

STATE OF NORTH CAROLINA
COUNTY OF RUTHERFORD

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO: 24 CR 418555-800

STATE OF NORTH CAROLINA)

Plaintiff,)

Vs.)

LESLIE MOONEY LEWIS,)
Defendant.)

DEFENDANT LESLIE MOONEY LEWIS'
MOTION TO DISMISS

COMES NOW, Defendant Leslie Mooney Lewis ("Defendant"), by and through undersigned counsel Andrew LaBreche, Esq., and herein moves for the Court to dismiss all charges in this matter and, in support thereof, states as follows:

I. FACTS

This case involves District Attorney Ted Bell's ("DA Bell") misuse of the cyberstalking statute to suppress Defendants' right to speak freely, protest, and report years of coordinated financial misconduct, mismanagement, and/or gross negligence involving the United Way of Rutherford County, Inc. ("United Way") and numerous public officials and/or figures, including DA Bell and his associate Suzanne Porter, the Executive Director of the United Way, and the alleged victim in this case – each of whom will be required to testify.¹

Beginning on or before 2015, a small group of government officials and public figures began channeling government funds to the United Way (a non-profit) to provide

¹ Defendant and others have raised, relayed, and/or reported the facts below, among others, to the appropriate governmental, quasi-governmental, private, and public entities, e.g., Rutherford County Community Collaborative, Partners Behavioral Health, the Rutherford County Commission, news outlets, and investigatory agencies. Because the cyberstalking charges at issue in this case are being used for the improper purpose of stifling free speech, Defendant – who did not choose this forum to address this matter – provides the description herein to ensure this matter is fully documented and available to the public.

mental health and/or addiction services to the citizens of Rutherford County. Those funds initially came (and continue to come) from federal, State, and local grant funds, funds allocated by the North Carolina Department of Health and Human Services to local management entities (“LMEs”), including Partners Health Management (“Partners”), and other sources. After being awarded, repurposed, and/or otherwise diverted to the United Way, the funds remain unaccounted for without any programs or services being provided.

Appearing to believe their actions had gone undetected, this same group of public officials and/or figures have most recently utilized their collective efforts to divert Rutherford County’s Opioid Settlement funds to the United Way by creating an Opioid Advisory Committee comprised of public officials and/or figures with seemingly deep (and undisclosed) conflicts of interest.

Although members of the community have long questioned why no mental health and substance abuse services are available at the jail (and virtually nonexistent in the entire County), a series of recent events revealed a myriad of troubling answers to the public.

A. Steve Garrison leaves Madison and Buncombe Counties under unusual circumstances to be become the Rutherford County Manager

From 2007-2012, Steve Garrison was the County Manager of Madison County. In 2012, Garrison suddenly resigned with no explanation. As recently reported, however, Garrison was accused of financial misconduct during his tenure as County Manager in much the same manner that is currently occurring in Rutherford County:

Watch out for the non-profits folks. These commissioners are connected to United Way. Michael Garrison, vice chair of Madison County Commissioners’ brother Steve Garrison has been involved in a scandal in Rutherford County.

* * *

When Steve Garrison was County [M]anager for Madison County, I caught him doing the same thing, misallocating grant funds that were being funneled to the Madison County Sheriff Department.

Exhibit A, Now What, Savemadisoncounty.org, November 2, 2024 (emphasis added).

Immediately after his resignation as Madison County Manager, Garrison was hired as a government employee in Buncombe County. In that role, Garrison worked closely with Mandy Stone and Wanda Greene, the State and local DHHS entities, the Buncombe County LME, and being appointed to numerous entities, boards, and committees that were responsible for funding, oversight, and providing mental health and additional services. Many of those boards and committees merged into a newly created LME called Partners Behavioral Health Management (“Partners”) in 2013.

During the same time period (2013-2017), the FBI discovered widespread fraud in Buncombe County involving Wanda Greene, Mandy Stone, and many other individuals with whom Garrison worked closely. Greene and Stone were both, at different points, Garrison’s superior and appointed him to numerous boards and commissions that had varying levels of involvement and/or responsibility with respect to the missing funds. The embezzled funds that were able to be identified ultimately totaled nearly \$20 million. As the investigations progressed, Garrison resigned from his position and, on March 16, 2015, was hired as the Rutherford County Manager.

At approximately the same time, Suzanne Porter began taking control of the United Way (becoming the Executive Director shortly after) and immediately began working with Garrison (and others) to divert government funds from grants, LMEs, and other revenue streams to the United Way.

B. Garrison, Porter, Bell, Francis and other officials make unexplainable effort to replace VAYA with Partners

In one of the first, and most substantial, efforts to gain control over, and divert, government funding to the United Way, a number of then-unknown officials engaged in an unprecedented and clandestine effort to replace VAYA Health (Rutherford County's LME at that time) with Partners Behavioral Health Management, i.e., the newly-formed LME that subsumed many of the boards and committees Garrison served on in Madison County and included many of the same individuals that Garrison knew and worked with in Madison and Buncombe Counties, such as, for example, Rhett Melton (the former-CEO of Partners who resigned as much of this information recently became public).

Although this effort created considerable anger and distrust between the local government and the community, the public officials and/or figures involved refused to provide any reason for this change other than seeking to increase "how much say [the Rutherford County public officials and/or figures] ha[ve] in how these funds were used, as well [as] how [Partners'] board was made up and when it met." **Exhibit B**, Emails reveal dealings between county officials and behavioral health agency lobbyists, Carolina Public Press (July 13, 2018). Despite these individuals' efforts to conceal their identities, however, the Carolina Public Press, on July 13, 2018, published a series of articles exposing and/or identifying them by name, which included, among others, Garrison, Porter, DA Bell, former-Sheriff Francis, and the then-CEO of Partners, Rhett Melton. *Id.* As discussed throughout this motion, it is these same individuals involved with diverting funds to the United Way and Porter on virtually every occasion.

On July 19, 2018, in response to the article, CEO Melton sent a letter to Garrison and the Rutherford County Commissioners encouraging them to continue advocating for

Partners and, in doing so, assured them that they would have more control over Partners' funds and use of funds. **Exhibit C**, July 19, 2018 Letter from Rhett Melton to Rutherford Officials.

While their efforts were ultimately successful in convincing the North Carolina Department of Health and Human Services to replace VAYA with Partners as the Rutherford County LME by July 1, 2019, these individuals immediately engaged in a systematic course of action to obtain and funnel millions of dollars to the United Way for mental health and addiction services that were never provided – marking the beginning of a period where the most vulnerable members of the community who need these services were unable to obtain them.

C. Misuse of government funds during the transition to Partners

During the transitional period of 2015 and 2019, Garrison, Porter, Francis, DA Bell, and other public officials and figures served on many of the same boards, committees, and other government and quasi-government entities that have applied for, supported, obtained, and/or awarded government funds to the United Way for services that were seemingly never provided. Despite their oversight roles to ensure grant funds and other sources of revenues were utilized for mental health and/or addiction services to the community, none of these individuals reported that the United Way and Porter **were not** utilizing the funds to provide the programs and services for which they were allocated; nor did they take any actions to stop or report these practices.

The clearest example of this the mental health and addiction programs and services that were repeatedly funded but never existed is the medical assisted treatment program (“MAT Program”). On or about August 7, 2017, Porter identified the program

partners as DA Bell, former-Sheriff Francis, Garrison, Lydia Waddell, and Family Preservation Services, which she colloquially referred to as “Team Rutherford.”² **Exhibit D**, August 7, 2017 Facebook Post and Video re MAT Program at 9:00, <https://www.facebook.com/share/v/SaxkkXcSowLsKcpQ/?> Porter and Francis then described the MAT Program as follows:

A team of local stakeholders including the Rutherford County Sheriff’s Office, Family Preservation Services, United Way of Rutherford County, and District Attorney Ted Bell worked together to create the new program. It will provide Medication Assisted Treatment (MAT), behavioral therapy, and wraparound services for Rutherford County Jail inmates who are addicted to opioids. This is a pilot program and the team is excited to provide MAT in a setting where traditionally those who need treatment services become ineligible for funding to receive them

The program features a one year continuum of care that utilizes MAT and individual or group therapy during the incarceration period. Upon reentry to the community, participants will receive MAT, Substance Abuse Intensive Outpatient treatment, peer support services, and linkages to medical care as well as job skills and educational support services

Id.

Porter also stated the program was a “continuum of care. Start while they are in jail and they get seamlessly passed through Family Preservation Services starting that treatment in jail, and, as they reenter the community, they’re still part of that length of services.” *Id.* at 6:35. Despite Porter’s habitual public proclamation that the United Way has, in fact, created these programs and/or provided these services, there is no indication that they ever existed and they do not exist now, but the funds are gone. Yet, Porter - with the support and assistance of Garrison, Francis, DA Bell, and others - obtained additional funding almost every year since to provide the same and/or similar programs and services. *See e.g.*, **Exhibit E**, May 20, 2023 MAT Funding for United Way.

² Of note, Waddell was the former jail administrator at the time this program was initially funded, but was terminated from the Sheriff’s Office approximately a year afterwards for unlawful misappropriation of funds from the Sheriff’s Office.

Although questions were raised about these issues since the first round of funding in 2017, then-Sheriff Francis (who served, and still serves, on the United Way board of directors) controlled and withheld public access to the jail and information about what services actually existed. That recently changed.

On December 5, 2022, Aaron Ellenburg became the Rutherford County Sheriff and, based on the abhorrent conditions in the jail, he opened the jail to the public and asked DHHS (and representatives from the Legislature) to come see the needs and disorder firsthand. That resulted in the female unit of the jail being shut down until drastic alterations and repairs were made. Remedying inhumane conditions, however, was only a small component of Sheriff Ellenburg's efforts to address systemic problems in the jail and the local legal system. Sheriff Ellenburg also immediately inquired what mental health and substance abuse services were available at the jail and learned that there were virtually none. Sheriff Ellenburg was candid with the community about these issues and confirmed that the purported programs and services provided by the United Way do not exist and the money is gone.

D. Partners, Porter, Garrison begin plans to utilize Opioid Settlement funds in violation of the settlement agreement; conflicts of interest grow

On July 21, 2021, Rutherford County was awarded more than \$10 million dollars in an Opioid Settlement. The funds were to be used to fund one or more projects to alleviate the damage from the opioid epidemic. The date for applicants to submit proposals was April 4, 2022.

On March 7, 2022, however, Porter made a presentation to the Rutherford County Commission in which she reiterated false and/or unsubstantiated claims that the United Way was providing reentry services at the jail, in conjunction with Family Preservation.

Exhibit F, March 7, 2022 County Commissioner's Meeting, https://rutherfordcountync.granicus.com/player/clip/894?view_id=2&meta_id=98284&redirect=true (beginning at 24:50). Former-Partners' CEO Melton also spoke at the meeting and expressly stated that, among others, he, Garrison, and Porter were planning how to use Rutherford County's Opioid Settlement funds as they saw fit. *Id.* at 34:50. These statements were made well before any individuals and/or entities in the County were afforded the opportunity to submit proposals as required by the terms of the settlement agreement.

In furtherance of their efforts to ensure they were able to take possession of the Opioid Settlement funds, Garrison, Porter, and Melton began to staff the Opioid Settlement Advisory Committee, i.e., the board that ultimately made the decision as to where the funds would be distributed, with members that had deep conflicts of interest. To that end, on May 1, 2023, Partners appointed Paul Holden as its representative for Rutherford County, creating additional conflicts of interest. More specifically, Holden was a long-time friend and colleague of Porter, as both went to the University of Southern Florida at the same time and graduated the same year. For years, they worked together in and/or close to Pasco, Florida. Holden also worked with Garrison since, on or about, November 2013 prior to becoming the Rutherford County Manager.

Without exception, Holden assisted Porter and the United Way in receiving more funds for programs and services that did not exist and that Holden, Garrison, DA Bell, Francis, and others were responsible ensuring were being provided. Based on the unexpected occurrences below, however, those issues, as well as Team Rutherford's plan to usurp the Opioid Settlement process, began to surface, in part, because of Defendant.

E. Defendant Contacts Investigators

In 2023, Defendant was employed by Family Preservation, i.e., one of the MAT Program members responsible for performing services in the jail, as a IPS QP, Employment Support Specialist (Qualified Professional working in Intensive Placement Services assisting individuals with IDD, TBI, and substance use disorder for supported employment). Defendant was aware of the long-standing questions and concerns about the lack of mental health and substance abuse programs and services in the County despite the United Way and Family Preservation receiving substantial and continuous funding to provide them. In her role as an IPS QP, Defendant had also become privy to new information about fraudulent billing and other practices regarding Family Preservation, the United Way, and the MAT Program.

On or about August 2023, Defendant made a report to the FBI about fraudulent billing at Family Preservation, including double billing, receiving payments for services that were never provided, and countless people in need of help being turned away despite funding being allocated specifically to help them. Because of that report, Family Preservation closed its Intensive Placement Services Department on or about November 2023, and, thereafter, rebranded the organization as “Clarvida.”

During this process, Defendant learned that many nearly identical issues (as well as many others) were taking place at the United Way, which, as discussed in more detail below, began to surface during a January 2024 meeting of the Rutherford County Collaborative. As Porter and others attempted to suppress additional information, however, Defendant, once again, spoke on behalf of the people hurt by those practices.

F. Porter loses control at Rutherford County Community Collaborative

During a January 26, 2024 meeting of the Rutherford County Community Collaborative (“Collaborative”) discussing reentry and jail-based mental health and addiction services at the detention center, a single impromptu outburst from Porter led to the discovery of many of the issues identified above.³ In that meeting, one of the Collaborative members was informing other members of an upcoming reentry simulation designed to identify gaps in reentry services for current and former-inmates. Unexpectedly, Porter interrupted and insisted that “the United way already provides all of those services,” including mental health and addiction services for inmates and recently released individuals. Because none of the Collaborative members (or the community) had heard of or seen any such services, one member asked if Porter could identify all of these services and provide reports and data to enable the Collaborative members to verify and evaluate the efficacy of them. In response, that member was instructed to contact Porter after the meeting and told that all such information would be provided.

Later the same day, that member emailed Porter requesting the information as instructed. Rather than provide that information, however, Porter retained an attorney who, on February 14, 2024, sent a letter outright refusing to provide any information and/or identify a single program or service purportedly offered at the jail by the United Way (and subsidized with public funds). **Exhibit G**, February 14, 2024 United Way Attorney Letter.

³ The Collaborative is a group of nonprofits, public officials and/or figures, and other individuals and entities (overseen by Partners) that focus specifically on what mental health, addition, and other social services and resources are in place, needed, working, not working, and what gaps in services exist. Each LME, e.g., Partners, VAYA, etc., must create and facilitate a collaborative in the counties they manage to address these types of issues. At the time of this incident, the chair of the Collaborative was a member of the United Way board of directors and Porter was the vice chair.

News of this incident traveled quickly throughout the community but, despite growing questions, Porter continued refusing to identify a single service or program that she claimed was provided by the United Way at the jail. In fact, to avoid answering those questions, Porter and Partners, on March 7, 2024, cancelled the next scheduled Collaborative meetings. Many Rutherford County residents, including Defendant in a March 18, 2024 Facebook post, began publicly questioning these issues:

. . . United Way of Rutherford County, Inc. I've already looked at your horseshit 990s and all the nonprofits in this county. Researched them all. You better have some spotless accounting records. I know how audits can be made to look great when it's in fact a shitshow so get ready.

Exhibit H, March 18, 2024 Leslie Mooney Lewis Facebook Post.

G. Media covers new developments about the United Way

Rather than identify a single service or program, Garrison and Holden (on behalf of Partners), on April 8, 2024, awarded an addition \$32,000 to United Way for vague and unidentified grant services. The community response was swift.

On April 15, 2024, a local news outlet, Foothills Catalyst, published an article asking where the jail and reentry funds had been spent and why no programs existed.

Exhibit I, April 16, 2024 Foothills Catalyst Article re Questions about the United Way.

On April 16, 2024, Defendant shared this article and made the following comment:

I checked their last filed 990 with the IRS and they have some explaining to do. Maybe our county manager, Steve Garrison can tell the people more I'm mad about it. People are dying.

Exhibit J, April 16, 2024 Leslie Mooney Lewis Facebook Post.

On April 18, 2024, Defendant obtained information that the United Way was purportedly committing a multitude of fraud-based crimes, including unlawfully utilizing the names of officials and other well-respected members of the community to bolster the

United Way's ability to secure grants and promote a public perception that programs and services were being provided. As but one example, Porter listed Sheriff Ellenburg as a member of the United Way board of directors on the United Way's website and Facebook page. Critically, Porter never asked Sheriff Ellenburg if she could use his name and he never agreed. On April 18, 2024, Porter was caught engaging in these actions and, in an attempt to destroy evidence and conceal what occurred, she immediately removed Sheriff Ellenburg's name (once again, without informing him).⁴

Also, on April 18, 2024, Defendant learned of the relationship between Porter and Holden (the Partners' representative discussed above), in addition to numerous other issues regarding Porter and Holden's curious decision to both move from Pasco, FL to Rutherfordton, NC. Defendant then posted some of this information on her Facebook page) (including an article describing the "unexpected" death of Porter's father):

. . . some food for thought on our humble United way leader Suzanne Mizsur-Porter. Unexpected death and millions profited . . . I don't know all the details but they will be checked to.

Exhibit K, April 18, 2024 Leslie Mooney Lewis Facebook Post regarding Florida Move.

By April 18, 2024, Porter knew her actions had been and/or were being uncovered and, in a series of erratic posts, tried to direct attention elsewhere by repeatedly attacking, defaming, and blaming others, as well as attempting to feign fear for her safety:

I didn't want to make this post but I feel it's necessary.

I have been the target of ongoing harassment in my community. This past week, an online site posted an 'article' (I use that term loosely. This is NOT journalism) accusing me and my agency of somehow walking off

⁴ On April 18, Porter was asked via email to speak with Sheriff Ellenburg as a United Way board member. She (or her representative) responded that Sheriff Ellenburg was "no longer" on the board and, at the same moment, removed Sheriff Ellenburg's name (along with several others). Porter concealed the removal of Sheriff Ellenburg's name from him just as she did when she first listed it.

with millions of dollars in grant money. This is patently false. There is no missing money.

They've fabricated grants that never existed.

Now another clearly unwell individual is regurgitating the ridiculous accusations and implying that I may somehow be responsible for my stepfather's death.

Having Bud Little as my dad was one of the best things that ever happened to me. I love that man dearly. It disgusts and infuriates me that this person would say something so repugnant. They must be a truly miserable shell of a person to project something so horrific onto a person they don't even know.

It saddens me that people are so unwell and hostile that they attack others who are simply trying to do their jobs and serve their community.

I think everyone who truly knows me recognizes how asinine, baseless, and defamatory these accusations are.

Thank you to everyone who has stood up for me and defended my agency and team. I work with incredible people. I love them all. And these accusations attack their integrity as well as mine.

Exhibit L, April 18, 2024 Suzanne Porter Facebook Post.

On the very next day (April 19, 2024), Porter made two increasingly desperate attempts to avoid answering questions and being held accountable. First, Porter amplified her efforts to cast herself a victim by deactivating her Facebook page:

I have serious concerns about my safety right now. I am going to deactivate my page for the time being. Those of you who need to get a hold of me know how.

Thank you to my friends for your support.

Exhibit M, April 19, 2024 Suzanne Porter Facebook Post.

Second, Porter instructed the Collaborative's Partners representative to email the Collaborative members and announce that the next Collaborative meeting would be held on April 26, 2024 and, without any advance notice, attached proposed bylaw

amendments for the Collaborative to be voted on at the upcoming meeting. Those amendments, which had never been disclosed to, or discussed with, other members, sought to restructure the entire Collaborative for the sole purpose of authorizing the chair (Porter) and/or vice-chair (other United Way board member), at their sole discretion, to silence or remove any members and/or attendees at a Collaborative meeting for raising issues or asking questions they found unpalatable. **Exhibit N**, Proposed Amendments to Collaborative Bylaws.

Further evading questions, Porter did not attend the Collaborative meeting on April 26, 2024. Instead, Duane Haskins – the Partners’ representative that had been notified of the concerns regarding both Partners and the United Way receiving government funds that were not utilized to provide mental health and substance abuse programs and services that did not exist – attended and ran the meeting.

As soon as the meeting began (and with many people, including Defendant) being prevented from being present), Haskins immediately called for a vote. Despite repeated requests for the proposed amendments to be displayed or read out loud and for explanations about the reason or need for them, Haskins refused and continued demanding a vote. The members rebuked his efforts and insisted that the proposed amendments be circulated with explanations for why they are needed. When more questions were asked, Haskins suddenly stopped the meeting.

Porter had not attended a single Collaborative meeting since being asked about the purported United Way programs and services at the jail. After her effort to restructure the entire Collaborative to enable her to silence or remove anyone from

meeting for asking questions about missing funds, Porter and the vice chair suddenly resigned with no explanation.

H. Porter, Partners, and Team Rutherford panic

At this point, Porter knew she had been identified fraudulently using Sheriff Ellenburg's name (as well as others) and, after being unsuccessful in attempting to alter the entire structure of the Collaborative to silence the questions at issue, she could no longer utilize the Collaborative to broadcast and take credit for programs and services that she, the United Way, and her other Team Rutherford partners failed to provide. Rather than stop engaging in this conduct, however, Porter and Team Rutherford continued with their efforts to obtain the Opioid Settlement funds.

To that end, on May 6, 2024, Team Rutherford terminated the employment of Payton Williams who was appointed by the North Carolina Association of County Commissioners as the Strategic Project Coordinator for the Opioid Settlement Committee (and sub committees) to ensure all settlement requirements and procedures were followed. Williams was replaced by Scott Luetgenau. Much like Holden, Porter and Luetgenau had known and worked with one another for years. Unlike Holden, however, Luetgenau worked as the data coordinator for HRSA grants for Porter and the United Way during all of the issues identified above and was the individual responsible for overseeing, monitoring, and ensuring compliance with the millions in grant and other government funds that were required to (but did not) fund the MAT Program and other programs and services. With the Advisory Committee comprised of past and present United Way board members and long-time friends and colleagues, including Garrison, DA Bell, Melton, and others, and the only individual responsible for identifying,

preventing, and reporting misconduct of this sort, i.e., Williams, being terminated, there was nothing left to stop Team Rutherford's unlawful award of the Opioid Settlement Funds to Porter and the United Way.

On June 3, 2024, the United Way was selected as one of three recipients of the Opioid Settlement Funds, receiving \$258,000. Porter's friend and associate Luetgenau (and his newly formed consulting company Gatespring Consulting) was awarded \$120,000 to oversee the properly administer the settlement funds.

On September 3, 2024, Porter revived her Facebook page and posted:

Guys. Miss me? I'm alive, kicking, and still full of feistiness. Anyway. I missed all of you!

I'm dropping back in for a bit to say hi and check in. It's been a hell of an experience the past several months.

There are some truly vile, shitty people out there...

Thank you so much to everyone who's reached out. Going to try to catch up on messages and notifications over the next few days.

Exhibit O, September 3, 2024 Suzanne Porter Facebook Post.

On September 23, 2024, the Rutherford County Chamber of Commerce, on its own page, made a Facebook post promoting Porter and the United Way for work they

had not done:

[Porter] spoke about the array of services United Way of Rutherford County provides, with a focus on recovery and support services for women overcoming substance use disorder or other life traumas. Together we can help women build strength, resilience, and a sense of hope for their futures.

Exhibit P, September 23, 2024 Facebook Post and Comments at Rutherford Chamber of Commerce. Defendant made the following comment in response:

Was this a closed meeting (invite only)? I don't believe I saw any advertising for it. Where can the rest of the public find access to this information as there is a lot of controversy surrounding where the money is spent and we as citizens also help fund the United Way.

* * *

You might want to ve[t] the people you invite because the United Way is under fire now legally for possible misuse of funds. Not a good look for anyone advertising for them at the moment.⁵

Id.

On September 25, 2024, Porter swore out the following affidavit to the magistrate for cyberstalking charges:

This [unidentified] individual puts lies and defamatory statements about me on FB and has sent FB messages accusing me of things to harm her. She has continued to post defamatory and libelous comments that falsely portray me in the community as a thief and implied I killed a relative. Her outrageous lies and assertions have caused harm to my reputation and has led to concerns about physical safety and I've now been subjected to physical harassment and my car has been vandalized

Exhibit R, Suzanne Porter Affidavit and Charging Documents re Cyberstalking. Based on Porter's affidavit, DA Bell is pursuing cyberstalking charges based on the allegations that Defendant "DID POST ON SOCIAL MEDIA MULTIPLE MESSAGES FOR THE PURPOSE TO ANNOY, THREATEN, TERRIFY, HARASS, OR EMBARRASS SUZANNE PORTER." *Id.*⁶

⁵ In response, Porter, upon information and belief, utilized her daughter's Facebook account to attack Defendant by making public posts on Defendant's Facebook page, e.g., "I'm not sure why you are so obsessed with my mother and her work and what she has going on. Clearly you are jealous and clearly you are uneducated and unintelligent." **Exhibit Q**, September 24, 2024 Jacki Porter Posts. Defendant responded "I don't know you or your mother. Kindly stay off my page with your misdirected rage. You should probably talk to your mom . . . [M]y information has been about the United Way of Rutherford County and never about your mother. I do not know your mother or you. But I cant say I like you considering how you've come at me." *Id.*

⁶ Since the charges were filed, local journalist Annie Dance, on October 16, 2024, learned that Porter and the United Way had been awarded yet another \$3 million. **Exhibit S**, October 16, 2024, Exclusive details: United Way of Rutherford County awarded \$3M from feds, unclear what its exact use will be, Cops and Congress. Dance published an article inquiring how the funds would be used. Once again, however, Porter, refused to say.

The cyberstalking charges must be dismissed because Defendants' statements were and/or are (1) true; (2) not repeatedly made to abuse, annoy, threaten, terrify, harass, or embarrass any person; and (3) entirely protected by the State and federal constitutional rights to speak freely, protest, and report on matters of public significance. Indeed, N.C. Gen. Stat. §14-196.3(2) is unconstitutional as applied in this case.

II. ANALYSIS

Although it appears that DA Bell only pursues N.C. Gen. Stat. §14-196.3(2), i.e., the "repeated" provision of the cyberstalking statute, none of the cyberstalking provisions are applicable here. N.C. Gen. Stat. §14-196.3 prohibits, as relevant to this matter, engaging in the following actions:

(1) Use in electronic mail or electronic communication any words or language threatening to inflict bodily harm to any person or that person's child, sibling, spouse, or dependent, or physical injury to the property of any person.

(2) Electronically mail or electronically communicate to another repeatedly, whether or not conversation ensues, for the purpose of abusing, annoying, threatening, terrifying, harassing, or embarrassing any person.

(3) Electronically mail or electronically communicate to another and to knowingly make any false statement concerning death, injury, illness, disfigurement, indecent conduct, or criminal conduct of the person electronically mailed or of any member of the person's family or household with the intent to abuse, annoy, threaten, terrify, harass, or embarrass.

The charges at issue are unsustainable under each of these prongs for three (3) reasons. First, Defendant did not use electronic or other communications "threatening to inflict harm" to Porter and/or her property and Porter does not so much as allege she did.

Second, Defendant did not "repeatedly" communicate with Porter and/or anyone else for the "purpose of abusing, annoying, threatening, terrifying, harassing, or

embarrassing any person.” In fact, Porter fails to identify a single instance in which she, or anyone else, was contacted at all, much less for any of the requisite improper purposes identified in N.C. Gen. Stat. § 14-196.3(3). Defendant asked questions and made true statements about a matter of significant public importance.

Finally, Defendant did not “knowingly make any false statement concerning . . . indecent conduct, or criminal conduct of the person electronically mailed.” Porter fails to identify a single specific factual allegation regarding Defendant’s statements. Nor does she claim any statements are false, because each of Defendant’s statements are true. In fact, Defendant (and many others) made true public statements that Porter found objectionable because of her own financial misconduct. As explained above, Defendant (along with multiple media outlets and members of the community) spoke publicly because of their concerns with the United Way consistently receiving millions of dollars of government funds that were required to be spent on services for citizens of the community with mental health and substance abuse needs, which the United Way has not provided.

Regardless, Defendant’s statements are entirely protected by the First Amendment (and parallel State Constitutional provisions). “The First Amendment, applicable to the States through the Fourteenth Amendment, prohibits the enactment of laws abridging the freedom of speech.” *Reed v. Town of Gilbert, Ariz.*, 135 S.Ct. 2218, 2226, 192 L.Ed.2d 236, 245 (2015) (citation and quotation marks omitted). Article 1, Section 14 of the North Carolina Constitution provides that “[f]reedom of speech and of the press are two of the great bulwarks of liberty and therefore shall never be restrained, but every person shall be held responsible for their abuse.” N.C. Const. art. I, § 14. Our

appellate courts have held that the free speech protections contained in the federal and North Carolina constitutions are "parallel and has addressed them as if their protections were equivalent." *State v. Petersilie*, 334 N.C. 169, 184, 432 S.E.2d 832, 841 (1993) (citation omitted). "Posting information on the Internet — whatever the subject matter — can constitute speech as surely as stapling flyers to bulletin boards or distributing pamphlets to passersby — activities long protected by the First Amendment." *State v. Bishop*, 368 N.C. 869, 873, 787 S.E.2d 814, 817 (2016) (citation omitted). Indeed, "the protections of the First Amendment extend in full not just to the Internet, but to all new media and forms of communication that progress might make available[.]" *Id.* at 874, 787 S.E.2d at 818 (internal citation omitted).

The United States Supreme Court has stated that "above all else, the First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content." *Police Dept. of City of Chicago v. Mosley*, 408 U.S. 92, 95 (1972) (citation omitted). As a result, "[c]ontent-based laws — those that target speech based on its communicative content — are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests." *Reed*, 135 S.Ct. at 2226, 192 L.Ed.2d at 245 (citation omitted). Conversely, "[g]overnment regulation of expressive activity is content neutral so long as it is justified without reference to the content of the regulated speech." *Ward v. Rock Against Racism*, 491 U.S. 781, 791, 109 S.Ct. 2746, 2754, 105 L.Ed.2d 661, 675 (1989) (citation and quotation marks omitted).

In *Bishop*, our Supreme Court examined a constitutional challenge to North Carolina's cyberbullying statute, which criminalized any person's "use of a computer,"

“with the intent to intimidate or torment a minor,” to “post or encourage others to post on the internet private, personal, or sexual information pertaining to a minor.” *Bishop*, 368 N.C. at 872, 787 S.E.2d at 817. Because *Bishop* concluded that the statute regulated free speech by “outlaw[ing] posting particular subject matter, on the internet, with certain intent[,]” the Court then determined the level of scrutiny by examining whether the restriction was content-based or content-neutral. *Id.* at 873, 874, 787 S.E.2d at 817, 818.

Bishop held that the restriction was content-based and must pass strict scrutiny because it “defines regulated speech by its particular subject matter” in “criminaliz[ing] some messages but not others, and makes it impossible to determine whether the accused has committed a crime without examining the content of his communication.” *Id.* at 876, 787 S.E.2d at 819 (citation, quotation marks, and brackets omitted). Finding that the statute did not pass strict scrutiny, *Bishop* stated:

Were we to adopt the State's position, it could be unlawful to post on the internet any information relating to a particular minor. Such an interpretation would essentially criminalize posting any information about any specific minor if done with the requisite intent. ... N.C. Gen. Stat. § 14-458.1(a)(1)(d) could criminalize behavior that a robust contemporary society must tolerate because of the First Amendment, even if we do not approve of the behavior....

Id.

In *State v. Lorenzo*, 825 S.E.2d 689 (2019), the Court of Appeals examined whether the North Carolina Stalking statute was unconstitutional (as applied) in criminalizing the speech of a defendant who “willfully on more than one occasion . . . engages in a course of conduct directed at a specific person without legal purpose and the defendant knows or should know that the . . . course of conduct would cause a reasonable person to . . . suffer substantial emotional distress by placing that person in fear of death,

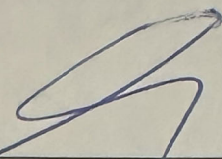
bodily injury, or continued harassment.” N.C. Gen. Stat. § 14-277.3A. In *Lorenzo*, the defendant repeatedly engaged in genuinely concerning communications with and about the victim claiming to be romantically involved with her. Utilizing the *Bishop* legal framework, Shackelford held that the restriction was content-based and, because other means of addressing the associated problem were not the least restrictive (the victim could have obtained a protective order, etc.), the statute did not pass strict scrutiny.

Under *Bishop* and *Shackelford*, the cyberstalking statute is unconstitutional as applied to Defendant. The statute’s restrictions are content-based, as “it cannot be justified without reference to the content of the prohibited communications,” and the prohibition is not the least restrictive means available. Defendant made true statements and asked legitimate questions of the United Way based on misuse of government funds, the failure to provide critical services to the community, and false and/or deceptive statements by the United Way to the community.

It is simply not the law that a public figure who is entrusted with significant public funding to provide public services can misuse those funds, deprive the citizens who need help from receiving services, lie and deceive the public and then file criminal cyberstalking charges against anyone who discovers, asks questions about, or brings these issues to the public’s attention. Accordingly, Defendants charges must be dismissed.

WHEREFORE, Defendant requests that the Court dismiss all charges in this matter.

This the 12th day of November, 2024.

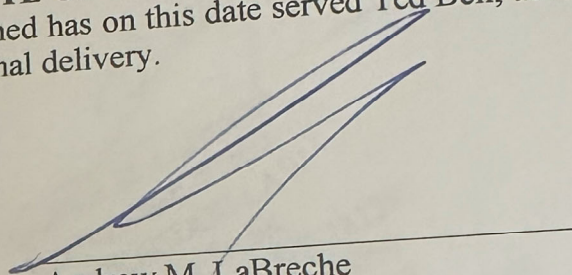


Andrew M. LaBreche
Bar Number: 40360
WOODRIDGE LAW
134 Taylor Street
Rutherfordton, NC 28139
Phone: (828) 829-1050
Fax: (828) 829-1049
alabreche@woodridgelaw.com
Attorney for Defendant

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served Ted Bell, as District Attorney for Rutherford County, by personal delivery.

This the 12th day of November, 2024.



Andrew M. LaBreche
Bar Number: 40360
WOODRIDGE LAW
134 Taylor St.
Rutherfordton, NC 28139
Phone: (828) 829-1050
Fax: (828) 829-1049
alabreche@woodridgelaw.com
Attorney for Defendant

EXHIBIT A

savemadisoncounty.org

*Juneteenth to the Madison
County Sheriff
Department.*

“

*Garrison and his cronies
refused to provide any
financial documentation
to identify the amount of
funds commingling in,
being used, remaining
available, or how they
had been used. Story
below remember the
fruit doesn't fall from
tree...*



confirmed what many of us had long suspected.

Additionally, Ellenburg realized that Garrison and the county commissioners were taking drug seizure proceeds and using them for purposes that are not permitted under equitable sharing with federal agencies.

“


When Steve Garrison was County manager for Madison County, I caught him doing the same thing, misallocating grant funds that were being funneled to the Madison County Sheriff Department.



The allegations are as follows: In 2012, Steve Garrison, employed as county manager, left Madison and took a job with Buncombe.

Suddenly, in 2014, Garrison left Buncombe's job and started as county manager in Rutherford. Here's where something happens that must have been planned for some time. That is, Garrison, Porter, and several of the usual suspects (Deby Claret, Mike Hagar, the sheriff, da, etc) make an unprecedented move to oust Vaya (the then-LME for Rutherford) out of nowhere. They are successful, and Holden simultaneously becomes the partner representative for Rutherford. From that day, they have gotten grants for projects that have never been done, and they frequently refer to themselves as "a group of public officials" making major financial decisions. Still, they will not identify all the officials or what they're doing.

Until November 2022, former Sheriff Chris Francis was on all the boards and involved with all the vanishing grants. Francis refused to provide any information about the millions in substance abuse and mental health services allegedly being provided at the jail. When Sheriff Aaron Ellenburg took over, he immediately requested the same information and confirmed what many of us had long suspected.

Additionally, Ellenburg realized that Garrison  the county commissioners were taking drug seizure proceeds and using them for purposes that are not

Watch out for the Non-profits folks. These commissioners are connected to United Way. Michael Garrison, vice chair of Madison County commissioners' brother Steve Garrison, has been involved in a scandal in Rutherfordton County.

The allegations are as follows: In 2012, Steve Garrison, employed as county manager, left Madison and took a job with Buncombe.

Suddenly, in 2014, Garrison left Buncombe and started as county manager in Rutherford.

where something happens that must have been

planned for some time. That is, Garrison, Porter, and



nd



EXHIBIT B

HEALTH

Emails reveal dealings between county officials and behavioral health agency lobbyists

by Frank Taylor · July 13, 2018



Emails and other records obtained from Rutherford County by Carolina Public Press raise new questions about county officials' efforts to switch who manages mental and behavioral health services, a move that can affect some 3,000 county residents.

As [previously reported](#), Rutherford County commissioners have declared their intent to petition the N.C. Department of Health and Human Services to let them switch from the Local Management Entity-Managed Care Organization region overseen by Asheville-based Vaya Health to one handled by Gastonia-based Partners Behavioral Health.

While the decision will directly affect some 3,000 residents, who currently receive services through Vaya, many more individuals and families come to seek services over time. The move could also affect the funding and services puzzle for every county served by either agency, which would include most counties west of Charlotte.

Emails between county officials and former state Sen. **Debbie Clary**, who previously represented the county in the legislature, show that she played a prominent role on behalf of Partners in meeting with county officials and introducing them to Partners' chief executive officer. The emails also describe the involvement of former state Rep. **Mike Hager**, who also represented Rutherford County in the legislature.

Hager and Clary are now both registered lobbyists whom Partners has contracted to lobby state legislators on the government agency's behalf. But the emails show Partners' two lobbyists instead lobbying county officials in the jurisdiction they previously represented in the General Assembly.

Clary issued a statement to CPP explaining her role and challenging the news organization's interest in the case. CPP sought comment from Hager but he did not respond before publication.

Meanwhile, as CPP previously reported, Rutherford County officials themselves submitted "anonymous" public comments in favor of the proposal to state regulators on

behalf of some people, officials said, who wanted to keep their identities private. The county recently complied with a CPP records request for the names of those who were promised anonymity. But the county claims it did nothing improper.

CPP has talked with state officials and legal experts about how the anonymous comments, the lobbyists' role and other issues affect the integrity of the process.



Rutherford County government administration building houses the county government in Rutherfordton. Ben Ledbetter / Carolina Public Press

Emails between county and former state senator, now lobbyist

Rutherford County Board of Commissioners Chairman **Bryan King**

previously told CPP that he met with former Sen. Clary and discussed her work for Partners prior to a meeting between Partners and most top county officials.



Bryan King

Asked about that meeting for a June news report, Clary denied that she had solicited Rutherford County on behalf of Partners but insisted she would not have done anything wrong if she had. Clary said her conversations about the situation with Rutherford County were done in the interests of her former constituents.

Emails, which may be viewed below, appear to show, however, that she acted as a go-between to set up the larger meeting between county and Partners officials and provide details about what took place and the degree to which she and Hager were involved.

As the emails show, on March 12, County Manager **Steve Garrison** wrote to Clary and Hager, thanking them for meeting with himself and King earlier that day. “As related to the primary topic of discussion around mental health and substance addiction services, I think a larger conversation is warranted,” Garrison wrote.

Clary responded on March 13, addressing both Garrison and King. “Thanks so much for your time yesterday,” she wrote, “I am looking forward to introducing you to our CEO **Rhett Melton**. He is available on Monday, March 19, if the two of you and perhaps one other commissioner could meet with him and a couple of the staff members at Partners Behavioral Health.”

Clary then discussed the best meeting locations and speculated about inviting other Rutherford elected officials, such as the sheriff. “I think this would be a good start in making a decision on who manages your behavioral health and substance abuse in Rutherford County,” she wrote. “I look forward to hearing from you and (whomever) else you think may (be) beneficial in the room for a deeper dive conversation on the decision process.”

In fact, however, the state placed Rutherford in Vaya’s district several years ago. A

process exists for counties to petition to switch districts, but it's only been used twice before, against Duplin County-based Eastpointe, which had been troubled by financial embezzlement. In this case, no such complaints are known to have been made against Vaya.

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Whether Partners or Rutherford County officials first floated the idea of the county switching remains unclear. But Clary's statement that the county had a "decision" to make about what otherwise appeared to be a settled matter suggests she was at least involved in discussions at an early stage.

Later on March 13, Garrison wrote back to Clary about proceeding with meetings between her employer, Partners, and the county. "We begin our department level budget meetings starting this week, which will go through the end of the month," Garrison wrote.

"However, the afternoon of Monday the 19th is open if you and Mr. Melton are available at 3:30 p.m. or 4:00 p.m. Is that a possibility? Monday the 26th and Thursday the 29th are also available at these times. I apologize for the late times that this may place you and your guests traveling back after hours."

Clary later wrote: "Great! Let's schedule 3:30 on Monday 19th. Mike or I will be in touch on Wednesday (March 14) to talk about who else you may want in the meeting."

Garrison wrote back to Clary on March 14 to discuss which county officials to have attend. The list grew to include "DSS Director **John Carroll**, Health Director **Karen Powell**, United Way Director **Suzanne Mizur-Porter**, Community Health Director **Jill Miracle**, District Attorney **Ted Bell**, Sheriff **Chris Francis** and County Finance Director **Paula Roach**." Garrison noted that he, Mizur-Porter and Miracle served jointly on the county new Opioid Forum Implementation Task Force.

Garrison asked Clary to have the Partners team ready to explain the process for the county to be included under Partners but did not make reference to preliminary steps of disengaging from Vaya.

Garrison also wanted information on the financial obligations of Partners' member counties and how much say they had in how these funds were used, as well how its board was made up and when it met. "In a nutshell, what would Rutherford County gain?" he asked.

This appears to agree with Commission Chair King's earlier descriptions of his objections to Vaya and reasons for seeking to realign the county with Partners. King said Vaya did not give Rutherford representatives as much input as they wanted and conducted meetings at times and locations that he found inconvenient.

Clary again wrote back to Garrison later that evening, indicating that she had already communicated with Melton about the arrangements. "All sounds great ... we will be prepared to answer these and any other questions," Clary wrote. "Rhett is looking forward to meeting everyone. Thanks again for arranging the meeting and the opportunity to tell you about Partners Behavioral Health."

As previously reported, CPP asked Partners whether it had directed its lobbyists to solicit Rutherford County to switch regions. Partners issued a non-denial.

CPP also recently asked Partners for emails between its employees and Clary or Hager in which Rutherford County or Vaya were discussed; a Partners spokesperson said that no such emails existed.

'Not many people care about whether a former senator or a lobbyist was involved'

State statutes and ethical guidelines do not appear to have been written with this

situation in mind. Partners and Vaya are a special category of government agency – technically a form of local government, but one that answers to an appointed board and to DHHS rather than to voters. Although in some ways they function like private companies, they remain public agencies with state-defined regions and were not intended to engage in competition with one another.

However, repeated waves of past consolidation and expected future consolidation may have introduced some degree of competition. Like a high-stakes game of musical chairs, the state has repeatedly reduced the number of LME/MCOs over the last 15 years. Many observers expect the current seven agencies to be reduced to four or fewer, perhaps even to just one or to an entirely different system.

Asked about the content of the county emails with her, Clary issued a statement to CPP late Thursday:

“Not many people care about whether a former senator or a lobbyist was involved, so ... your motives for a nonstory are quite intriguing,” Clary wrote.

“All the people of Rutherford care about is having adequate appropriate services for behavioral health. I told you clearly (in a phone interview for a previous article) that I met with (King) and told him of the calls I was receiving from families in distress. I shared stories with you. (King) wanted to hear from stakeholders, and I suggested he pull them together and he did. No contradictions whatsoever.”

When Clary talked with CPP previously, she described situations in which several families with transportation challenges had complained about difficulties in traveling to health providers working with Vaya that were located across the mountains. However, she was unwilling to provide any means for CPP to verify these claims. CPP found that Partners has contracted with a substantial number of services providers who are located east of the mountains where most Rutherford residents live. This includes a large number of providers with whom Vaya had contracted for services in Cleveland County to serve Rutherford residents, even though Cleveland is geographically outside Vaya’s

region.

Clary's statement continued her criticism of both Vaya CEO Brian Ingraham and of CPP: "I don't have to 'sell' Partners Behavioral Health. Vaya sold Partners to Rutherford County with their lack of community involvement. Vaya never called (King) for a meeting, (Ingraham) has ignored (King) and run to Raleigh to solve (Vaya's) problem.

"You seem not to care about the people in this community who are suffering, and I do. You appear to have a personal relationship or perhaps a business relationship with ... Ingraham that makes you think this is a story about HOW we are where we are today. You should be looking at WHY if facts and journalism mattered. I really hate that it doesn't."

Because the situation is unprecedented, most state officials were unable to address potential concerns, though they did not dismiss them.

A spokesperson for the N.C. Commission on Elections and Ethics Enforcement responded to several questions about the lobbying issues raised by saying that the agency would not be able to comment on the situation.

A spokesperson for DHHS responded to CPP's questions by sending links to the state statutes that CPP was asking the agency to interpret.

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**CAROLINA
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Anonymous public comments

Three of the respondents to Rutherford County's public comments on its intended

switch asked to remain anonymous, and the county agreed to allow them to do that. Both King and Clary previously told CPP that some residents of Rutherford County who have complained about Vaya expressed fear about coming forward publicly because of potential reprisals.

CPP has made a public records request for those names and received them. However, because those individuals were promised anonymity by the county, CPP is not publishing those names at this time.

The county has said it was within its rights to handle the situation in this way.

“We agree that their names are public record and may be obtained by anyone upon request,” **Kim Aldridge**, Rutherford County public information coordinator, told CPP. “We do not agree that their names are required to be published along with their comments if anonymity is requested. (State administrative law) requires the County to ‘post the public comments on its website for a minimum of 30 calendar days.’ This particular part of the administrative code is new and not yet vetted through the courts, but the County interprets the commentary itself as being the important aspect the code requires, not the names of those expressing opinions.

“The County wants to do everything it can to obey both the letter and the spirit of state law. To that end, if you, or your counsel, have any law or other information to the contrary, we welcome the knowledge and the opinion.”

Although the common meaning of “public” might seem to imply “not anonymous,” **Trey Allen** of the University of North Carolina School of Government told CPP that the county is probably OK on this under state law.

“I don’t read the regulation to mandate expressly that the county include the identities of commentators when its posts public comments online,” Allen said.

CPP has also asked DHHS about whether the anonymous comments affect the process for Rutherford County's petition to disengage from Vaya and realign with Partners, but has not received an answer.

However, DHHS spokesperson **Cobey Culton** did tell CPP that there may be other issues with the process. Although DHHS has received notice of the county's intention to disengage, which commissioners approved anonymously on April 19, as of this week DHHS has still not received the county's actual application to do so, Culton said.

Culton has previously told CPP that because Rutherford's request has the potential destabilize the statewide LME/MCO system at a sensitive time for Medicaid funding, it may have trouble winning approval from DHHS Secretary **Mandy Cohen**.

For more information

Rutherford County Commissioners May 7 [meeting](#) video

Rutherford County disengagement [letter](#)

Rutherford's quest to switch behavioral health agencies could have broad impact, June 13, 2018, [report](#)

Health agencies trade accusations as Rutherford seeks to switch regions, June 22, 2018, [report](#)

LME/MCOs in North Carolina, previous [reporting](#) from CPP

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EXHIBIT C



July 19, 2018

Rutherford County Board of Commissioners
289 N. Main Street
Rutherfordton, NC 28139

Dear Rutherford County Commissioners:

I thank you for the opportunity over the last several months to continue to work with you and county leadership during your due diligence in seeking the best fit for ensuring the highest quality behavioral health and intellectual/developmental disability services to citizens of Rutherford County. The process of review, which began long before the 60 day comment period started, has been complicated by the misleading and distorted information that has been generated from Asheville.

Throughout this process, Partners has maintained that we intend to take the "high road" and we have honored that pledge. We have met with numerous individuals in the county to discuss the significant, unmet challenges facing residents in the county. As we do in all of our counties, we have dialogued with elected officials, community non-profit groups, service providers, recipients of services, and community stakeholders to hear what they want in a system of care and to discuss personally, what we do and how we do it. We have not relied on the work of any out of area, expensive public relations firm to develop promotional materials to tell a narrative we want to present. During this time, we have maintained our commitment to Partners values, our commitment to integrity, and our commitment to ensuring consumers of services are the first and foremost driver of conversations and decisions. I believe the contrast from that to the conduct, activities, and actions of Vaya has been stark over the past two months, as well as informative for county citizens, leaders and elected officials.

As you continue to exercise your statutorily protected rights to align the county with the program of your choice, even with the interference from those who have attempted to sabotage the process and prevent your exercise of fair and deliberate due diligence, I encourage you to examine what makes best sense for the county now and into the future. If you decide that Partners is the best fit, we welcome the continued conversations and the opportunity to develop a transitional process that meets the needs of Rutherford County residents. If you elect to not transition but to remain aligned

Corporate Office
901 South New Hope Rd.
Gastonia, NC 28054

Elkin Region Office
200 Elkin Business Park Dr.
Elkin, NC 28621

Hickory Region Office
1985 Tate Blvd. SE, Suite 529
Hickory, NC 28602

with Vaya Health, we hope that Vaya continues the attention they have suddenly begun to give you during the last couple of months.

As I have mentioned to several of you and to the manager in recent weeks, the county has so much to build upon, most importantly a committed elected body, county leadership team, provider community, passionate families, and an excellent group of committed local leaders who share a vision of making Rutherford County the best it can be for all residents. I hope that you find the Local Management Entity/ Managed Care Organization that shares that commitment in the future to partner with local citizens to realize your vision.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Rhett Melton". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

W. Rhett Melton

CEO

EXHIBIT D

EXHIBIT E

NORTH CAROLINA
RUTHERFORD COUNTY

SERVICE CONTRACT
PURCHASE ORDER

THIS CONTRACT made and entered into on May 30, 2023, by and between COUNTY OF RUTHERFORD, a body corporate and politic existing pursuant to the laws of the State of North Carolina, (hereinafter referred to as "the COUNTY"), party of the first part, and United Way of Rutherford County, Inc., a North Carolina nonprofit corporation, (hereinafter referred to as "CONTRACTOR"), party of the second part.

1. SERVICES TO BE PROVIDED AND AGREED CHARGES

The services and/or material to be furnished under this contract (hereinafter referred to collectively as "SERVICES") and agreed charges are as follows:

CONTRACTOR shall purchase Narcan, harm reduction supplies and iPads and contract with providers who can offer virtual SAIOP and MAT services to uninsured residents with an Opioid Use Disorder in Rutherford County. Narcan and harm reduction supplies will be distributed to individuals in need by the mobile Harm Reduction Team (HRT). The HRT will use the iPads and additional supplies in the field to enhance and expand their capacity to reduce the number of opioid-related overdoses and deaths in Rutherford County.

CONTRACTOR shall purchase no later than June 30, 2023, the following:

<u>Purpose</u>	<u>Maximum Amount</u>
Narcan	\$32,114.00
Harm Reduction Supplies (first aid, safer sex, rapid tests for HIV and HEP, and others)	\$ 5,000.00
iPads with wi-fi and floating keyboard/signature capabilities (for use by the mobile harm reduction team)	\$ 2,000.00
SAIOP/MAT Services and Medications	\$52,400.00

CONTRACTOR shall include receipts and documentation for the purchase of any and all items herein.

CONTRACTOR shall issue to COUNTY report describing utilization of these funds along with copy of final invoice and receipts no later than June 30, 2023.

COUNTY entered into Contract with Partners Health Management Area Authority/LME-MCO effective April 1, 2023, through June 30, 2023 (hereinafter referred to as "PARTNERS GRANT"), for which this CONTRACT is related. COUNTY shall remain liable to Partners Health Management Area Authority/LME-MCO under the PARTNERS GRANT and this CONTRACT is not an assignment of the PARTNERS GRANT.

COUNTY shall pay CONTRACTOR for SERVICES rendered pursuant to the Project Contract Proposal submitted by CONTRACTOR and signed by the Authorized Agent.

2. TERM OF CONTRACT

The term of this CONTRACT for SERVICES is effective April 1, 2023, and shall be completed no later than June 30, 2023.

3. PAYMENT TO CONTRACTOR

The COUNTY agrees to reimburse the CONTRACTOR, as applicable, for those purchase made as shown hereinabove in the maximum total amount of \$91,514.00, or such lesser amount as purchases actually made and for which invoices and receipts are provided. The CONTRACTOR will submit a report describing utilization of these funds along with final invoice and all receipts to the COUNTY no later than June 30, 2023, as set forth hereinabove. Payment will be processed promptly upon receipt and approval by the COUNTY of the invoice.

All equipment, and maintenance and repair of equipment, necessary for CONTRACTOR'S performance of this contract shall be the CONTRACTOR'S responsibility.

4. INDEPENDENT CONTRACTOR

Both the COUNTY and the CONTRACTOR agree that the CONTRACTOR shall act as an independent contractor and shall not represent itself as an agent or employee of the COUNTY for any purpose in the performance of the CONTRACTOR'S duties under this contract. Accordingly, the CONTRACTOR shall be responsible for payment of all Federal, State and local taxes arising out of the CONTRACTOR'S activities in accordance with this contract, including by way of illustration but not limitation, Federal and State income tax, Social Security tax, Unemployment Insurance taxes, and any other taxes or business license fees as required.

In performing the SERVICES, the CONTRACTOR is acting as an independent contractor and shall perform SERVICES in accordance with currently approved methods and practice in the CONTRACTOR'S professional capacity and in accordance with the standards of applicable professional organizations and licensing agencies.

5. INSURANCE AND INDEMNITY

The CONTRACTOR shall indemnify and save harmless the COUNTY, its agents and employees from and against all actions, liability, claims, suits, damages, cost or expenses of any kind which may be brought or made against the COUNTY or which the COUNTY must pay and incur by reason of or in any manner resulting from injury, loss or damage to persons or property resulting from negligent performance of or failure to perform any of its obligations under the terms of this CONTRACT.

The CONTRACTOR shall be fully responsible to the COUNTY for the acts and omissions of its sub-contractors and of persons either directly or indirectly employed by CONTRACTOR.

In addition, the CONTRACTOR shall comply with the North Carolina Worker's Compensation Act and shall provide for the payment of workers' compensation to its employees in the manner and to the extent required by such Act. In the event the CONTRACTOR is excluded from the requirements of such Act and does not voluntarily carry workers' compensation coverage, the CONTRACTOR shall carry or cause its employees to carry adequate medical/accident insurance to cover any injuries sustained by its employees or agents during the performance of SERVICES.

The CONTRACTOR agrees to furnish the COUNTY proof of compliance with said Act or adequate medical/accident insurance coverage upon request.

The CONTRACTOR shall maintain other insurance not otherwise specified above as provided for in the Project Contract Proposal.

6. HEALTH AND SAFETY

The CONTRACTOR shall be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the work. The CONTRACTOR shall take all necessary precautions for the safety of, and shall provide the necessary protection to prevent damage, injury or loss to all employees from the work and other persons who may be affected thereby.

7. NON-DISCRIMINATION IN EMPLOYMENT

The CONTRACTOR shall not discriminate against any employee or applicant for employment because of age, sex, race, creed, or national origin. The CONTRACTOR shall take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their age, sex, race, creed, or national origin. In the event the CONTRACTOR is determined by the final order of an appropriate agency or court to be in violation of any non-discrimination provision of federal, state or local law or this provision, this Contract may be canceled, terminated or suspended in whole or in part by the COUNTY, and the CONTRACTOR may be declared ineligible for further COUNTY contracts.

8. GOVERNING LAW

This contract shall be governed by and in accordance with the laws of the State of North Carolina. All actions relating in any way to this contract shall be brought in the General Court of Justice of the State of North Carolina in Rutherford County or in the Federal District Court for the Western District of North Carolina.

9. OTHER PROVISIONS

This contract is subject to such additional provisions as are set forth in any addendum executed separately by each party and attached hereto.

10. CONTRACT DOCUMENTS/AMENDMENTS

This document together with the purchase order and any attached exhibits constitutes the entire Contract between the said two parties and may only be modified by a written mutual agreement signed by the parties and attached hereto.

--- Remainder of this page intentionally left blank ---

11. SIGNATURES

Both the COUNTY and the CONTRACTOR agree to the above contract.

Witnessed or Attested By:

Wendy Hagner

(SEAL)

COUNTY OF RUTHERFORD

By:

[Signature]

Title:

County Manager

Date:

5/30/2023

Witnessed or Attested By:

Beverly Black

CONTRACTOR

By:

Suzanne Mizsur-Porter

Title:

Executive Director, UWRC

Date:

May 26, 2023

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Paula Reach
Finance Officer, County of Rutherford

EXHIBIT F

EXHIBIT G

February 14, 2024

VIA E-MAIL ONLY

Ms. Diane Krisanda, President
NAMI South Mountains, NC
E-mail: presidentnamisouthmountainsnc@outlook.com

Re: Your e-mails dated January 26, 2024, and thereafter

Dear Ms. Krisanda:

I represent the United Way of Rutherford County, Inc. and have been asked to respond to your e-mails of January 26, 2024, and thereafter, which have been sent by you to Suzanne Mizsur-Porter.

As you know, the United Way of Rutherford County is a private, non-profit organization. Like NAMI, it contracts and works with private, public, and non-profit partners to pursue a variety of goals and initiatives. As an officer and board member of NAMI, I am sure you can appreciate the reality that private organizations, especially those that are involved in the provision of substance abuse and mental health services, cannot and should not disclose every bit of information that inquiring minds may want to know. It is often prudent, and even required, that certain details be restricted to only those with a specific need to have such information. That is especially true, for example, in the case of data and outcomes that are reflective of specific clients' individual circumstances and the efficacy of services and treatments provided to them.

It is my understanding from Ms. Mizsur-Porter that information regarding the services provided by United Way of Rutherford County has repeatedly been explained to you and others on multiple occasions, both within and outside of the collaborative. On that basis, the information requested in your e-mails appears to be redundant. Additional information beyond that already shared would be inappropriate for discussion with anyone outside United Way of Rutherford County and the governmental subdivisions with which it contracts.

Likewise, we do not believe that your attendance at an upcoming meeting of the agency's board of directors would be a useful endeavor. As you probably know from your own experience, board meetings are not opportunities for the public to get an "inside peek" at what goes on behind the scenes. It is a time for the board of directors to fulfill its fiduciary duty to address matters that often are confidential and always are vital to the ongoing business of the organization. To use the board's meeting time to entertain further public discussion of matters that already have been explained and discussed more than once is neither advisable nor feasible. No new or additional information would be forthcoming.

Ms. Diane Krisanda, President
NAMI South Mountains, NC
February 14, 2024
Page 2

I trust that this letter has addressed all the matters raised in your e-mail(s). If you have any questions or concerns in that regard, please feel free to let me know. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul H. Derrick". The signature is written in a cursive style with a large initial "P" and a distinct "D".

Paul H. Derrick

EXHIBIT H

< united way of rutherford c...

All Posts People Reels Groups



Rutherford County NC Community Watch · Follow



Leslie Mooney Lewis · Mar 18 ·



Leslie Mooney Lewis · Follow

Mar 18 ·

Foothills Regional Commission you're going to be list too after some messages I've received.

United Way of Rutherford County, Inc.

I've already looked at your horseshit 990s and all the non profits in this county. Researched them all.

You better have some spotless accounting records. I know how audits can be made to look great when it's in fact a shitshow so get ready.

#BeenThroughTheFireandIamTheFire
#TheStormIsComing

4

2 comments

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United Way of Rutherford




EXHIBIT I



Search **U.S. Inmate Re** By Entering A Name

First Name

Last Name

State 

SEARCH

Tuesday, May 21, 2024

Foothills Catalyst

The news source of the NC Foothills



Where Has The Money Gone? Local United Way Spent Millions On Jail Programs?

Posted on April 15, 2024 by Deborah Keller



As you all know we have been following the situation at the jail for several years now. It was always very frustrating to us that we could never get information during Chris Francis' administration. Sheriff Ellenburg has been much more transparent but that being said he inherited many problems that had been years in the making.



One of those major issues has been mental health/drug issue with persons incarcerated at the jail. I

have been questioning the services offered to inmates at the jail after a parent contacted me early last year about her begging for help for her son and him never getting any.



I began to look at the supposed services offered. The county and the Hospital foundation has been giving money to support these programs for years but I had great difficulty obtaining information about the success of these programs.



After asking Ms. Porter repeatedly for at least a list of available programs with no response, we obtained legal counsel to help with the freedom of information requests to see how these grants and funds have been spent and their success rate. Not an unreasonable request from a nonprofit institution that is using our tax dollars.

Suzanne Porter To my great surprise these requests have been blocked by the nonprofit involved. This has gotten me very concerned as I remember when the United Way CEO misappropriated funds, committed fraud, and conspiracy back in 1995. I have had concerns here through the years as services they have been funded for did not appear to be available (at least not in Rutherford County)

We became even more concerned when representatives and legal counsel became involved with this request. It seems an underground discussion of our requests have set off quite a stir with the people funding these programs. Not only will they not be transparent but also they are actively attacking our efforts to discover the truth.

The reason this is important is that after all this questioning the County announces funding for Jail Services and United Way. The Commissioners allocated a total of \$139,900. \$43,000 of this is actually for services in the jail with \$55,000 to be used for “treatment and placement reserves” \$32,000 is awarded to a number of vague categories.



The issue and concern here is that \$32,700 was given to the United Way of Rutherford County for “grant writing and management services.” The timing of this is very interesting, as it has occurred after our multiple requests for program information.

Suzanne Porter is the Executive Director of the United Way of Rutherford County. She has worked for years in close proximity to former Sheriff Francis, the Commissioners and many different committees. She has obtained an impressive number of grants over the past few years and because of her close connections with officials has been entrusted with handling much of these funds.

Why does this matter? Porter has obtained over \$3 million dollars of grants that were to be spent on mental health, substance abuse and other re-entry services for individuals incarcerated at the jail.

This sounds wonderful but where are the results of this? Why would they not shout to the rooftops about how well their program was working? Why can I not find any indication that these programs existed? Why did they have their lawyer contact us about asking?

Chris Francis, Josh Stein,
Suzanne Porte

Over the past few months several people besides our group have been asking questions. At a recent Rutherford Collaborative meeting run by Partners Health Management (the same entity handling the \$139,900 being awarded for the exact same jail services that were supposedly funded, but seemingly never created by previous grants), one of the local mental health representatives announced that they were planning to host an incarceration re-entry simulation event to highlight the need for mental health and substance abuse services in the jail.

In response Porter (who is coincidentally the Vice-Chair of this collaborative) attacked this idea by claiming that her organization (the United Way, was providing re-entry services, including mental health, substance abuse, housing, etc. The member then asked for a list of those services. Carol Bostian the Partners representative instructed this person to contact Porter after the meeting and that the requested information would be provided.

Porter subsequently refused to respond to five requests for the information from this person and finally had an attorney in Apex, NC respond refusing to issue any information including even the names of the services. This attorney also responded to Foothills Catalyst information request with a big NO.

I am a Duke University certified nonprofit manager and this was a first for me. A nonprofit that received in excess of a million dollars in grants funds refusing to show how it was spent. This is totally wrong on so many points. It is not a HIPAA violation to report on programs and success rates.

Because Partners is tasked with assisting and identifying these types of services, the provider contacted Partners requesting the same information. Rather than provide any information or assistance, the Partners representative that oversees the collaborative engaged in a series of troubling actions to avoid answering any questions relating to these issues, which ultimately resulted in Partners cancelling future collaborative meetings so then no one could follow up on this issue.

During this process, several providers began researching whether any reentry services at the jail existed, as well as whether any grant funds had been awarded to create and administer them. In doing so, they discovered that the United Way had repeatedly applied for (and been awarded) grants in which Porter routinely identified the exact same services that the grants would fund. Nearly all of Porter's grant applications represented that the funds would be used for jail services, as well as programs and services for mental health and substance abuse. After speaking with multiple officials at the jail, however, they simply do not seem to exist.

In each of the grant applications, Porter identified officials and entities that she claimed would be participants in creating and administering these services. Among those were Partners, Sheriff Francis, and County Manager Garrison.

Porter is refusing to answer these questions, Francis is no longer in office, so that leaves the current Sheriff or his Jail representative to confirm or deny these programs exist and County Manager Garrison should do the same.

County
Manager Steve
Garrison

While most would agree that this funding is needed, the larger question remains – where have the millions of dollars in funding that has already been paid for these exact same purposes gone and why would the United Way continue to have any role in this?

People like to think that these sort of things do not go on in small town friendly America but as with all things follow the money. It is truly as the good book says “love of money is the root of all evil.”

We will continue to look into this issue. The issues at the jail are close to my heart and I have not

forgotten those people there. Our community cares about others and wants to help them as this just makes us a stronger community but we do not want to throw money down a bottomless hole.

So far that is what this seems like. I sincerely hope there is no criminal activity going on here in the misappropriations of funds as has happened with the United Way in the past.

Hopefully they will clear all this up and release the data on their programs so we can all work together to figure out something that works for these unfortunate individuals. So far it does not seem to be helping much.

Posted in corruption, Government, Health, jail, Opinion, Rutherford County

Tagged Chris Francis, Conspiracy, Foundation, Fraud, grants, Partners, RHI, Rutherford County Government, Steve Garrison, Suzanne Porter, tax dollars, United Way



Arrest Records: 3 Sources

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← Previous: Rutherford County To Receive Million Dollar Grant For Solar Farm Study (parody)

Next: FCPD Officers are requesting the public's assistance in identifying a larceny suspect. >

EXHIBIT J

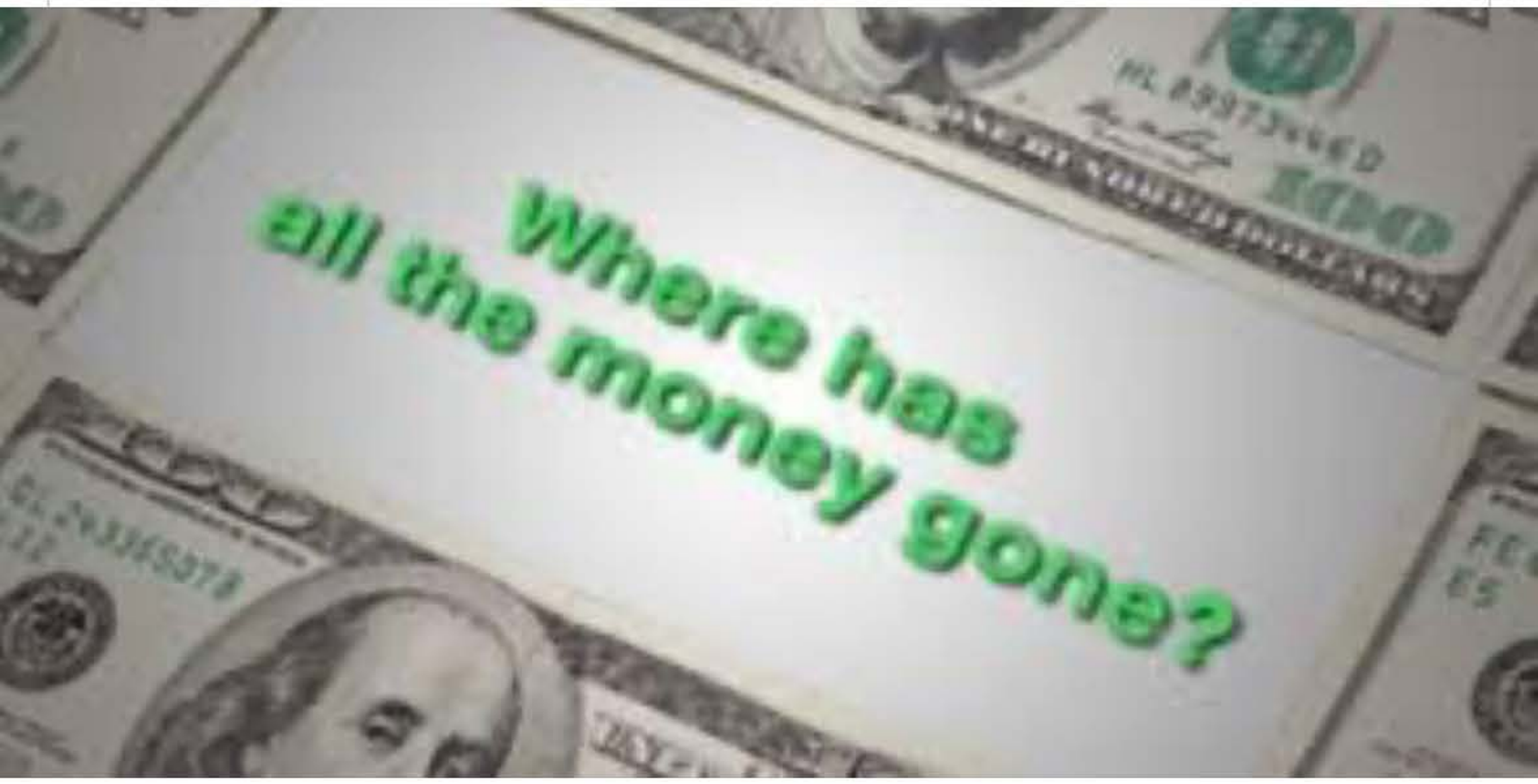
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 **Leslie Mooney Lewis** Apr 16 · 🌐


I checked their last filed 990 with the IRS and they have some explaining to do.. Maybe our county manager, Steve Garrison can tell the people more.

 **Foothills Catalyst** Apr 16 · ⚙️

Where Has All The Money Gone? Local United Way Spent Millions On Jail Programs?
<https://foothillscatalyst.com/?p=3348...> See more



- 4
- 8 comments
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 **Leslie Mooney Lewis** shared a memory. Apr 11 · 🌐

I miss my brother 💔

EXHIBIT K



Corruption Chronicals: Rutherford County, NC

Apr 18 · 


Some food for thought on our humble United way leader Suzanne Mizsur-Porter. Unexpected death and millions profited... I don't know all of the details but they will be checked in to.



Tampa Bay Times

tampabay.com

Lodge reeled 'em in hook, line and sinker

 Boost this post to reach up to 4118 more people if you spend \$10.

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ARCHIVE

Lodge reeled 'em in hook, line and sinker



By **ELIZABETH BETTENDORF**

Published Dec. 8, 2006

When Suzanne and Leon "Bud" Little bought a former 1930s fishing camp on Saddleback Lake, people thought they were crazy.

Yes, the Old Florida cottage on a little more than 2 acres of majestic oak trees and 158 feet of lakefront in Lutz looked like a painting by the landscape artist Beanie

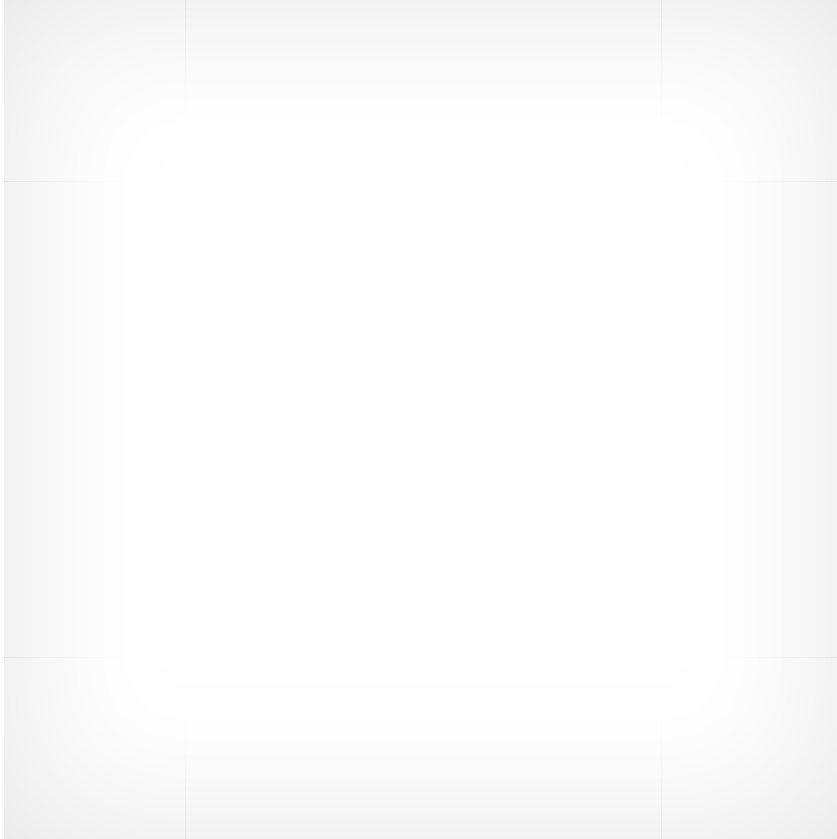
But, oh, the house cried out for help.

"At that time, the house was looking pretty rough," their daughter, Suzanne Mizsur-Porter, said of the house on Crenshaw Lake Road. "But they took one look at it and immediately knew they could turn it into a truly unique and beautiful home."

The Littles, who, as Suzanne likes to joke, were "serial renovators," bought the

Saddleback Lake lodge in 2001 after spotting it in a homes and land guide.

ADVERTISING



They added on to the original structure, taking it from 2,000 to 4,000 square feet, but did so in such a way that it maintained its cozy lodge feel. Part of the original house is made from logs and features wood ceilings and walls, exposed timbers and a floor-to-ceiling stone fireplace.

Last week, a film crew from home show *Designing Spaces*, which airs on Saturday mornings on the Learning Channel, visited the lodge to film a segment on how people can find their dream home on the Internet.

Suzanne recently put the house on the market after Bud, the longtime former general manager for Infinity of Tampa Bay, died unexpectedly this summer of complications from diabetes. The three bedroom, 2 1/2 bathroom, 4,200-square-

foot home is for sale for \$1.4-million.

"I remember the day I pulled out some paper napkins over lunch and drew the plans out," she recalls. "We wanted a great family home, something that wasn't cookie-cutter and had a lot of character."

Those rough sketches, which enlarged and updated the house, were fine-tuned by an architect.

Now, the dreamy lodge has lakefront views from every room, high ceilings and large comfortable rooms that feel perfectly in-scale. Though the Littles doubled its size, creating both formal and casual living spaces, the house looks a lot like homes you'd see in North Carolina mountains, Suzanne says.

It's the one place, Bud used to remark, where "his blood pressure dropped 30 points" the minute he set foot on the property.

The Littles weren't much into fishing, but their lakefront perch attracted friends who were fishermen. And anyone who had been in doubt when the couple first bought the lodge now comes away enchanted.

The house earned a national television gig after Designing Spaces approached Prudential Tropical Realty. Out of the thousands of listings in the region, the firm chose the Little's property for the show.

"I was really happy about it, enthralled," she says. "I thought, 'Oh, my husband would have been like a little kid, calling everyone and saying 'Is your house going to be on TV?' "

Although it breaks her heart to part with a place so beautiful, she says she was

thrilled when she was approached about having her house featured on a home-design show. She credits her good eye, passion for design and ability to look beyond a property's surface blemishes when looking for a house to renovate. She also credits Bud's hard work and hands-on skills.

"We always bought houses nobody wanted," Suzanne recalls with a laugh. "I remember walking into one house in particular as people were leaving in droves saying it was the ugliest house they had ever seen. We bought it."

The original fishing cabin was built in 1936 by the Sierra family from Tampa, says Realtor America Carlson.

ADVERTISING



Carlson will make a scripted appearance on the show. Suzanne will also appear on camera. She'll be working on her computer during the segment, says producer and director J.C. Summerfield.

Suzanne spent days making sure the house and grounds looked great, tending to flowers and fretting about how to handle the family's overly friendly golden retriever while a camera crew bustled about.

"I want people to feel the physical beauty and the serenity of the home and property. It's an awesome place," she says. "Someone recently said to me, 'If you're going to go to a fishing camp, this is the place to come.' "

Elizabeth Bettendorf can be reached at ebettendorf@hotmail.com.

MORE FOR YOU

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Sept. 26

• Hurricane



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EXHIBIT L



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**Suzanne Mizsur-Porter**

Apr 18 ·

I didn't want to make this post but I feel it's necessary.

I have been the target of ongoing harassment in my community. This past week, an online site posted an 'article' (I use that term loosely. This is NOT journalism) accusing me and my agency of somehow walking off with millions of dollars in grant money. This is patently false. There is no missing money. They've fabricated grants that never existed.

Now another clearly unwell individual is regurgitating the ridiculous accusations and implying that I may somehow be responsible for my stepfather's death. Having Bud Little as my dad was one of the best things that ever happened to me. I love that man dearly. It disgusts and infuriates me that this person would say something so repugnant. They must be a truly miserable shell of a person to



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and reminds me that the people we
say something so repugnant. They must
be a truly miserable shell of a person to
project something so horrific onto a
person they don't even know.

It saddens me that people are so unwell
and hostile that they attack others who
are simply trying to do their jobs and
serve their community.

I think everyone who truly knows me
recognizes how asinine, baseless, and
defamatory these accusations are.

Thank you to everyone who has stood up
for me and defended my agency and
team. I work with incredible people. I
love them all. And these accusations
attack their integrity as well as mine.



24 comments

**Like****Comment****Send****Suzanne Mizsur-Porter**
shared a memory.Apr 18 · Miss our sweet girl

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EXHIBIT M

8:42



Suzanne Mizsur-Porter



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Like



Comment



Send



Suzanne Mizsur-Porter



Apr 19 · 

I have serious concerns about my safety right now. I am going to deactivate my page for the time being. Those of you who need to get a hold of me know how. Thank you to my friends for your support.



1 comment

EXHIBIT N

Rutherford Community Collaborative

ARTICLE I: NAME, MISSION, PURPOSE

Section 1: Name

The name of this organization shall be the Rutherford Community Collaborative hereinafter referred to as the Rutherford Community Collaborative.

Section 2: Mission & Vision

The mission of the Rutherford Community Collaborative is to work together to make the community healthy and safe while empowering individuals with a mental health or substance use disorder, intellectual developmental disability, or traumatic brain injury to improve their quality of life and/or self-sufficiency.

We **envision** a community with sufficient resources available to provide effective community-based, person-centered services.

Section 3: Purpose

The purpose of the Collaborative shall include:

- A. Identify barriers and challenges in accessing services and resources and advocate for improved processes
- B. Identify gaps in services and establish plans to strengthen the community through data from community health survey and other community services of Rutherford.
- C. Promote and provide community education focusing on mental health, substance use disorder, intellectual developmentally disabled, and traumatic brain injury
- D. Establish and sustain an on-going forum for sharing of information and resources among and between the community

ARTICLE II: MEMBERSHIP

Section 1. Members

1.1 Members include stakeholders, providers, community-based organizations, or individuals. Members recommended/should be representatives of the following agencies:

- a) Local Management Entity (LME)/Managed Care Organization (MCO)
- b) Department of Social Services
- c) Department of Public Health
- d) NC DPS
- e) Agencies Serving Adults and Children
- f) Family Representative or Individual with lived experience
- g) Faith-Based Community Representative
- h) A Member of the Judicial Community
- i) Law enforcement
- j) Employment services
- k) Housing Supports/ temporary and permanent
- l) School system
- m) Hospital

- n) EMS
- o) Federally Qualified Health Center (FQHC)
- p) Primary Health Care Practice
- q) Pharmacy Practice
- r) Standard Health Plan representatives

1.2 The LME/MCO representative is an employee of Partners Health Management.

1.3 Membership is open to any interested parties, although membership is not required to participate in the collaborative meetings. In order to become a member of the collaborative, an individual or agency representative must complete the membership form and adhere to the attendance policy. You will be considered a member after filling out the membership form and attending six meetings.

Section 2. Attendance

2.1 Before becoming a member participants must have submitted the membership form and attended at least 6 meetings. Members are expected to attend at least 6 meetings per year to maintain membership and should send an alternate in their absence.

2.2 Any member of the collaborative who is absent from three consecutive meetings will be contacted by the LME/MCO representative to determine interest in continued membership of the Rutherford Collaborative.

ARTICLE III: PARTNERSHIP OFFICERS AND COMMITTEE CHAIRS

Section 1: Officers and Terms

1.1 The officers of the Collaborative are elected by majority vote and adhere to the following conditions:

- a) The chairperson will serve a one-year term from July through June. They can serve additional terms if voted into office by the collaborative. The vice-chairperson will be considered for the position of chairperson during the last quarter of the one-year term.
- b) The vice-chairperson will be elected during the last quarter of the fiscal year and serve a one-year term from July through June.
- c) The chair and vice-chairperson will be elected by majority vote.
- d) The representative of Partners Health Management may serve as the secretary for the collaborative as well as any other member. In the absence of a secretary, a Partners Health Management representative will record and maintain meeting minutes.

Section 2: Duties of Officers and Subcommittee Chairs

1.2 The duties of each officer and subcommittee chairperson are described below:

- a) The chairperson facilitates meetings using a pre-approved agenda and provides support for each member and subcommittee.
- b) The vice-chairperson acts on behalf of the chairperson in their absence.
- c) The secretary is responsible for recording collaborative minutes. These minutes are shared with the representative of Partners Health Management prior to the following collaborative meeting. Partners' staff

maintains and manages the membership roster; informs the collaborative of changes in membership status; and manages master copies of collaborative bylaws, agendas, and minutes.

ARTICLE IV: COLLABORATIVE FUNDING

Section 1: Collaborative Funding

1.1 Collaboratives that have funding available are expected to adhere to the requirements below:

- a) The agency requesting collaborative funding must be a current member of the community collaborative.
- b) The collaborative funding proposal form must be completed and provided to the LME/MCO representative.
- c) The LME/MCO representative and the SOC/Community Engagement Manager will ensure the funding proposal meets funding guidelines and criteria.
- d) Collaborative funding must be utilized to address needs within the county that it is being requested.
- e) Needs that are being addressed must be supported by current data from the county in which collaborative funding is being requested.
- f) The collaborative will vote on the funding proposal.

Section 2: Distribution of Collaborative Funding

1.2 Collaborative funding must be utilized on resources and supports for children, youth, and adults, as described below:

- a) At least 50% of collaborative funding must be used on resources and supports for children and youth.
- b) Collaborative funding exclusions are documented in the "Collaborative Funding Exclusion" list.
- c) Funded agencies are expected to provide brief quarterly reports reflecting progress on outcomes, successes, and challenges; quarterly reports can be provided orally during specified collaborative meetings.

ARTICLE V: MEETINGS

Section 1: Regular Meetings

1.1 Meetings for the Collaborative occur once a month. The meeting day, time and location will be designated during the first meeting of the year. Changes to standing meeting days or times may occur when necessary. Collaborative members will be notified by the Partners' representative if any changes in meeting location, day, or time are expected at least one week prior to the meeting, if possible. At the beginning of each meeting, the previous meeting's minutes must be approved by present members of the collaborative. An individual will make an initial motion of approval immediately followed by a second motion of approval.

Section 2: Quorum

1.2 To meet the quorum of each collaborative meeting, 50% of members must be in attendance.

ARTICLE VI: AMENDMENTS

Section 1: Amendment Process

1.1 These bylaws may be amended or repealed, and new bylaws may be adopted, with a majority vote of the membership at any meeting provided that prior written notice of intent of said amendment has been given at least one week before the scheduled meeting.

ARTICLE VII: PARLIAMENTARY AUTHORITY

Section 1: Decision Making and Voting

1.1 The collaborative will strive to reach decisions by consensus. If consensus is not achieved, decisions will be made by majority vote. Any member may call for a vote. Each agency present will have one vote. Voting by email may occur when necessary.

Section 2: Business of the Partnership

2.1 All business of the collaborative, with the exception of emergency business, must be presented to the members for discussion via regular meetings or other means of communication.

Section 3: Conflict Resolution

3.1 Conflicts between members of the collaborative should be resolved by conflicting members through professional discussion outside the context of the collaborative meeting.

3.2 The nature of the discussion in the collaborative is intended to allow for a pleasant discussion with equal voice. The tone should be respectful and polite. If there are attendees who are disruptive or not respectful or polite, a member of the executive committee will redirect the attendee and ask for a more appropriate tone. If the chair assesses that the group needs more order or structure, then they will ask for attendees to raise hands before being given permission to speak. If the attendee does not alter their approach to be in line with an appropriate tone and/or structure, they will be asked to leave. If the meeting is virtual, they may be removed from the group. If the chair assesses that the conversation is no longer productive, they may move on to the next agenda item. The decision to create a separate sub-committee to address the issue and then report back to the board for a more focused review may be made as well. This is all done so that the Collaborative group can work effectively and efficiently together to meet their goals without fear of any hostility or aggression which may serve as a distraction or result in minimizing participation. It is important that the collaborative spirit of pleasant cooperation is not hindered by an individual or a small group.

3.3 For the purposes of fair and safe communication, any individual attending a virtual meeting must let the group know if someone else is in proximity to their communication device, be it phone, computer, etc... that can listen in to the meeting. This will also allow for a complete accounting of those attending the meeting for tracking and reporting purposes.

3.4 No meeting will be recorded without the consent of everyone attending the meeting.

Section 2. Attendance

2.1 Before becoming a member participants must have submitted the membership form and attended at least 6 meetings. Members are expected to attend at least 6 meetings per year to maintain membership and should send an alternate in their absence.

Section 4: Bylaw Review

4.1 These bylaws are to be reviewed on an annual basis or more frequently if necessary.

EXHIBIT O



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Suzanne Mizsur-Porter



2d ·

Hi Guys. Miss me? I'm alive, kicking, and still full of feistiness. Anyway. I missed all of you!

I'm dropping back in for a bit to say hi and check in. It's been a hell of an experience the past several months. There are some truly vile, shitty people out there...

Thank you so much to everyone who's reached out. Going to try to catch up on messages and notifications over the next few days.

Love you!!



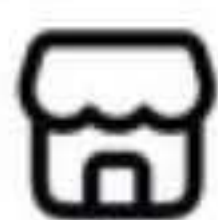
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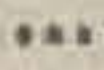


Menu

EXHIBIT P



Rutherford County



Chamber of Commerce is

eating dinner with great friends with United Way of Rutherford County, Inc. at Don's Italian Restaurant.

Sep 24 · 🌐

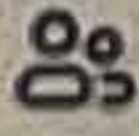
Tonight we heard from one of our amazing community partners, Suzanne Porter-Executive Director United Way of Rutherford County, Inc., she spoke about the array of services United Way of Rutherford County provides, with a focus on recovery and support services for women overcoming substance use disorder or other life traumas. Together we can help women build strength, resilience, and a sense of hope for their futures.



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Menu



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Thank you to everyone who came out, we made some great connections in supporting this cause along with having fantastic fellowship and delicious food!

#rccocnc

#connectioncollaborationcommunity

#chambermemberarethecoollest

#membershiphasitsprivileges

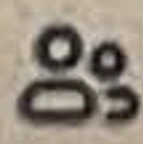
#rcchamberchicks



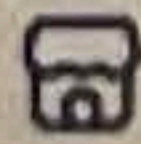
Home



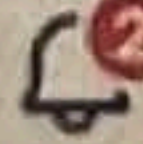
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Rutherford County Chamber of Commerce'...



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Angie Hughes
What are the array of service?

22h Like Reply



Author
Rutherford County Chamber of Commerce
Angie Hughes check out their website
at :
<https://unitedwayofrutherford.org/>



Home
unitedwayofrutherford.org

United Way
Rutherford County

13h Like Reply



Write a reply...



Most relevant ▾



Leslie Mooney Lewis

Was this a closed meeting (invite only)? I don't believe I saw any advertising for it. Where can the rest of the public could find access to this information as there is a lot of controversy surrounding where the money is spent and we as citizens also help fund the United Way of Rutherford County, Inc.
[@followers](#)

5w Like Reply

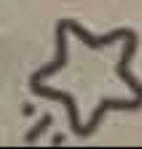


Author

Rutherford County Chamber of Commerce
Leslie Mooney Lewis this was a meeting of the Rutherford County



Write a comment...




✍ Author

**Rutherford County Chamber
of Commerce**

[Leslie Mooney Lewis](#) this was a meeting of the Rutherford County Chamber's professional women's group. We organized it and invited our member, the [United Way of Rutherford County, Inc.](#) to speak to our group. If you work in or provide services to Rutherford County we invite you to join the Chamber. We are a nonprofit organization (not a division of the local government).

2m [Like](#) [Reply](#)

1 

2m Like Reply

1 



Leslie Mooney Lewis
Rutherford County
Chamber of
Commerce thank you
for your response. You
might want to ver the
people you invite
because the United
Way is under fire now
legally for possible
misuse of funds. Not a
good look for anyone
advertising for them at
the moment.

Just now Like Reply



Write a reply...

EXHIBIT Q

Comment



Jacki Porter

Leslie Mooney Lewis

I'm not sure why you are so obsessed with my mother and her work and what she has going on. Clearly you are jealous and clearly you are uneducated and unintelligent. I am my own person and I wrote that post MYSELF. I am a grown ass woman who doesn't even live in that area anymore. Nobody wrote that for me. Everything that I wrote is true. I'm not sure where... See more

10h Like Reply Hide

wrote is true. I'm not sure where you are getting your information from or who told you that load of bullshit, but you sound incredibly foolish. My mother has begged me to stay out of this and to not interact with you people, but this is becoming an out of hand situation. I am asking you kindly to stop. And as for the legal repercussions YOU are the one who got arrested for cyber stalking. This is not the first time you have

Replying to Jacki Porter · Cancel

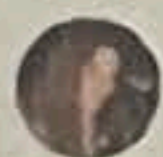
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Comment

stalking. This is not the first time you have been arrested for this kind of offense either. Stop spreading false information about my mother and united way.

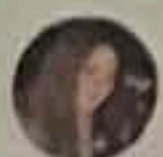
10h Like Reply Hide



Author

Leslie Mooney Lewis
Jacki Porter I don't know you or your mother. Kindly stay off my page with your misdirected rage. You should probably talk to your mom.

56m Like Reply




Write a reply...

 **Jacki Porter**


Leslie Mooney Lewis and exactly you don't know my mother so why are you spreading false information about her if you don't even know her????

5h Like Reply Hide

 **Author**

Leslie Mooney Lewis
Jacki Porter it's not false and if you don't stop you'll catch a charge. Do NOT try me.

2m Like Reply

 **Author**

Leslie Mooney Lewis
Jacki Porter how's Adam doing?

Write a reply...

Jacki Porter how's Adam doing?

Just now Like Reply



Author

Leslie Mooney Lewis
My information has been about the United Way of Rutherford county and never about your mother. I do not know your mother or you, but I can't say I like you considering how you've come at me. **Jacki Porter**

1m Like Reply



Write a reply...

Most Relevant is selected, so some

EXHIBIT R

File No. 24CR418555-800	Law Enforcement Case No.	LID No.
WARRANT FOR ARREST		
THE STATE OF NORTH CAROLINA VS.		STATE OF NORTH CAROLINA
Name And Address Of Defendant LESLIE MOONEY LEWIS 220 NEBRASKA STREET		In The General Court Of Justice District Court Division
SPINDALE NC 28160 800 COUNTY (828) 375-7964		RUTHERFORD County
Spoken Language Court Interpreter Needed For Any Party, Victim, Or Witness? (If Yes, Identify person(s) and language(s). Interpreters provided for all court proceedings at no cost.) <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes: (explain)		

OFFENSE(S) (see AOC-CR-100 Continuation(s) for charging text)			
Count No.	Offense	Offense in Violation Of G.S.	Offense Code
1	M - CYBERSTALKING	14-196.3	5337
Name Of Defendant's Employer			
Date Of Offense 04/17/2024			
<input type="checkbox"/> Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan			
Date Of Arrest & Check Digit No. (as shown on fingerprint card)			
Complainant Name (and address, if Complainant is an officer) SUZANNE PORTER			
Witness Information			

TO ANY OFFICER WITH AUTHORITY AND JURISDICTION TO EXECUTE A WARRANT FOR ARREST FOR THE OFFENSE(S) CHARGED IN THIS WARRANT: I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully, and feloniously did commit the offense(s) set forth above and on the attached AOC-CR-100 Continuation(s), which is (are) incorporated by reference. This act(s) was in violation of the law referred to in this Warrant For Arrest. This Warrant For Arrest is issued upon information furnished under oath by the complainant listed. You are DIRECTED to arrest the defendant and bring the defendant before a judicial official without unnecessary delay to answer the charge(s) above.

Date Issued 09/25/2024	Name Of Issuing Official Catherine DuBois	Signature 	<input type="checkbox"/> Magistrate <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court
Location Of Court Rutherford Co. Courthouse, Courtroom 1		Court Date 11/01/2024	Court Time 8:30 AM

WAIVER OF PROBABLE CAUSE HEARING

The undersigned defendant, with the consent of his/her attorney, waives the right to a probable cause hearing.

Date Waived	Signature Of Defendant	Name Of Attorney	Signature Of Attorney
-------------	------------------------	------------------	-----------------------

STATE VERSUS

RUTHERFORD County

File No.

24CR418555-800

Name Of Defendant

LESLIE MOONEY LEWIS

Date Of Issuance Of Warrant For Arrest

09/25/2024

NOTE: Use this page to set forth the charging text for each offense listed on the AOC-CR-100. G.S. 15A-924(a)(5).

OFFENSES (continued)

Count 1. Offense: M - CYBERSTALKING

Charging Text For This Count

On or about the date of offense shown and in the county named above the defendant unlawfully and willfully did knowingly permit an electronic communication device, INTERNET, under the defendant's control to be used for a purpose prohibited by G.S. 14-196.3, DID POST ON SOCIAL MEDIA MULTIPLE MESSAGES FOR THE PURPOSE TO ANNOY, THREATEN, TERRIFY, HARASS, OR EMBARRASS SUZANNE PORTER.

Count 2. Offense:

Charging Text For This Count



EXHIBIT S

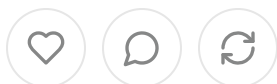
Exclusive details: United Way of Rutherford County awarded \$3M from feds, unclear what its exact use will be

Biden-Harris Administration funding announced to expand substance use disorder treatment in rural communities



ANNIE DANCE

OCT 16, 2024



Share

To my new subscribers (and a reminder to loyal readers), welcome to Cops & Congress, where facts come first, followed by in-depth commentary and analysis. [Paid subscribers](#) enjoy exclusive access to scoops requiring investigation of public records. Your support directly funds the detailed research behind my independent journalism. (ICYMI: [Six reasons to support my independent journalism](#))

Situational awareness: An exclusive, or scoop is an important news story that is first reported by a journalist. This goes beyond breaking news when no other journalists are known to be reporting on an important issue.



What lies ahead? A curve in the Thermal Belt Rail Trail along Railroad Ave. near the Rutherfordton Spindale town line in Rutherford County, NC. (File photo by Annie Dance)

The Biden-Harris Administration, through the U.S. Department of Health and Human Services (HHS) and its Health Resources and Services Administration (HRSA), has [announced nearly \\$9 million in funding](#) to strengthen health care services in rural North Carolina. This investment will focus on launching and expanding opioid treatment and recovery services in rural communities, providing critical support to underserved areas struggling with substance use disorder.

“The Biden-Harris Administration believes health care should be available to everyone regardless of where they live. That’s why we are investing heavily in rural communities,

which have historically lacked resources and access to health services," said HHS Secretary Xavier Becerra.

The announcement was made by HRSA Administrator Carole Johnson as part of the administration's commitment to improving health care access in rural areas. This funding will not only help establish new treatment and recovery centers but also support the behavioral health workforce and collaboration with social services to ensure sustainable care for rural populations, federal officials said.

The United Way of Rutherford County, Inc., based in Forest City, North Carolina, is among the recipients, receiving \$750,000 in fiscal year 2024, with a total of \$3 million allocated over the next four years. These funds will be directed toward creating new access points for opioid treatment and recovery services in the region, according to the federal agency statement.

Suzanne Mizsur-Porter, Executive Director of United Way of Rutherford County, expressed her organization's excitement about the new initiative when reached for comment by Cops & Congress. She said that a formal press release with more details would be shared soon. "We're working closely with our collaborative partners and will provide additional information once the release is finalized," she said in an email to me.

This effort is part of the broader Biden-Harris Administration initiative to address health care disparities in rural America, with a focus on behavioral health and ensuring that rural communities receive high-quality care.

Mizsur-Porter was recently appointed to the [North Carolina Commission for Mental Health, Developmental Disabilities and Substance Abuse Services](#), according to Governor Roy Cooper's office.

Opinion & Analysis

Cops & Congress Commentary: United Way's \$3M grant – A game-changer for Rutherford County's opioid crisis?

The recent \$3 million grant awarded to the United Way of Rutherford County as part of the HRSA's Rural Communities Opioid Response Program has sparked a lot of interest in our community. As part of the Biden-Harris Administration's push to invest in rural health care, this grant aims to tackle one of our most pressing public health challenges—opioid addiction. But as we celebrate the news, it's crucial to understand how this money will be used, and more importantly, what it means for local residents in real terms.

I reached out to United Way with some key questions on how this funding will be allocated and what immediate impact Rutherford County residents can expect. I was told that a press release would be coming soon. That was on September 25. Today is October 16. To be fair, the community experienced a devastating hurricane on September 27, so a brief delay is understandable. However, if I was awarded that much money I would immediately share the intention of its use, but that's just me.

Another potential pot of money has also raised questions. Following Hurricane Helene, the Rutherford County government said that its residents should donate money to the United Way of Rutherford County. Their photo shared on social media stated that funds may also be allocated to go to Polk County. It said "100% of donations will be dispersed in the community," but exactly how is unclear. They didn't specify those details. Who gets those funds? How are they chosen? How long do they have to wait? What is the process?



Rutherford County Government, North Carolina

Oct 1 · 🌐

! Important Message from the **United Way of Rutherford County, Inc.** 👇

👍 3

13 shares

👍 Like

➦ Share

Join Us for Hurricane Relief Efforts

Together, we can help those affected by Hurricane Helene! Your support makes a significant difference in rebuilding lives and communities of Rutherford and Polk Counties. Please specify if you want your monetary donation to go to Polk County. 100% of donations will be dispersed in the community.

Donate on our website at:
unitedwayofrutherford.org





[Rutherford County, NC government's recent Facebook post](#)

How will the federal grant money be spent?

The main question is how will the United Way plan to use the \$3 million over the next four years? Will these funds go directly into creating or expanding opioid treatment facilities? Are there plans to increase staffing for addiction recovery or behavioral health programs? This kind of clarity is critical to ensure that the funds are being used where they are needed most and that the impact will be felt by the people who need it right now.

What can residents expect?

For those struggling with opioid addiction, time is of the essence. I wanted to know how quickly Rutherford County residents could expect to see changes. Will there be treatment beds available? Will new programs be created? Or does this build on existing programs? What are those details? While the grant is exciting, it's important to manage expectations—residents need to know whether immediate changes are coming or if the benefits of this funding will take time to materialize.

Long-term solutions for a sustainable future

A key aspect of this funding is its focus on integrating behavioral health and social services. How will this work in practice in a rural setting like ours? It's one thing to receive funding, but creating long-lasting, sustainable change in any community requires planning beyond the immediate crisis. Will this funding help lay the foundation

for broader mental health services, or is the focus purely on substance abuse? It is my job as an independent investigative journalist to remain skeptical and ask many questions about how investments like this could transform not just treatment options but the very fabric of health care in Rutherford County.

The United Way said that they will be releasing more information soon, but these are the pressing questions that should be on everyone's mind in my opinion. This funding could represent a pivotal moment in our community's fight against the opioid crisis, but as always, the devil is in the details. What will determine its success is not just how much money is being spent but how effectively it's being used to address the root causes of addiction and provide recovery support.

As we wait for more specifics from the United Way, it's worth remembering that accountability and transparency will be key to ensuring that these funds truly make a difference. We owe it to the families and individuals affected by this crisis to make sure that every dollar is used wisely, and that our rural community can build a sustainable path forward.

REMINDER: Early in-person voting begins tomorrow for the 2024 election. Visit ncsbe.gov for more information.

 **All those mentioned are presumed innocent until proven guilty.**

Learn more about this [newsletter](#) and [my background](#). I am guided by the [Society for Professional Journalists Code of Ethics](#). Follow me on [X \(Twitter\)](#), [Facebook](#), [LinkedIn](#), [Instagram](#), [TikTok](#), and [YouTube](#). Send constructive criticism, fan mail and tips with public documents for future stories: CopsandCongress@gmail.com.

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