sworn statements about meeting times and dates was they were false. When Mayor Stan Anthony's Attorney, City of Shelby Attorney Martha Thompson files Anthony's "stuff" in Court and Mr. Green gets a copy, Mr. Green determines that Walt Scharer's information was false and had the records to prove they were false. Mr. Green sends a message to Walt Scharer that his affidavit was false.

Then, Anthony, Scharer and Marth Thompson concoct a second affidavit for Walt Scharer to amend his first sworn, but false statements, with new sworn statements based upon the proof that Mr. Green had provided them. Claiming that a computer hack had destroyed Shelby's records and that Walt Scharer's old recollections that were sworn to be true, but were false were now replaced by new recollections that were now sworn-again-to be true. Once again providing no documents that actually supported Walt Scharer's statements that he "recalled" telling Mayor Anthony about. Hearsay on top of hearsay. No proof of anything.

But folks, stop for a moment and take a deep breath, maybe two deep breaths. You ain't heard nothing yet!!!

**Bernadette Parduski** was the Notary that signed and notarized Walt Scharer's first affidavit. Ordinarily that is all well and good. But Bernadette Parduski is also a higher-level City of Shelby employee who is in a position to know most and maybe all of what is going on in the Mayor's Office as well as with the City Manager Rick Howell and the City Council too. It may

be very possible that Bernadette Parduski may have inside information and recollections that may be different than Stan Anthony's and Walt Scharer's recollections and be called as a witness in Willie Green's case against Stan Anthony's defamation. What a conflict Ms. Parduski may find herself in when her notarizing of Walt Scharer's first affidavit is in conflict with what she personally knows to be the truth. The act of Notarizing a false statement when you as the notary knows that the sworn statements are false would raise Bernadette Parduski to the level of criminal felony charges just as much as might befall Stan Anthony and now Walt Scharer and others.

**Lacey Tindall** is a Notary Public as well as a City of Shelby employee. Most notorious in the context of this article is that Lacey Tindall has been identified to me as Walt Scharer's assistant in his role as the Director of the City of Shelby's Planning and Zoning Department. In such a position Lacey would have personal access and likely personal involvement with everything that goes on in Walt Scharer's world as the Director of that department. Some might say that such a position as Lacey has would allow her to know more about the functional details of running and operating that Department, even more than the Director. Making her much more culpable than Bernadette Parduski, when she was tasked with notarizing the second "sworn" affidavit of Walt Scharer because the first affidavit was false. Unfortunately for Lacey Tindall, there is more than just notarizing of a legal document, a sworn affidavit that she might personally know contains even more false information.

Legal documents, Court documents are required to be factual. Not only in what they say and contain, but be precise in the facts and format. Such things as blank spaces where dates are required is one of the biggest No-Nos. In Walt Scharer's second affidavit, the first of the second hearsay sworn statements is, at the end a place for the Walt Scharer to sign

as well as the Notary. In actual practice Walt Scharer would prepare or have prepared his affidavit and bring it to a Notary who would verify his (Walt Scharer's) sworn statement verification and signature as well as enter the exact date. Then Walt Scharer would take the signed, notarized and dated affidavit to the attorney for inclusion into Mayor Stan Anthony's filings to the Court.

In this case, the documents filed and date stamped with the Clerk of Court shows that the blank line for the exact date of the month is blank and the month is listed as September 2020. Obviously false since September 2020 has not arrived yet and the Clerk of Court's stamp date on Mayor Anthony's documents says they were stamped and entered into the Court Files at 2:32 PM of August 25, 2020. (Not only that but the Certification of Service that shows the details of Stan Anthony's sending the documents to Mr. Willie Green's attorney shows the date of service as a marked over date, different that August 25th, as being wrote in as August 25th by Anthony's attorney Marth Thompson. Known for her sloppy attention to legal details that cost the City of Gastonia a Million dollars. More on that later.)

What all this means (in part) is:

1. that Walt Scharer was remiss in reviewing his own second amended sworn affidavit.

2. Lacey Tindall was remiss in reviewing and entering the proper dates on her Notarized document.

3. Attorney Martha Thompson was remiss in reviewing Walt Scharer's second amended sworn affidavit and finding even the most basic, but important facts were included and then filing the second affidavit of Walt Scharer in such an incorrect factual way that a third sworn amended affidavit will be required. And, at this point, what

> judge could place any credibility and credulousness on anything Walt Scharer, Martha Thompson and the City of Shelby have to say about anything.

But, all of this may just be chicken feed. (Or chicken sh*t as some would say.)

Some reviewers of Walt Scharer's second sworn amended affidavit have closely examined the document and see a similarity between Lacey Tindall's signature and Walt Scharer's signature. Saying, in fact, that they believe that Lacey Tindall not only signed as the notary, but also signed Walt Scharer's name too.

**Forgery** is what that is called. And only too likely as to exactly what might have happened here. As Walt Scharer's assistant, Lacey Tindall may have very well, upon direction, typed up Walt Scharer's Affidavit, Signed "Walt Scharer" where Walt Scharer was supposed to sign-very likely as there is no middle initial as required by most legal documents) and then simply failed to get the notary date correct. Probably also likely since the City of Shelby apparently does NOT require much precision and attention to detail in their clerical work.

**Attorney Martha Thompson** is paid big bucks as the interim City of Shelby Attorney. AND WHY Martha Thompson is the interim Shelby Attorney is another mystery. A cursory review of Martha Thompson's legal work shows that she was severely chastised by the North Carolina Court of Appeals and in NC Bar publications for her sloppy grammar and incomplete sentences in documents that cost the City of Gastonia a Million bucks. Gut folks, as I often say-Don't believe a word that I say about this. Read it for yourselves. I will also wager a brand new $100 bill to anybody that can show that this is not true. Note that I have never lost one of these $100 wagers yet and will not lose this one either.

I will have to note here that I observed Shelby City Attorney

Martha Thompson in action during the hearing where Rick Howell was set in his place about the immunity of governmental officials that is hanging all over the heads of the Shelby City Council, Mayor and City Manager. My observation of Martha Thompson in action at that December 10, 2019 hearing was that she was unprepared. My reviews of her Appeal of that loss and other documents is that she is also legally sloppy with the tendency of throwing all kinds of legal precedents into her arguments whether they are helpful or even hurt full to her legal positions and arguments. Of note is especially when she argued that City Manager Rick Howell was engaging in "rhetorical hyperbole" (Joking) in his phony discussion with the City Council that wound him up in the lawsuit in his individual capacity. Note that joking to the City Council about Mr. Willie Green or anybody else is NOT a reasonable part of the job description of a city manager. Even for the City of Shelby. Well known and well documented as lacking effective leadership. Which is also shown by Shelby hiring Rick Howell and Martha Thompson in the first place.

Here is the North Carolina Bar blog that describes in detail what I am saying about Martha Thompson. And if I could find this so easily, why did the City of Shelby hire Martha Thompson in the first place. With Mayor Stan Anthony firing longtime Attorney Bob Yelton in the process??? Bad decisions all.

Folks, this article is getting long. I have tons of comments from others that I Will be including in another article very soon.

To read the North Carolina Bar blog, go here.