



5-Star Athlete Development, LLC
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Michael W. Miller, District Attorney
Office of The District Attorney
State of North Carolina
Prosecutorial District 39
314 East Marion Street
Shelby, NC 28150

Re.: Request for Criminal Investigation of Perjury

“When corrupt politicians start going to jail, we can start trusting the government again.”

Dear District Attorney Miller:

The purpose of this communication is to officially demand a criminal investigation of possible perjury committed by either Mr. Stacey Heavner (“Mr. Heavner”) of 1802 David Drive, Shelby, NC 28150 for allegedly lying in his Answers to Plaintiff’s First Set of Interrogatories court filing documents in District Court in the case of 5-Star Athlete Development, LLC. v. Stacey T. Heavner Case No. 20-CVD-228. And/or City of Shelby City Council Member David Causby (“Councilman Causby”) of 613 South Washington Street, Shelby, NC 28150 and former City of Shelby City Council Member Dicky Amaya (“Councilman Amaya”) of 610 Schenck Street, Shelby, NC 28150, for allegedly lying to a federal investigator during a U.S. Housing and Urban Development (“HUD”) Investigation of Housing Discrimination.

These alleged crimes of perjury took place in Cleveland County, in your jurisdiction.

Background

In the attached August 31, 2020 Defendant’s Answers to Plaintiff’s First Set of Interrogatories signed and confirmed by his attorney Daniel R. Talbert and filed in District Court, on page 2, in response to Question #3. Mr. Heavner stated, “Mr. Green has approached Council members about getting financial help to pay for entrance driveway from Main Street for said property for rezoning for low-income housing.”

Mr. Heavner continued his claim by stating in answer to Question #4 that “Mr. Green has asked Council members for financial help in the amount of \$100,000 for a driveway.” Then stated the same in his answer to Question #7 on page 3. And finally, in his answer to Question #12 on page 4, Mr. Heavner identified Councilman Causby and Councilman Amaya as the persons who “informed me that Mr. Green has asked for funding to construct a driveway for low-income housing.” (See attached Answers document)

However, the responses by Councilman Causby and Councilman Amaya either contradict Mr. Heavner’s claims or both Councilmembers lied to a federal investigator. The attached HUD Final Investigative Report (“FIR”) is a result of a year-long HUD Investigation of Housing Discrimination of a Complaint I filed on behalf of my company 5-Star Athlete Development, LLC (“5-Star”) against the City of Shelby (“the City”) in July 2020.

On page 8 of the FIR, Councilman Causby told the HUD Investigator on January 21, 2021, during a call, that all he discussed during their 90-second call with Mr. Heavner was the procedure to speak at the hearing and told him to sign up if he wishes to speak. Councilman Causby told the HUD Investigator “that is all they discussed...”

On the same day of January 21, 2020, Councilman Amaya told the HUD Investigator during their call that he “does not know Stacy Heavner and does not recall speaking to him.” Councilman Amaya also stated in his call with the HUD Investigator that “he would not have told Mr. Heavner anything specific about the Complaint’s proposal or that he was attempting to build low-income units.”

But in the same call, after stating he did not know or recall speaking to Mr. Heavner. Councilman Amaya told the HUD Investigator that “he may have spoken about the Earl Road property proposal and the funding surrounding that... and “he only would have spoken about that because the funding was how it would have been able to come in front of the board in the first place.” It is worth noting that it was Councilman Amaya who made the illegal motion to deny my zoning application request, instead of the motion to approve my zoning application at the November 18, 2019, City Council meeting. (See attached HUD FIR Document)

So the question at hand is (a) did Councilman Amaya know and speak to Mr. Heavner? And (b) if Councilman Amaya lied to the HUD Investigator about knowing and speaking to Mr. Heavner. Why would Councilman Amaya be speaking to Mr. Heavner about a non-related property of 5-Star that had nothing to do with the zoning application hearing for 5-Star’s townhouse development?

Finally, District Attorney Miller, I have nothing but respect as to the job you have done as the County’s lead prosecutor. Much like you hold ordinary citizens who have committed crimes responsible for their actions, we must start holding our public officials accountable for their criminal behavior if we want people to trust our public officials and our government.

I look forward to your response to my demand for a criminal investigation into the allegations I have identified above. If you need any additional information or would like me to come in and provide testimony, please contact me at the number or email above.

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