

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF  
JUSTICE SUPERIOR COURT

MECKLENBURG COUNTY

DIVISION

CASE NO. 26CV028252-590

**GINA HOOVER**

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Plaintiff,

)

)

V.

)

)

**TOWN OF MATTHEWS,  
NORTH CAROLINA**

)

)

Defendant.

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**VERIFIED COMPLAINT AND PETITION  
FOR JUDICIAL ORDER COMPELLING  
DISCLOSURE OF PUBLIC RECORDS**

Plaintiff Gina Hoover, acting pro se, respectfully petitions this Court for an order compelling the Town of Matthews to release public records unlawfully withheld in violation of the North Carolina Public Records Act, G.S. 132-1 et seq., and alleges as follows:

**INTRODUCTION**

1. This action seeks to enforce Plaintiff's statutory right of access to public records under G.S. 132-1 and to obtain judicial relief under G.S. 132-9 after the Town of Matthews wrongfully withheld, delayed, or otherwise failed to produce records to which Plaintiff is entitled as a matter of law.

**PARTIES**

2. Plaintiff Gina Hoover is a resident of Mecklenburg County, North Carolina and a requester of public records under G.S. 132-1(b).
3. Defendant Town of Matthews is a municipal corporation organized under North Carolina law and is a "public agency" subject to the Public Records Act pursuant to G.S. 132-1(a).

**JURISDICTION AND VENUE**

4. The Town of Matthews is an incorporated municipality located in Mecklenburg County, North Carolina.

5. This action is brought under G.S. § 132-9, which authorizes any person wrongfully denied access to public records to apply to the Superior Court for an order compelling disclosure.
6. Venue is proper in Mecklenburg County because the Defendant is located in this county and the acts and omissions giving rise to this action occurred here.

The Court has jurisdiction pursuant to N.C.G.S. § 132-9 and the Uniform Declaratory Judgment Act, N.C.G.S. § 1-253

### **THE NORTH CAROLINA PUBLIC RECORDS ACT**

7. The Act defines “public records” broadly to include

“all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. Agency of North Carolina government or its subdivisions shall mean and include every public office, public officer or official (State or local, elected or appointed) institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any count, unit, special district or other political subdivision of government.” G.S. § 132-1(a)

8. Under the Act, “[t]he public official in charge of an office having public records shall be the custodian thereof.” G.S. § 132-2.

9. The Act further provides that public records “*are property of the people,*” and that:

“Every custodian of public records shall permit any record in the custodian’s custody to be inspected and examined at reasonable times and under reasonable supervision by any person, and shall, *as promptly as possible,* furnish copies thereof upon payment of any fees as may be prescribed by law.” G.S. §§ 132-1(b), 132-6(a).

10. When a public agency withholds or fails to produce public records, “any person who is denied access... may apply to the appropriate division of the General Court of Justice for an order compelling disclosure or copying.” G.S. § 132-9(a).
11. Under G.S. § 132-9, a person denied access to public records may apply to the General Court of Justice for an order compelling disclosure. The statute also provides for an award of reasonable attorney’s fees to a substantially prevailing party who has incurred such fees; however, Plaintiff is representing herself *pro se* and therefore does not seek attorney’s fees. Plaintiff does, however, seek compensation for fees and costs she has

been required to pay as a direct result of Defendant's unlawful refusal to provide the requested public records.

## FACTUAL ALLEGATIONS

12. Plaintiff submitted multiple public records requests to the Town of Matthews on the following dates:

- September 16, 2025
- January 8, 2026
- February 25, 2026
- March 6, 2026
- March 9, 2026
- March 11, 2026

### **September 16, 2025 Request: Records Concerning Removal of "Home Place" from the Town Street System - Exhibit A**

13. On September 16, 2025, Plaintiff submitted a public records request seeking all documents reflecting any official action taken by the Matthews Board of Commissioner to remove Home Place from the Town-owned or Town-maintained street system.

14. On October 28, 2025, Plaintiff issued a follow-up email, and on February 12, 2026, submitted to Town Clerk Lori Canapinno a renewed request for all documents reflecting any official action taken by the Board to remove Home Place from the Town-owned street system.

15. In response, on March 30, 2026, Town Clerk Lori Canapinno stated that "*court action initiated the change so no further action was required,*" referring to the litigation in *Town of Matthews v. Wright* (07 CVS 7662; COA11-68; COA14-943) in which the courts determined that Home Place is a private road in its entirety.

16. The Clerk's assertion that no Board action was required is contrary to North Carolina law. Even when a court determines that a road is private, a municipality may remove a street from its public street system only by strictly complying with the statutory street-closing procedure in N.C. Gen. Stat. § 160A-299, which requires:

- Adoption of a resolution of intent by the governing board;
- Published notice for four consecutive weeks;
- Mailed notice to abutting property owners;
- A public hearing;
- A final Board vote; and

- Recording the street-closing order with the Register of Deeds.
17. The North Carolina Supreme Court has held that these statutory requirements are mandatory and jurisdictional, and that a municipality must strictly comply with G.S. § 160A-299 before a public street may be abandoned or removed from the municipal street system. *Stephenson v. Town of Garner*, 281 N.C. 300, 303-04 (1972).
  18. Likewise, the Court of Appeals has confirmed that a street remains public unless and until the governing board completes the statutory process. *Town of Chapel Hill v. Burchette*, 100 N.C. App. 157, 160-61 (1990)
  19. Because the Town of Matthews has *never* adopted a resolution of intent, provided statutory notice, held a hearing, or voted to close Home Place, the Clerk's statement that "*no further action was required*" is legally incorrect. Plaintiff is entitled to records showing whether any such required actions were ever taken.

**January 8, 2026 Request: April 15, 2024 Closed-Session Minutes and Unlawful Blanket Redaction - Exhibit B**

20. On January 8, 2026, Plaintiff submitted a public records request for the April 15, 2024 closed-session minutes.
21. On January 30, 2026, Plaintiff transmitted a written notice to the Town Clerk Lori Canapinno, Town Attorney Daniel Peterson, Mayor John Higdon, Mayor Pro Tem Susan Chamber, Board of Commissioners Jonathan Clayton, Brian Hacker, Jennifer Garrity, John Urban, Kerry Lamson, and Town Manager Melia Gordon advising them of the Town's unlawful delay in producing public records responsive to Plaintiff's requests submitted on August 29, 2025; September 16, 2025; January 7, 2026; January 8, 2026; and January 23, 2026.
22. On February 3, 2026, Town Clerk Lori Canapinno responded to Plaintiff's public records request by producing only those materials she stated were "currently available." Among the limited documents provided, the Clerk included a "General Account" purporting to summarize the April 15, 2024 closed session minutes, rather than producing the minutes themselves as required by N.C. Gen. Stat. §§ 132-6 and 143-318.10(e).
23. On February 3, 2026, Plaintiff notified Town Clerk Lori Canapino by email that the document she had provided, the "General Account" of the April 15, 2024 closed session, was not responsive to Plaintiff's public records request. On February 4, 2026, Clerk Canapino replied stating: "*The minutes of the April 15, 2024, closed-session cannot be publicly disclosed as they contain confidential information relating to privileged consultation with the town attorney and personnel matters. Please see North Carolina*

*General Statutes 143-318.11(a)(3) and (a)(6).*” Later that same day, Plaintiff sent a follow-up communication clarifying that the request was *not* for public disclosure of privileged or personnel information, but rather for a *redacted copy of the actual written closed-session minutes*, limited only to those portions the Town contends are exempt under law. Plaintiff further specified that the request sought the particular version of the April 15, 2024, closed-session minutes referenced in the Town’s Investigation Report, with all non-exempt material released as required by statute.

24. On February 10, 2026, Town Clerk Lori Canapinno responded to Plaintiff’s public records request by stating that “*a redacted version has been made available, and it is annotated with statutory references (see North Carolina General Statute 143-318.11 for complete details).*” Later that day, Plaintiff notified Town Clerk Lori Canapinno, Mayor John Higdon, Mayor Pro Tem Susan Chambers, Commissioners Jonathan Clayton, Brian Hacker, Kerry Lamson, Jennifer Garrity, John Urban, Town Attorney Daniel Peterson, Town Manager Melia Gordon, that the Town’s blanket redaction of the April 15, 2024, closed-session minutes was unlawful under N.C. Gen. Stat. § 143-318.10(e) which requires that closed-session minutes be withheld *only to the extent necessary* to prevent disclosure of lawfully exempt material.
25. The North Carolina Supreme Court has long prohibited blanket or overly broad redactions *News & Observer Publ’g Co. v. Poole*, 330 N.C. 465 (1992).
26. The Town’s conduct also directly contradicts the March 4, 2026, Court of Appeals decision in *Gray Media Group v. Town of Matthews* (COA25-332), which held that the Town’s use of blanket redactions, its failure to segregate non-exempt material, and its reliance on generalized attorney-client privilege assertions violated both the Public Records Act and the Open Meetings Law.
27. *Town Clerk Lori Canapinno released the closed-session minutes without any prior vote of the Board in open session authorizing their disclosure.* North Carolina’s Open Meetings Law requires that the release of closed-session minutes occur *only after* the public body votes in open session to determine that confidentiality is no longer necessary under N.C.G.S. §143-318.10(e). Because no such vote occurred, the Clerk’s unilateral release of the minutes was *not legally authorized* and constitutes a violation of the Open Meetings Law and the statutory procedures governing the handling and disclosure of closed-session records. However, the document provided was heavily and almost entirely redacted, far exceeding the narrow exemptions permitted under the Open Meetings Law and the Public Records Act.
28. After receiving no response to Plaintiff’s February 10 notice, Plaintiff sent a follow-up email on March 1, 2026, titled, “Failure to Produce April 15, 2024 Closed Session Minutes.”

29. On March 6, 2026, Town Clerk Lori Canapinno replied that “*This is to inform you that this matter has been passed to the town attorney. The Board will discuss this on Monday and we will have a response to you on Tuesday.*”
30. On March 9, 2026, just five days after the Court of Appeals ruled against the Town in *Gray Media Group*, (COA25-332), the Board entered closed-session *specifically to discuss Plaintiff’s public records request* and to authorize Town Attorney Daniel Peterson to send a letter attempting to “close” the request and impose a “litigation hold” on Plaintiff. The March 9 letter, issued immediately after the improper closed session, attempts to intimidate Plaintiff and deter further pursuit of records by asserting powers the Town does not possess.
31. Discussing a public records request in closed session is *not* a lawful basis for a closed session under N.C. Gen. Stat. § 143-318.11(a), which contains an exhaustive list of permissible purposes. The presence of an attorney does not convert an otherwise impermissible topic into a lawful closed session. *Boney Publishers, Inc. v. Burlington City Council*, 151 N.C. App. 651, 656-57 (2002).
32. Nor does a municipality have authority to “close” a public records request or impose a “litigation hold” on a private citizen; the Public Records Act contains *no such mechanism*, and public agencies must produce records unless a specific statutory exemption applies. *Times-News Publ’g Co. V. Alamance-Burlington Bd. of Educ.*, 242 N.C. App. 375, 381 (2015).
33. Because (1) the Town’s redactions are unlawful on their face, (2) the Town has refused to produce the April 15, 2024 closed-session minutes despite repeated requests, and (3) the Town’s conduct mirrors the violations condemned in *Gray Media Group*, Plaintiff respectfully request that this court conduct an *in camera review* of the complete, unredacted April 15, 2024 closed-session minutes pursuant to N.C. Gen. Stat. §§ 132-9 and 143-318.10(e) to determine what portions may lawfully be withheld.

**February 25, 2026 Request: November 3, 2025, November 10, 2025 (Session 1 and II); November 24, 2025; and December 8, 2025 Closed Session Minutes - Exhibit C**

34. On January 29, 2026, the Town Board approved closed-session minutes without listing the dates of those minutes on the published agenda. On February 25, 2026, Plaintiff emailed the Town seeking clarification and requesting the specific closed-session minutes that had been approved. On February 26, 2026, Town Clerk Lori Canapinno responded by identifying the dates of the closed sessions and providing an email in which she informed the Board that she had believed she previously sent the draft closed session minutes for Board review, along with the corresponding agenda listing. Clerk Canapinno further stated: “*The Board has not yet reviewed the necessity of keeping these minutes sealed. 2. These will be provided to you as soon as possible. 3. A copy of the email relating to these*

*minutes is attached. 4. There are no records responsive to this request. 5. Agenda drafts are attached.”*

35. Plaintiff's March 16, 2026 consolidated follow-up email expressly reiterated this request, yet the Town still produced no records and offered no lawful justification for withholding them. The Town did not respond in any form until March 30, 2026, when Town Clerk Lori Canapinno stated that *"These minutes are under review. I will follow up with you as soon as possible to provide anything releasable"* Even then, the Town again produced nothing and provided no explanation for its continued refusal to release any portion of the minutes.
  
36. This delay violates the Town's statutory duty to provide access to public records "as promptly as possible" under N.C. Gen. Stat. § 132-6(a). North Carolina law requires that closed-session minutes be made available to the public once the need for confidentiality has passed, and even when confidentiality remains justified, the public body must segregate and release all non-exempt portions N.C. Gen. Stat. § 143-318.10(e). The North Carolina Supreme Court has likewise held that public bodies may not engage in blanket withholding or excessive secrecy and must release all non-exempt material. *News & Observer Publ'g Co. v. Poole*, 330 N.C. 465 (1992).
  
37. The Town's failure to produce any portion of the requested minutes despite repeated assurances that they were merely "*under review*," mirrors the conduct condemned in the March 4, 2026, Court of Appeals decision in *Gray Media Group v. Town of Matthews* (COA25-332), where the Court held that the Town violated the Public Records Act by failing to timely respond, by withholding closed session minutes without proper justification, and by refusing to segregate and release non-exempt portions. The Town's continued non-response therefore constitutes an ongoing violation of N.C. Gen. Stat. §§ 132-6 and 143-318.10(e) and further supports Plaintiff's request for judicial intervention and *in camera review*.

**March 6, 2026 Request: All Records Related to the Board of Commissioner February 26-28, 2026 retreat - Exhibit D**

38. On March 6, 2026, Plaintiff submitted a public records request seeking all records related to the Board of Commissioners' retreat held February 26-28, 2026, including but not limited to handouts, presentations, notes, draft notes, closed-session minutes, audio or video recordings, and receipts. Later that day, Town Clerk Lori Canapinno stated; *"We are in receipt of your record request and will respond with applicable records as soon as possible."* Under N.C. Gen. Stat. § 132-6(a), the Town is required to provide access to public records "as promptly as possible," and retreat materials, whether created by staff,

consultants, or Board members, are public records subject to disclosure unless a specific statutory exemption applies.

39. Based on the Town's March 30, 2026 production, Plaintiff can only assume that this request has been fully fulfilled. Plaintiff reserves the right to seek further relief if additional responsive records are later discovered to have been withheld.

#### **March 11, 2026 Request: March 9, 2026 Closed-Session Rough Draft Notes - Exhibit E**

40. On March 11, 2026, Plaintiff submitted a public records request seeking the rough-draft notes from the March 9, 2026 closed session, during which the Board met to discuss Plaintiff's public records request for the April 15, 2024 closed-session minutes. On March 30, 2026, Town Clerk Lori Canapinno responded that "*Minutes of this meeting have not yet been drafted in any form. I do not yet know if anything will be releasable but will follow up with you asap.*" This response is legally insufficient.
41. Under N.C. Gen. Stat. § 143-318.10(e), every public body is required to create minutes and a general account of each closed session, and any withholding must be limited strictly to those portions necessary to prevent disclosure of lawfully exempt information. The North Carolina Supreme Court has made clear that public bodies may not engage in blanket withholding or excessive secrecy and must segregate and release all non-exempt material. *News & Observer Publ'g Co. v. Poole*, 330 N.C. 465 (1992)
42. The Town's admission that no minutes "*in any form*" had been drafted for the March 9 closed session establishes a facial violation of N.C. Gen. Stat. § 143-318.10(e), which requires contemporaneous creation of both minutes and a general account. The Court of Appeals has likewise held that a public agency cannot evade its disclosure obligations by failing to create the records the statute requires. *Times-News Publ'g Co. v. State of North Carolina*, 124 N.C. App. 175 (1996).
43. Moreover, the Town's refusal to produce any portion of the March 9 closed-session materials mirrors the conduct condemned in *Gray Media Group v. Town of Matthews* (COA25-332), where the Court held that the Town violated the Public Records Act by withholding closed-session materials without lawful justification and by refusing to segregate and release non-exempt content.
44. The Town's failure to create the required minutes, combined with its refusal to produce any responsive records, constitutes an ongoing violation of N.C. Gen. Stat. §§ 132-6 and 143-318.10(e) and further supports Plaintiff's request for judicial intervention and *in camera review*.

**March 11, 2026 Request: June 23, 2025; August 26, 2025 Closed-Session Minutes and October 13, 2025 Closed-Session Rough Draft Notes - Exhibit F**

45. On March 11, 2026, Plaintiff submitted a public records request seeking the approved closed-session minutes for June 23, 2025, and August 26, 2025, as well as the rough-draft notes for the October 13, 2025 closed-session. On March 30, 2026, Town Clerk Lori Canapinno responded that "*These minutes are under review. I will follow up with you as soon as possible to provide anything releasable,*" yet the Town has produced no records, provided no lawful justification for withholding them, and has not followed up as promised. This failure violates the Town's statutory duty to provide access to public records "as promptly as possible" under N.C. Gen. Stat. § 132-6(a).
46. North Carolina law requires that closed-session minutes and draft notes be created and maintained, and that they be released in whole or in part once the need for confidentiality has passed. Even when confidentiality remains justified, the Town must segregate and release all non-exempt portions. N.C. Gen. Stat. § 143-318.10(e). Blanket withholding or excessive secrecy is prohibited. *News & Observer Publ'g Co. v. Poole*, 330 N.C. 465 (1992).
47. The Town's refusal to produce any portion of the June 23, August 26, or October 13 closed-session materials mirrors the conduct condemned in the March 4, 2026, Court of Appeals decision in *Gray Media Group v. Town of Matthews* (COA25-332), where the withholding closed-session minutes without proper justification, and by refusing to segregate and release non-exempt content.
48. The Town's continued non-response therefore constitutes an ongoing violation of N.C. Gen. Stat. §§ 132-6 and 143-318.10(e) and further supports Plaintiff's request for judicial intervention and *in camera review*.

**March 16, 2026 Request: Follow-up Email on Multiple Outstanding Public Records Request - Exhibit G**

49. On March 16, 2026 Plaintiff sent a comprehensive follow-up email to Town Clerk Lori Canapinno, Town Attorney Daniel Peterson, and copied Mayor John Higdon, Mayor Pro Tem Susan Chambers, Commissioners Jonathan Clayton, Brian Hacker, Kerry Lamson, Jennifer Garrity, John Urban, Town Manager Melia Gordon, regarding multiple outstanding public records requests.
50. Plaintiff's follow-up email specifically referenced the April 15, 2024 request; the September 16, 2025 request; and the requests for closed-session minutes for November 3, 2025; November 10, 2025 (Session I and II); November 24, 2025; December 8, 2025; June 23, 2025; August 25, 2025; and October 13, 2025 and March 9, 2026, closed-session rough-draft notes.

51. On March 30, 2026, Town Clerk Lori Canapinno issued a consolidated response in which she numbered her replies to correspond with each of Plaintiff's pending requests, and the Clerk's statements in that response are incorporated and cited throughout this Verified Complaint.
52. In that same response, Town Clerk Lori Canapinno produced only the documents related to the February 26-28 Board retreat, as reflected in Paragraphs 38 and 39 of this Complaint.
53. For all remaining requests, Town Clerk Lori Canapinno did not produce the requested records.
54. Town Clerk Lori Canapinno did not identify any statutory exemption permitting the Town to withhold the remaining records.
55. Town Clerk Lori Canapinno did not provide any indication of when remaining records would be made available for inspection or copying.
56. The Town's continued failure to produce the requested records or provide a lawful basis for withholding them violates N.C. Gen. Stat. §§ 132-1, 132-6, and 132-9, which require prompt access to public records and prohibit agencies from delaying or denying access without a specific statutory exemption.

**March 20, 2026 Request: Preservation and Production: October 13, 2025 Rough-Draft Closed-Session Notes - Exhibit H**

57. On March 20, 2026, Plaintiff sent a written notice titled "*Preservation and Production: October 13, 2025 Closed Session Rough-Draft Notes*" to Mayor John Higdon, Mayor Pro Tem Susan Chambers, Commissioners Jonathan Clayton, Brian Hacker, Kerry Lamson, Jennifer Garrity, John Urban, as well as Town Attorney Daniel Peterson, informing them of Plaintiff's March 11, 2026 public records request for the October 13, 2025 closed-session rough-draft notes and of the Town's legal duty to preserve those records pursuant to N.C. Gen. Stat. §§ 132-1, 132-3, and 121-5, along with the Local Government Records Retention Schedule, which carries the force of law. Plaintiff also copied Town Manager Melia Gordon, Town Clerk Lori Canapinno, to ensure that all responsible officials were notified of the preservation obligation.
58. Despite this notice, the Town placed approval of the October 13, 2025 closed-session minutes on the March 23, 2026 Board of Commissioners agenda, creating a substantial risk that draft notes or preliminary materials, already subject to Plaintiff's outstanding request, could be altered, finalized, or destroyed. Destroying or altering a public record frustrates compliance with N.C. Gen. Stat. § 132-6.2(b), which requires production "as

promptly as possible.” The North Carolina Supreme Court has held that public agencies may not withhold, alter, or destroy records to avoid disclosure and must segregate and release all non-exempt portions. *News & Observer Publ’g Co. v. Poole*, 330 N.C.465 (1992).

59. The Town’s failure to respond to Plaintiff’s March 20 preservation notice, combined with its decision to proceed with approval of the October 13, 2025 closed-session minutes while draft notes were under an active public records request, mirrors the conduct condemned in *Gray Media Group v. Town of Matthews* (COA25-332), where the Court of Appeals held that the Town violated the Public Records Act by withholding records, failing to preserve materials, and refusing to segregate and release non-exempt content.
60. The Town’s silence and failure to preserve or produce the October 13, 2025 draft notes therefore constitute ongoing violations of N.C. Gen. Stat. §§ 132-1, 132-3, 132-6(b) and 143-318.10(e), and further support Plaintiff’s request for judicial intervention and *in camera* review.

**April 23, 2026 Request: Preservation and Production: March 9, 2026 Closed-Session Rough Draft Notes and Outstanding Public Records Request - Exhibit I**

61. On April 23, 2026, Plaintiff sent a written notice titled “*Preservation and Production: March 9, 2026 Closed-Session Rough Draft Notes and Outstanding Public Records Request*” to Mayor John Higdon, Mayor Pro Tem Susan Chambers, Commissioners Jonathan Clayton, Kerry Lamson, Brian Hacker, Jennifer Garrity, John Urban, Town Clerk Lori Canapinno, Town Attorney Daniel Peterson, Town Manager Melia Gordon, informing them of Plaintiff’s March 11, 2026, public records request for the March, 9, 2026, closed-session rough-draft notes and the Town’s legal duty to preserve those records pursuant to N.C. Gen. Stat. §§ 132-1, 132-3, and 121.5, along with the Local Government Records Retention Schedule, which carries the force of law.
62. Additionally, the communication reiterated the Town’s continuing failure to produce the outstanding public records, a delay that constitutes a *constructive denial* under N.C. Gen. Stat. §§ 132-6 and 132-9, as recognized by the North Carolina Court of Appeals in *Gray Media Group, Inc. v. Town of Matthews*, which held that a public agency must either produce the requested records or identify a specific statutory exemption and that unjustified non-production violates the Public Records Act.
63. Despite this notice, the Town placed approval of the March 9, 2026, Board of Commissioners agenda, creating a substantial risk that draft notes or preliminary materials, already subject to Plaintiff’s outstanding request, could be altered, finalized, or destroyed. Destroying or altering a public record frustrates compliance with N.C. Gen. Stat. § 132-6(b), which requires production “as promptly as possible.” The North Carolina Supreme Court has held that public agencies may not withhold, alter, or destroy records to

avoid disclosure and must segregate and release all non-exempt portions. *News & Observer Publ'g Co. v. Poole*, 330 N.C. 465 (1992).

64. The Town's failure to respond to Plaintiff's April 23, 2026, preservation notice, combined with its decision to proceed with approval of the March 9, 2026 closed-session minutes while draft notes were under an active public records request, mirrors the conduct condemned in *Gray Media Group v. Town of Matthews* (COA25-332), where the Court of Appeals held that the Town violated the Public Records Act by withholding records, failing to preserve materials, and refusing to segregate and release non-exempt content.
65. The Town's silence and failure to preserve or produce the March 9, 2026 draft notes therefore constitute ongoing violations of N.C. Gen. Stat. §§ 132-1, 132-3, 132-6(b), and 143-318.10(e), and further support Plaintiff's request for judicial intervention and *in camera* review.

#### **Comparative fulfillment of Other Public Records Requests - Exhibit J**

66. The Town of Matthews Transparency Portal expressly defines N.C. Gen. Stat. § 132-1 as encompassing "*all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions.*" The Portal also displays numerous public records requests submitted by individuals that the Town has already fulfilled.
67. Request **#26-67** was submitted on October 21, 2025, at 9:10 AM and fulfilled on October 21, 2025 at 9:12 AM, just two minutes later, by Town Clerk Lori Canapinno. The request produced a complete copy of the investigation report and all costs associated with the investigation.
68. Request **#25-65** was submitted on October 17, 2025, at 10:49 PM and was fulfilled by Public Works staff on October 20, 2025 at 3:21 PM. This request sought copies of all cash bonds for new construction and/or maintenance that remain in escrow, covering the period from 1990 to the present.
69. Request **#25-64** was submitted on October 17, 2025, at 10:48 PM and was fulfilled on October 20, 2025 at 10:18 AM by Teresa Fulk, Finance Department. The request sought

all checks in the amount of \$100.00 or more that remained stale and/or outstanding from January 1, 2021 to the present, and the Town produced the records in full.

70. Request **#25-59** was submitted on October 15, 2025, at 2:20 PM and was fulfilled on October 20, 2025 at 10:25 AM by Corey King. This request encompassed all documents related to Four Mile Creek Greenway Access.
71. Request **#25-26** was submitted on August 7, 2025, at 4:02 PM, and Town Clerk Lori Canapinno responded at 4:25 PM the same day informing the requester that the Town does not have records requested.
72. Request **#25-24** was submitted on July 30, 2025, at 7:26 PM and marked as fulfilled by Town staff on August 7, 2025 at 9:31 AM. This request was represented as including all zoning and code-violation citations issued.
73. Request **#25-2** was submitted on April 7, 2025, at 10:50 AM and fulfilled one minute later, at 10:51 AM by Town staff. The response provided all registered short-term rental properties located within the Town of Matthews.
74. Request **#26-57** was submitted on May 4, 2026, at 11:32 AM and was fulfilled on May 4, 2026, at 12:13 PM by Town Clerk Lori Canapinno. This request included Purchase Order details from June 25, 2025, to current.
75. On January 23, 2026, Plaintiff submitted request **#26-11** at 12:40 PM and was an exact duplicate of #26-67, seeking all costs associated with the Investigation Report. Despite being identical, Plaintiffs request #26-11 received no response and was not fulfilled until February 3, 2026, eleven days after submission, in stark contrast to Request #26-67, which was fulfilled in two minutes. As of the filing of this Verified Complaint, the Town has failed to post Plaintiffs public records request to its Public Records Request portal, despite its obligation to maintain an accurate and complete log of fulfilled requests.

### CLAIM FOR RELIEF

Plaintiff re-alleges Paragraph 1 - 75 as if fully set forth herein. Under the North Carolina Public Records Act, any person denied access to public records may apply to the General Court of Justice for an order compelling disclosure. N.C. Gen. Stat. § 132-9(a). In any action in which a party successfully compels disclosure and substantially prevails, the court shall award the prevailing party its reasonable costs and, where applicable, reasonable attorneys' fees attributable to those public records. *Id* § 132-9(c).

Plaintiff provided written public records communications to the Town of Matthews and directed those communications simultaneously to the Mayor, Mayor Pro Tem, all members of the Board of Commissioners, the Town Manager, the Town Attorney, and the Town Clerk. Each of these

officials received clear notice of Plaintiff's outstanding public records matters, yet the Town did not produce the responsive records, did not identify any statutory exemption permitting withholding, and did not otherwise comply with its obligations under Chapter 132 of the North Carolina General Statutes. The Town has provided no explanation, no statutory basis, and no lawful justification for its failure to respond. Under North Carolina law, a public agency's failure to respond constitutes a constructive denial of access to public records. The Town's non-response is consistent with a broader pattern of selective non-compliance, including prolonged delays, partial productions, and ignoring follow-up communications, affecting both Plaintiff and other requesters.

Plaintiff has made good-faith efforts to resolve these issues without litigation, but the Town continues to withhold the requested records. Because the Town has refused to produce any portion of the records or identify any lawful basis for withholding them, judicial intervention is necessary. An *in camera review* is warranted to allow the Court to examine the withheld materials, determine whether any claimed or potential exemption applies, and ensure that all non-exempt portions are segregated and released as required by law.

The Town continues to withhold responsive public records, including the outstanding Town communications and additional documents that remain unproduced despite multiple lawful requests. These records are public records under Chapter 132, and the Town has cited no lawful exemption for withholding them. Plaintiff is entitled to an order compelling disclosure of all such public records without unlawful redactions or delay and to recover allowable cost pursuant to North Carolina law.

### **REQUEST FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that the Court:

- A. Order the Town of Matthews to immediately produce all public records responsive to Plaintiff's multiple request**, including attachments, metadata, emails, drafts, and communications;
  
- B. Order the Town of Matthews to produce all of the following closed-session minutes and rough-drafts notes in full, subject only to those redactions that are expressly permitted by law and supported by specific statutory citations:**
  - April 15, 2024, closed-session minutes
  - November 3, 2025 closed-session minutes
  - November 10, 2025 closed-session minutes (Sessions I & II)
  - November 24, 2025 closed-session minutes
  - December 8, 2025 closed-session minutes
  - June 23, 2025 closed-session minutes
  - August 25, 2025 closed-session minutes
  - October 13, 2025 closed-session rough-draft notes
  - March 9, 2026 closed-session rough-draft notes

- C. **Order the Town of Matthews to produce all documents responsive to the Home Place records requests.**
- D. **Order the Town of Matthews to provide a written index of any withheld or redacted records, identifying the statutory basis for each withholding;**
- E. **Declare that the Town's failure to respond constitutes a violation of G.S. 132-6(a).**

Plaintiff further prays that the Court provide such additional relief as it deems just, proper, and authorized by law, and that the cost of this action be taxed against Defendants.

Respectfully submitted, this the 21 day of May 2026.



---

**Gina Hoover**

Plaintiff, pro se

2417 Stevens Mill Road

Matthews, North Carolina 28104

Tel: (704) 579-2422

[genayhoover@gmail.com](mailto:genayhoover@gmail.com)

**VERIFICATION**

I, **Gina Hoover**, being first duly sworn, depose and say that I am the Plaintiff in this action; that I have read the foregoing Verified Complaint and Petition for Judicial Order Compelling Disclosure of Public Records; and that the facts stated therein are true to my personal knowledge except as to matters stated on information and belief, and as to those matters, I believe them to be true.

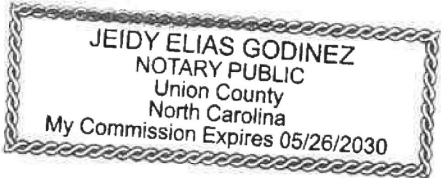
This the 21 day of May 2026.

*Gina Hoover*  
Gina Hoover, Plaintiff

Sworn to and subscribed before me this 21 day of May 2026.

*Jeidy Elias Godinez*

Notary Public  
My commission expires 05-26-2030



# EXHIBIT TABLE OF CONTENTS

## EXHIBIT A

- **Exhibit A-1: Public Records Request dated September 16, 2025, for documents related to the official action to remove Home Place from town-owned property.**
- **Exhibit A-2: Follow-up Email dated October 28, 2025**
- **Exhibit A-3: Second Request dated February 12, 2026, for documents related to the official action to remove Home Place from town-owned property.**

## EXHIBIT B

- **Exhibit B-1: Public Records Request dated January 8, 2026, for April 15, 2024 Closed Session Minutes.**
- **Exhibit B-2: Seven-Page Email Chain Containing Correspondence Between Plaintiff and Town Clerk (Requests and Responses) dated January 30, 2026.**
- **Exhibit B-3: General Account for April 15, 2024 Closed Session. Provided by Town Clerk on February 3, 2026.**
- **Exhibit B-4: Email response dated February 10, 2026, from Town Clerk Lori Canapinno transmitting a heavily redacted version of the April 15, 2024 closed-session minutes.**
- **Exhibit B-5: Redacted Minutes of the April 15, 2024 Closed Session.**
- **Exhibit B-6: Email dated February 10, 2026, notifying the Mayor, Mayor Pro Tem, all Board Members, the Town Attorney, the Town Manager, and the Town Clerk of the Town's *Unlawful Blanket Redaction* of the April 15, 2024 closed-session minutes.**
- **Exhibit B-7: Email dated March 1, 2026, Notification of failure to produce April 15, 2024 closed-session minutes; Town Clerk Lori Canapinno's March 6, 2026 response indicating matter to be discussed by Town Board.**
- **Exhibit B-8: Letter dated March 9, 2026, received from Town Attorney Daniel Peterson.**

## **EXHIBIT C**

- **EXHIBIT C-1: Public Records Request dated February 25, 2026, seeking the approved closed-session minutes for the following meetings: November 3, 2025; November 10, 2025 (Sessions I and II); November 24, 2025; and December 8, 2025.**
- **EXHIBIT C-2: The January 29, 2026 Town of Matthews Agenda included an item for approval of closed session minutes; however, the specific dates of the minutes to be approved were not listed.**

## **EXHIBIT D**

- **EXHIBIT D-1: Public Records Request dated March 6, 2026, for documents related to the February 26-28, 2026 Retreat.**

## **EXHIBIT E**

- **EXHIBIT E-1: Public Records Request dated March 11, 2026, for the March 9, 2026, closed-session rough draft notes.**

## **EXHIBIT F**

- **EXHIBIT F-1: Public Records Request dated March 11, 2026, for the June 23, 2025; August 25, 2025 closed-session minutes and October 13, 2025 closed-session rough draft notes.**

## **EXHIBIT G**

- **EXHIBIT G-1: Public Records followup regarding multiple outstanding requests referenced in my March 16, 2026 correspondence, and Town Clerk Lori Canapinno's March 30, 2026 consolidated response to those requests.**

## **EXHIBIT H**

- **EXHIBIT H-1: Preservation and Production Email dated March 20, 2026, for October 13, 2025 Closed-Session Rough-Draft Notes.**
- **EXHIBIT H-2: Town's March 23, 2026 Agenda Item to Approve October 13, 2025 Closed-Session Minutes.**

## **EXHIBIT I**

- **EXHIBIT I-1: Preservation and Production Email dated April 23, 2026, for March 9, 2026 Closed-Session Rough-Draft Notes.**
- **EXHIBIT I-2: Town's April, 27, 2026, Agenda Item to Approve March 9, 2026, Closed-Session Minutes.**

## **EXHIBIT J**

- **EXHIBIT J-1: Town of Matthews Public Records Request transparency page.**
- **EXHIBIT J-2: Comparison request #25-67.**
- **EXHIBIT J-3: Comparison request #25-65.**
- **EXHIBIT J-4: Comparison request #25-64.**
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- **EXHIBIT J-6: Comparison request #25-26.**
- **EXHIBIT J-7: Comparison request #25-24.**
- **EXHIBIT J-8: Comparison request #25-2.**
- **EXHIBIT J-9: Comparison request #26-57.**
- **EXHIBIT J-10: Request #26-11 Plaintiff's identical duplicate of Request #25-67.**

# **EXHIBIT A**



Gina Hoover <ghoover@matthewsnc.gov>

**Public Records Request**

4 messages

Gina Hoover <ghoover@matthewsnc.gov>  
To: Lori Canapinno <lcnapinno@matthewsnc.gov>

Tue, Sep 16, 2025 at 11:01 AM

Lori,

I am writing to request copies of all emails and letters sent to and received from Town Attorney Daniel Peterson and Peter Juran of Blanco Tackabery from January 2024 to the present.

Additionally, I would like to request all documents related to the official action taken by the town Board to remove Home Place from being town-owned property. This request pertains to the case of Town of Matthews v. Wright.

Furthermore, I would like to request copies of all emails and letters sent to and received from Town Attorney Daniel Peterson and Alex Freeman from January 2024 to the present.

Thank you.

**Gina**

**Gina Hoover**  
**Mayor Pro Tem**  
**Town of Matthews**  
ghoover@matthewsnc.gov  
www.matthewsnc.gov  
704-847-4411



***Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to request and review.***

Lori Canapinno <lcnapinno@matthewsnc.gov>  
To: Gina Hoover <ghoover@matthewsnc.gov>

Tue, Sep 16, 2025 at 4:16 PM

Hi Gina. We are in receipt of your request and will contact you with applicable records.

Lori Canapinno, CMC  
Town Clerk  
Town of Matthews  
232 Matthews Station Street  
Matthews, NC 28105  
Town Hall (704) 847-4411  
Direct line (704) 708-1222  
Fax (704) 845-1964  
lcnapinno@matthewsnc.gov  
www.matthewsnc.gov





Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to request and review.

[Quoted text hidden]

Gina Hoover <ghoover@matthewsnc.gov>  
To: Lori Canapinno <lcanapinno@matthewsnc.gov>

Tue, Oct 28, 2025 at 11:03 AM

Lori,

I'm following up on my public records request sent on September 16th.

Request sent -

"I am writing to request copies of all emails and letters sent to and received from Town Attorney Daniel Peterson and Peter Juran of Blanco Tackabery from January 2024 to the present.

Additionally, I would like to request all documents related to the official action taken by the town Board to remove Home Place from being town-owned property. This request pertains to the case of Town of Matthews v. Wright.

Furthermore, I would like to request copies of all emails and letters sent to and received from Town Attorney Daniel Peterson and Alex Freeman from January 2024 to the present."

Thank you.

**Gina**

**Gina Hoover**  
**Mayor Pro Tem**  
**Town of Matthews**  
[ghoover@matthewsnc.gov](mailto:ghoover@matthewsnc.gov)  
[www.matthewsnc.gov](http://www.matthewsnc.gov)  
**704-847-4411**



***Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to request and review.***

On Tue, Sep 16, 2025 at 11:01 AM Gina Hoover <ghoover@matthewsnc.gov> wrote:  
[Quoted text hidden]

Lori Canapinno <lcanapinno@matthewsnc.gov>  
To: Gina Hoover <ghoover@matthewsnc.gov>

Tue, Oct 28, 2025 at 4:58 PM

Hello Gina. I will check with Daniel and get back to you asap.



Lori Canapinno, CMC  
Town Clerk  
Town of Matthews  
232 Matthews Station Street  
Matthews, NC 28105  
Town Hall (704) 847-4411  
Direct line (704) 708-1222  
Fax (704) 845-1964  
lcanapinno@matthewsnc.gov  
www.matthewsnc.gov



Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to request and review.

[Quoted text hidden]



Gina Hoover <genayhoover@gmail.com>

## Official Board Action to Remove "Home Place" From Town-Owned Street System

1 message

Gina Hoover <genayhoover@gmail.com>

Thu, Feb 12, 2026 at 4:00 PM

To: Lori Canapinno <lcnapinno@matthewsnc.gov>

Cc: Melia Gordon <mgordon@matthewsnc.gov>, Curt Walton <cw Walton@matthewsnc.gov>, Daniel Peterson <danielpeterson@parkerpoe.com>, Johnathan Clayton <jclayton@matthewsnc.gov>, Jennifer Garrity <jgarrity@matthewsnc.gov>, Brian Hacker <bhacker@matthewsnc.gov>, Kerry Lamson <klamson@matthewsnc.gov>, John Urban <jurban@matthewsnc.gov>, John Higdon <mayorhigdon@matthewsnc.gov>, Susan Chambers <schambers@matthewsnc.gov>, Department of Justice - Civil Rights <civilrights@ncdoj.gov>, CJ O'Neil <cjoneil@matthewsnc.gov>

Ms. Canapinno,

Thank you for your response. However, the documents you provided were not responsive to my request from September 16, 2025, and you did not provide all documents as requested. I am therefore renewing and clarifying my request below.

Pursuant to the North Carolina Public Records Act, N.C.G.S. §132.1 et seq., I am requesting all documents related to any official action taken by the Town of Matthews Board of Commissioners to remove the "Eastern Section of Home Place" from being Town-owned property or from the Town-owned street system.

This request specifically includes, but is not limited to:

1. Any **Resolution of Intent to Close Home Place** pursuant to **N.C.G.S. §160A-299**.
2. All **published notices, mailed notices, and posted notices** required under §160A-299.
3. Any **public hearing records**, minutes, agendas, or recordings related to a proposed street closing.
4. Any **final order**, vote, or Board action purporting to close, abandon, or convert Home Place to private property.
5. Any **correspondence, memoranda, emails, or directives** between Town staff, former Town Attorney Charles Buckley, or the Board regarding the legal status of Home Place.
6. Any **communications with NCDOT** concerning Home Place, including Powell Bill submissions, revisions, or requests for removal from Powell Bill maps. You may exclude any items you have previously provided.
7. All correspondence, letters, or written communications sent by former Town Attorney Charles Buckley, in his official capacity, to any abutting landowners along Home Place.

### Legal Basis for Request

Under North Carolina law, **only the governing board**, and only through the formal procedure in **N.C.G.S. §160A-299**, may remove a municipal street from the Town-owned street system or convert it to private property. This statute requires:

1. A Board-adopted **Resolution of Intent**
2. Four weeks of **published notice**
3. **Mailed notice** to abutting owners
4. **Posted notice** on street
5. A **final Board vote**
6. A **recorded order** with the Register of Deeds

Removing a street or any portion of a street from the Powell Bill system does not remove it from the Town-owned street system or alter its legal status as a public road.



Gmail - Official Board Action to Remove "Home Place" From Town-Owned Street System

As established by the court in COA11-68, COA14-943, and 07CVS-7662, the entire eastern section of Home Place is a private road. Parcel numbers 22705137, 22705138, 22705139, 22705140, 22705141, 22705142, and 22705143 are the only properties along Home Place where the Town holds fee-simple ownership.

**Format and Delivery**

Please provide the requested records in PDF format. If any portion of this request is denied, please provide the **specific statutory basis** for each denial, as required by **N.C.G.S. §132-9**.

Thank you for your prompt attention to this request.

Sincerely,  
Gina Hoover

---

**3 attachments**



**Home Place - COA11-68.pdf**  
723K



**Home Place - 07CVS 7662.pdf**  
470K



**Home Place - COA14-943.pdf**  
140K

# **EXHIBIT B**



Gina Hoover <genayhoover@gmail.com>

## Public Records Request - April 15, 2024 Closed Session Minutes

2 messages

**Gina Hoover** <genayhoover@gmail.com>  
To: Lori Canapinno <lcanapinno@matthewsnc.gov>  
Cc: Department of Justice <opengov@ncdoj.gov>

Thu, Jan 8, 2026 at 9:50 AM

Re: **Request for April 15, 2024 Closed Session Minutes, Including the Minutes the Town Claims Were Released**

Lori,

Pursuant to the North Carolina Public Records Law, N.C.G.S. §132-1 et seq., I am requesting a copy of the **closed session minutes from the April 15, 2024 meeting**, specifically:

1. **The portion of the minutes where it is recorded that Mayor John Higdon praised former Town Manager Becky Hawke for her handling of a use-of-force incident, and**
2. **Any version of the April 15, 2024 closed session minutes that the Town alleges were released or improperly released, as referenced in the Town's Investigation Report.**

Please provide the minutes **as they were written and recorded during the April 15, 2024 closed session**, including **the closed session minutes that were released**, with only those portions redacted that the Town determines cannot legally be disclosed under N.C.G.S. §143-318.10(e).

### Clarification of Scope

This request is **not** for a summary, paraphrase, or reconstructed narrative.

It is **only for**:

1. The **actual recorded minutes**, and
2. **The specific version the Town claims was released.**

If the Town asserts that:

1. no such released minutes exist,
  2. the minutes do not contain the referenced statement, or
  3. the Town cannot identify the portion referenced,
- please confirm this in writing.

### Redactions

If any portion must be withheld, please provide:

1. The **specific statutory exemption** for each redaction, and
2. A **redacted version** with only the exempt portions removed.

### Format

Electronic copies in PDF file.

Thank you for your prompt attention to this request. I look forward to your response.

Sincerely,  
Gina

**Lori Canapinno** <lcanapinno@matthewsnc.gov>  
To: Gina Hoover <genayhoover@gmail.com>  
Cc: Department of Justice <opengov@ncdoj.gov>

Fri, Jan 9, 2026 at 8:10 AM

Hello Gina. We are in receipt of your Mr request as will get back to you asap.

EXHIBIT

B-1

Lori Canapinno, CMC  
Town Clerk  
Town of Matthews  
232 Matthews Station Street  
Matthews, NC 28105  
Town Hall (704) 847-4411  
Direct line (704) 708-1222  
Fax (704) 845-1964  
lcanapinno@matthewsnc.gov  
www.matthewsnc.gov



Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to request and review.

On Jan 8, 2026, at 9:51 AM, Gina Hoover <[genayhoover@gmail.com](mailto:genayhoover@gmail.com)> wrote:

[Quoted text hidden]



Gina Hoover <genayhoover@gmail.com>

## Unlawful Delay and Constructive Denial of Public Records Request Under N.C. Gen. Stat. Chapter 132

7 messages

Gina Hoover <genayhoover@gmail.com>

Fri, Jan 30, 2026 at 2:08 PM

To: Daniel Peterson <danielpeterson@parkerpoe.com>, Lori Canapinno <lcnapinno@matthewsnc.gov>  
Cc: Melia Gordon <mgordon@matthewsnc.gov>, Curt Walton <cwalton@matthewsnc.gov>, Jennifer Garrity <jgarrity@matthewsnc.gov>, Kerry Lamson <klamson@matthewsnc.gov>, Susan Chambers <schambers@matthewsnc.gov>, Johnathan Clayton <jclayton@matthewsnc.gov>, Brian Hacker <bhacker@matthewsnc.gov>, John Higdon <mayorhigdon@matthewsnc.gov>, John Urban <jurban@matthewsnc.gov>, Department of Justice - Civil Rights <civilrights@ncdoj.gov>

### Town of Matthews

Attn: Daniel Peterson, Town Attorney  
and Lori Canapinno, Town Clerk & Custodian of Records  
232 Matthews Station Street  
Matthews, NC 28105

### To the Town Attorney and Town Clerk:

I am writing to formally notify the Town of Matthews that its continued failure to release the public records responsive to my requests, submitted on **August 29, 2025, September 16, 2025, January 7, 2026, January 8, 2026, and January 23, 2026**, constitutes an unlawful delay and a constructive denial under North Carolina Public Records Law, **N.C. Gen. Stat. §132.9**.

North Carolina law is unequivocal: public records belong to the people, and government agencies must provide access **promptly**, without obstruction, delay, or selective treatment.

### I. Statutory Requirements Under G.S. 132.6

North Carolina General Statute **132.6** establishes the core obligations for public agencies:

#### G.S. 132.6(a).

Public Records must be made available **"for inspection at reasonable times and under reasonable supervision."** This means the Town must facilitate access, not delay it, restrict it, or impose conditions not authorized by statute.

#### G.S. 132-6(b).

Agencies must permit the public to **obtain copies** of public records and must provide them **"as promptly as possible."** The statute does not allow indefinite delays, administrative backlog excuses, or discretionary withholding.

#### G.S. 132-6(c)

If copies are requested, the agency must provide them **"as promptly as possible."** The law does not permit the Town to delay production for convenience, internal workflow, or discretionary review. The phrase **"as promptly as possible"** has been repeatedly interpreted by courts to mean **without unreasonable delay**.

### II. Legal Responsibility of the Town Clerk

Under North Carolina law, the **Town Clerk is the official custodian of public records**. This role carries mandatory, non-discretionary duties:

- \* The Clerk must maintain, safeguard, and produce public records.
- \* The Clerk must comply with all requests unless a specific statutory exemption applies.
- \* If an exemption is claimed, the Town must cite the **exact statute and explain its application**.

No such exemption has been cited for any of my requests.

### III. Constructive Denial and De Facto Denial

North Carolina courts and the North Carolina Press Association define **constructive denial (also called de facto denial)** as occurring when:

- \* An agency fails to provide records within a reasonable time.
- \* Fails to communicate a timeline,



- \* Fails to cite a lawful exemption, or
- \* Engages in delay that effectively prevents access.

In other words, **delay itself becomes denial.**

Your failure to produce the requested records, months after submission, meets the definition of constructive denial under established legal standards.

#### IV. Relevant Case Law

North Carolina appellate courts have consistently held:

##### **News & Observer Publishing Co. v. Poole, 330N.C. 465 (1992)**

Public Records are presumed open; the government bears the burden of proving any exemption.

##### **Times-News Publishing Co. v. State, 124 N.C. 175 (1996)**

Agencies cannot withhold records without citing a specific statutory exemption; unjustified delay constitutes unlawful denial.

##### **Carter v. City of Asheville**

Failure to provide records promptly, combined with inadequate explanation, can amount to a constructive denial.

##### **McCormick v. Hanson**

Agencies must produce records "as promptly as possible" and cannot delay for administrative convenience .

These cases make clear that the Town's current conduct is not legally defensible.

#### V. Enforcement and Consequences Under G.S. 132-9

Under **G.S. 132-9**, any person denied access to public records may file a civil action in Superior Court.

The statute requires:

- \* **Immediate hearing**
- \* **Priority on the court's calendar**
- \* **Mandatory attorney's fees in the agency acted without substantial justification**

#### VI. Demand for Immediate Compliance

I hereby request that the Town:

- 1. Release all responsive records immediately, or**
- 2. Identify each specific statutory exemption the Town believes applies, with explanation.**

North Carolina Public Records Law provides no statutory authority for a municipality, or any of its agents, to delay the inspection or release of public records. Neither the town clerk, nor administrative staff, nor elected officials, nor the town attorney possess any discretion to postpone production. Under **G.S. 132-6**, public records must be made available "**as promptly as possible**" and the statute contains no provision permitting delay for attorney review, internal coordination, or any other administration rationale. When an agency withholds records without citing a specific statutory exemption, or engages in prolonged or unexplained delay, that conduct constitutes both a **constructive denial and a de facto denial** of access under **G.S. 132-6** and **G.S. 132-9**, triggering the requester's right to seek judicial relief.

If the Town fails to comply, I will proceed with all remedies available under **G.S. 132-9**, including filing a civil action in **Mecklenburg County Superior Court.**

Please provide confirmation and a complete production of records **no later than five business days from the date of this letter.**

Sincerely,  
Gina Hoover  
[genayhoover@gmail.com](mailto:genayhoover@gmail.com)

Lori Canapinno <[lcnapinno@matthewsnc.gov](mailto:lcnapinno@matthewsnc.gov)>  
To: Gina Hoover <[genayhoover@gmail.com](mailto:genayhoover@gmail.com)>

Mon, Feb 2, 2026 at 8:27 AM

Cc: Daniel Peterson <danielpeterson@parkerpoe.com>, Melia Gordon <mgordon@matthewsnc.gov>, Curt Walton <cwalton@matthewsnc.gov>, Jennifer Garrity <jgarrity@matthewsnc.gov>, Kerry Lamson <klamson@matthewsnc.gov>, Susan Chambers <schambers@matthewsnc.gov>, Johnathan Clayton <jclayton@matthewsnc.gov>, Brian Hacker <bhacker@matthewsnc.gov>, John Higdon <mayorhigdon@matthewsnc.gov>, John Urban <jurban@matthewsnc.gov>, Department of Justice - Civil Rights <civilrights@ncdoj.gov>

Hello Ms Hoover. The Town is committed to transparency and compliance with all statutory requirements. We're still working on your requests and they will be provided as soon as possible.

Lori Canapinno, CMC  
Town Clerk  
Town of Matthews  
232 Matthews Station Street  
Matthews, NC 28105  
Town Hall (704) 847-4411  
Direct line (704) 708-1222  
Fax (704) 845-1964  
[licanapinno@matthewsnc.gov](mailto:licanapinno@matthewsnc.gov)  
[www.matthewsnc.gov](http://www.matthewsnc.gov)



Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to request and review.

[Quoted text hidden]

**Gina Hoover** <genayhoover@gmail.com>

Mon, Feb 2, 2026 at 7:21 PM

To: Lori Canapinno <licanapinno@matthewsnc.gov>

Cc: Daniel Peterson <danielpeterson@parkerpoe.com>, Melia Gordon <mgordon@matthewsnc.gov>, Curt Walton <cwalton@matthewsnc.gov>, Jennifer Garrity <jgarrity@matthewsnc.gov>, Kerry Lamson <klamson@matthewsnc.gov>, Susan Chambers <schambers@matthewsnc.gov>, Johnathan Clayton <jclayton@matthewsnc.gov>, Brian Hacker <bhacker@matthewsnc.gov>, John Higdon <mayorhigdon@matthewsnc.gov>, John Urban <jurban@matthewsnc.gov>, Department of Justice - Civil Rights <civilrights@ncdoj.gov>

Ms. Canapinno,

Thank you for your reply. However, your statement that the Town will provide the requested public records "**as soon as possible**" does not satisfy the Town's legal obligations under North Carolina Public Records Law.

North Carolina General Statute **132-6** requires that public records be provided "**as promptly as possible**." This is a statutory standard, not a discretionary one, and it has been repeatedly interpreted by North Carolina courts to mean **immediate, good-faith action with minimal delay**. The phrase "as soon as possible" is not found anywhere in the statute and has a materially different meaning. It implies flexibility, convenience, and open-ended timing, none of which are permitted under Chapter 132.

Your continued use of "as soon as possible," especially after months of delay and multiple requests, reflects several forms of noncompliance:

**1. Failure to Provide a Timeline**

NCGS 132 requires agencies to act promptly and to demonstrate continuous progress. Providing no timeline and no explanation is a recognized form of **constructive denial**.

## 2. Delay for Administrative Convenience

North Carolina courts, including *McCormick v. Hanson Aggregates*, have held that *internal workload, staffing shortages, competing priorities, or administrative processes do not constitute an excuse for delay*. Your response suggests the Town is processing the request at its convenience, not in compliance with the statutory requirement of prompt access.

## 3. Potentially Discriminatory or Selective Treatment

NCGS 132 prohibits agencies from providing different levels of access based on who is requesting the records or whether the request is inconvenient or sensitive. The Town has not provided any lawful justification for why these requests, some pending since August 2025, remain unfulfilled.

## 4. Delay Because the Request is Sensitive or Inconvenient

*Times News Publishing Co. v. State* makes clear that agencies may not delay or withhold records because the content is uncomfortable, politically sensitive, or inconvenient. Your continued non-production raises this concern.

## 5. Short-Staffing is Not a Lawful Basis for Delay

Courts have consistently rejected short-staffing as a justification for failing to comply with Chapter 132. If staffing limitations are contributing to the delay, that is still a violation of the statute.

To be clear:

**"as promptly as possible"** = legally required.

**"as soon as possible"** = not the legal standard, not enforceable, and insufficient under NCGS 132.

Your continued reliance on the latter, after months of inaction, constitutes **unlawful delay** and a **constructive denial** under NCGS 132-6 and 132-9.

Please provide:

1. **A specific, reasonable timeline** for full production, and
2. **Immediate release** of all records currently available, with rolling production thereafter.

If the Town believes any portion of the requested records is exempt, you must cite the **exact statutory exemption** and explain its application. No such exemption has been provided.

Thank you,  
Gina Hoover

[Quoted text hidden]

Lori Canapinno <lcnapinno@matthewsnc.gov>  
To: Gina Hoover <genayhoover@gmail.com>

Tue, Feb 3, 2026 at 4:47 PM

Ms. Hoover, the records that are available now can be found here: <https://www.dropbox.com/scl/fo/u6yqje0s8iyxwycwokyzi/AD0F59Pp9UYaHbFu-jYKx2g?rlkey=ovhqq16agab24adql6ggm0uzb&st=unzurty9&dl=0>

Regarding your request for closed session records relating to the Sante/Cadia Matthews project, there are no responsive records as this topic was not discussed in closed session.

We are still working on the other requests and I will contact you to advise when additional records have been uploaded to that folder.

Lori Canapinno, CMC  
Town Clerk  
Town of Matthews  
232 Matthews Station Street

Matthews, NC 28105  
Town Hall (704) 847-4411  
Direct line (704) 708-1222  
Fax (704) 845-1964  
[icanapinno@matthewsnc.gov](mailto:icanapinno@matthewsnc.gov)  
[www.matthewsnc.gov](http://www.matthewsnc.gov)



Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to request and review.

[Quoted text hidden]

Gina Hoover <genayhoover@gmail.com>

Tue, Feb 3, 2026 at 9:47 PM

To: Lori Canapinno <icanapinno@matthewsnc.gov>, Daniel Peterson <danielpeterson@parkerpoe.com>  
Cc: Curt Walton <cwalton@matthewsnc.gov>, Melia Gordon <mgordon@matthewsnc.gov>, Johnathan Clayton <jclayton@matthewsnc.gov>, Jennifer Garrity <jgarrity@matthewsnc.gov>, John Urban <jurban@matthewsnc.gov>, Kerry Lamson <klamson@matthewsnc.gov>, Brian Hacker <bhacker@matthewsnc.gov>, Susan Chambers <schambers@matthewsnc.gov>, John Higdon <mayorhigdon@matthewsnc.gov>, Department of Justice - Civil Rights <civilrights@ncdoj.gov>

Ms. Canapinno,

Thank you for your recent response to my public records request. However, the document you provided, a **general account of the April 15, 2024 closed session**, is not responsive to my request.

As stated in my original request, I am seeking:

1. The actual recorded closed session minutes from the April 15, 2024 meeting, specifically the portion where **Mayor John Higdon praised former Town Manager Becky Hawke for her handling of a use-of-force incident**, and
2. **Any version of the April 15, 2024 closed session minutes that the Town alleges were released or improperly released**, as referenced in the Town's Investigation Report.

My request explicitly stated that I am not seeking a summary, paraphrase, or reconstructed narrative. I requested only:

- **The actual minutes as written and recorded, and**
- **The specific version the Town claims was released, with only those portions redacted that the Town determines cannot legally be disclosed under N.C.G.S. §143-318.10(e).**

Please provide the actual minutes in the form they were recorded, in accordance with N.C.G.S. §132-1 et seq. If the Town asserts that:

- no such released minutes exist,
  - the minutes do not contain the referenced statement, or
  - the Town cannot identify the portion referenced,
- please confirm this in writing.

If any portion must be withheld, please provide:

1. The specific statutory exemption for each redaction, and
2. A redacted version with only the exempt portions removed.

Please provide in PDF form.

Additionally, thank you for providing a copy of the Investigation Report; however, I want to note that I did not request it.

Thank you,  
Gina Hoover

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**Lori Canapinno** <lcanapinno@matthewsnc.gov>

Wed, Feb 4, 2026 at 4:39 PM

To: Gina Hoover <genayhoover@gmail.com>

Cc: Daniel Peterson <danielpeterson@parkerpoe.com>, Melia Gordon <mgordon@matthewsnc.gov>, Johnathan Clayton <jclayton@matthewsnc.gov>, Jennifer Garrity <jgarrity@matthewsnc.gov>, John Urban <jurban@matthewsnc.gov>, Kerry Lamson <klamson@matthewsnc.gov>, Brian Hacker <bhacker@matthewsnc.gov>, Susan Chambers <schambers@matthewsnc.gov>, John Higdon <mayorhigdon@matthewsnc.gov>, Department of Justice - Civil Rights <civilrights@ncdoj.gov>

Hello Ms. Hoover. The minutes of the April 15, 2024 closed session cannot be publicly disclosed as they contain confidential information relating to privileged consultation with the town attorney and personnel matters. Please see North Carolina General Statutes 143-318.11(a)(3) and (a)(6).

You received a copy of these minutes during your tenure as a Matthews commissioner. As you are now a member of the general public you are not entitled to receive this record - the entirety of those minutes remain confidential and may not be disclosed. What can be shared publicly is the general account of the closed session, which you have already received during your tenure as an elected official and again yesterday.

Please let me know if you have any other questions relating to this matter. Otherwise, I will contact you when records relating to your other requests are available.

Lori Canapinno, CMC  
Town Clerk  
Town of Matthews  
232 Matthews Station Street  
Matthews, NC 28105  
Town Hall (704) 847-4411  
Direct line (704) 708-1222  
Fax (704) 845-1964  
lcanapinno@matthewsnc.gov  
www.matthewsnc.gov



Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to request and review.

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**Gina Hoover** <genayhoover@gmail.com>

Wed, Feb 4, 2026 at 10:14 PM

To: Lori Canapinno <lcanapinno@matthewsnc.gov>

Cc: Daniel Peterson <danielpeterson@parkerpoe.com>, Melia Gordon <mgordon@matthewsnc.gov>, Johnathan Clayton <jclayton@matthewsnc.gov>, Jennifer Garrity <jgarrity@matthewsnc.gov>, John Urban <jurban@matthewsnc.gov>, Kerry Lamson <klamson@matthewsnc.gov>, Brian Hacker <bhacker@matthewsnc.gov>, Susan Chambers <schambers@matthewsnc.gov>, John Higdon <mayorhigdon@matthewsnc.gov>, Department of Justice - Civil Rights <civilrights@ncdoj.gov>, Curt Walton <cwalton@matthewsnc.gov>

Ms. Canapinno,

Thank you for your response. I am following up to clarify the scope of my request and to ensure the Town's position is accurately documented.