

Pursuant to the state open records law, N. C. Gen. Stat. sec. 132-1 to 132-10, I write to request access to and a copy of :

- Names of all persons nominated for the 2023 French Broad Board of Trustee open seats
- French Broad EMC current IRS form 990
- Name and firm of French Broad EMC Legal Counsel
- Name of auditor or the firm providing audit services
- Names of members of the nomination committee for French Broad EMC
- Copy of charter and articles of By-Laws French Broad EMC
- Copy of Public Notice for upcoming elections for French Broad meeting notice for 2023

If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address.

If you decide to deny this request, please provide a written explanation for the denial, including a reference to the specific statutory exemption(S) that you rely on. Also, please provide all segregated portions of otherwise exempt material.

Please be advised that I am prepared to pursue whatever legal remedy necessary to access the requested records. Violation of the open records law can result in the award of reasonable attorney fees, for which you may be held personally liable.

Thank you for your assistance

Cindie Harman



Jeff Loven

Mar 21, 2023,
11:00 AM (13 days
ago)

to me, Greg

Cindie,

According to our legal counsel, the North Carolina open records laws does not pertain to Electric Cooperatives as we are not owned and operated by any government entity. However, the majority of information you have requested is readily available

either on our website or via our newsletter. The French Broad EMC nominating committee cannot discuss the names of other persons nominated but not selected for the open board seat. Only the person selected by vote is announced, which as you already know, was Mark Snelson who is a member and lives in the Shut-In community below Hot Springs. The committee attempts to make sure the Coop is represented from all areas of the county.

Phyllis is out this week but I will have her get a copy of the form 990 for you to pick up when she gets back. They are also available on the Guidestar website.

Our legal counsel is Leake and Stokes based in Marshall as well as Asheville. Our audit firm is Adams, Jenkins, and Cheatham out of Midlothian, Virginia.

The nominating committee was listed in our February newsletter. I have copied that and pasted below:

In preparation for the 2023 Annual Meeting to be held on May 6, 2023, the Board of Directors has appointed a Nominating Committee in accordance with FBEMC bylaws. The committee is made up of representatives from each of the co-op's directorate districts. They will meet on February 15, 2023 and make nominations for the directorate positions which expire this year.

The committee members and the districts they represent are listed:

District No. 1, Madison Co.

Nancy Allen, Bill Ricker, Clayton Willis, H.C. Wood

District No. 2, Buncombe Co.

Fred Ray, Jr.

District No. 3, Yancey Co.

Shannon Cooper

R.L. McIntosh, Jr.

Eric Vess

District No. 4, Mitchell Co.

Gary Gouge, Austin Harrell

District No. 5, Unicoi Co., TN:

Denlis Foster

Below is a link to our website that has our current company by laws:

<https://www.frenchbroademc.com/wp-content/uploads/2023/02/Bylaws-approved12-21-21-effective-as-of-01-01-22.pdf>

The Corporate by-laws were updated in December of 2021 by an independent law firm contracted by the board of directors. The Smith & Christensen law firm is based in Charlotte, NC and specializes in legal matters pertaining to Electric Cooperatives.

Public notice of the upcoming annual meeting and election will be mailed on or about April 14th, 2023 to all FBEMC members.

Jeff

Jeff

I have 2019 -990's as per Guidestar and the IRS website. I am requesting, at a minimum, 2020 990s. If you do not provide me with any updated IRS records, then I will be left with no choice but to do what I had to do back in 2020, and that is to file a former

complaint with the IRS for you to produce your records which you ultimately had to provide.

Unless you have a statute that allows you to act outside of the perimeters of the law that other Non- Profits have to abide by, I suggest you make this record available by next week when Phyllis returns to work. Otherwise, I will be contacting the IRS.

I will stipulate that I am a member of FBEMC and you are a Registered Non-Profit. I have come across potential legitimate contract irregularities and potential fraud in the actions in your company by some of your employees. As a member of FBEMC, I am again requesting the minutes of all your board meetings for the last 5 years.

Respectfully

Cindie Harman