



Buncombe County Board of Commissioners

Chairman
Brownie Newman

District 1
Terri Wells
Al Whitesides

District 2
Jasmine Beach-Ferrara
Martin Moore

District 3
Amanda Edwards
Parker Sloan

September 6, 2024

Dear Mr. Miller,

We understand that you sent an email to a Benefits Specialist in Human Resources indicating your intent to retire immediately. You sent that email on September 4th shortly after you had a meeting with County Manager Avril Pinder regarding facts and circumstances involving your personal business transactions and relationships that may constitute Unacceptable Personal Conduct. Retirement or resignation are personal decisions; however, there is reason to believe that your email initiating the retirement process was an attempt to usurp disciplinary actions. The retirement process will have to take its course. Please take notice that this Board does not accept your notice of intent to retire.

Pursuant to N.C. Gen. Stat. 105-294, the County Commissioners may remove the Tax Assessor for good cause. In accordance with N.C. Gen. Stat. 105-294(a), this letter is to notify you of an opportunity to appear and be heard at a public session of the Board scheduled for Wednesday, September 11th at 12:30 p.m. in the First Floor Conference Room of 200 College Street in Downtown Asheville. This session is scheduled to determine whether the Commissioners should remove you as Tax Assessor.

The basis for removal is as follows:

- In August 2024, the County was made aware that you purchased real property in South Carolina with R.S. in June 2024. R.S. is a person who you directly supervise.
- On or around October 20, 2023, R.S. formed Living Luxe Investments as a limited liability company in North Carolina. The Articles of Organization filed with the NC Department of the Secretary of State, listed you as a member and R.S. as the owner/member. The Articles listed your business address as 155 Hilliard Ave Asheville NC, which the location of the County's Tax Department and your office.
- On or around June 21, 2024, you and R.S. purchased a condominium (#1881 20 Queens Folly Rd, Hilton Head Island, SC) for \$685,000. See Deed Book 4344, Page 2675, Beaufort County, SC Register of Deeds Office.
- On or around June 21, 2024, you and R.S. obtained a mortgage for \$411,000 for the purchase of the property. The mortgage documents state both you and R.S. currently reside at 325 Stroud Valley Rd, Black Mountain, NC, which is listed as R.S.'s home address in Workday. See Deed Book 4344, Page 2678 Beaufort County, SC Register of Deeds Office.
- On or around August 12, 2024, you and R.S. jointly transferred the property for a sum of \$10 to Luxe Living Properties LLC. See Deed Book 4358, Page 1011, Beaufort County, SC Register of Deeds.
- You did not report any personal or financial relationships or outside engagements (LLC) in your 2023 Annual Conflict of Interest disclosure, amend your disclosure, or otherwise notify your supervisor as required by the County's Conflict of Interest Policy.

This Board believes that your personal business transactions and relationships create a conflict of interest, which is defined in Section 3.1 of the County's Conflict of Interest Policy as:

- *A conflict between the public duty and private interests of a public employee in which the employee has private-capacity interests that could improperly influence the performance of their official duties and responsibilities.*

This Board believes that your actions fail to demonstrate the County's Core Values in compliance with the County's Employee Code of Conduct, specifically:

- *Employees are expected to adhere to the highest ethical and professional standards, and to conduct themselves in a manner that enhances the public's respect and trust for County government and its operations. Employment with the County entails a responsibility for every employee to be a public servant, which is not inherent to employment in the private sector. Each employee has a responsibility to earn and protect public respect, confidence, and trust in the County.*

Further, this Board believes that your actions constitute unacceptable personal conduct as outlined in the County's Disciplinary Policy to include:

- *Conduct for which no reasonable person should expect to receive a prior warning*
- *Conduct unbecoming an employee that is detrimental to the County's service, regardless of the conduct occurring on-duty or off-duty*
- *Conduct which undermines the employee's credibility or ability to perform their job provided there is sufficient connection between the conduct and the employee's employment*

Pursuant to N.C. Gen. Stat. 105-294, you are hereby given notice of the basis for removal and the opportunity to appear and be heard at a public session of the Board.

Sincerely,



Brownie Newman,
Buncombe County Commission Chair