

My request is **not** for public disclosure of privileged or personal information. My request is for:

1. **The April 15, 2024 closed session minutes,**
2. **The specific version of those minutes referenced in the Town's Investigation Report, and**
3. **A redacted copy containing only those portions the Town believes are exempt,** with the statutory basis for each redaction.

Under North Carolina law, the Town must conduct a **line-by-line review** of closed session minutes and release all **non-exempt portions**. See *News & Observer Publ'g Co. v. Poole*, 330 N.C. 465 (1992); N.C.G.S. 132-1.1; 143-318.10(e). The general account is a separate statutory requirement and does not substitute for the minutes themselves.

Your response asserts that "the entirety of those minutes remain confidential." However, the Town's own Investigation Report contradicts that assertion. The Report states:

"Mayor Higdon told the Board that former Town Manager Becky Hawke did a great job in handling a use of force matter and got rid of all the rats..."

This statement is **not** attorney-client privileged, **not** a personnel evaluation, and **not** exempt under N.C.G.S. 143-318.11(a)(3) or (a)(6). It is political commentary made by an elected official. Its inclusion in the Investigation Report confirms that:

- * the minutes contain **non-exempt content**, and
- * the Town has already publicly disclosed the substance of that content.

Accordingly, the Town cannot lawfully withhold the minutes in their entirety.

To clarify the Town's position, please confirm the following:

1. Has the Town conducted a line-by-line review of the April 15, 2024 closed session minutes?

If so, please provide the date of that review and the individual(s) who performed it.

2. Is the Town asserting that every line of the minutes is exempt from disclosure under N.C.G.S.143-318.11(a)(3) and (a)(6)?

If so, please confirm that the minutes contain **no procedural content** (motions, attendance, topic headings, votes, etc.) and do **not contain** the statement quoted above from the Investigation Report.

3. Please confirm whether the Town possesses the version of the minutes referenced in the Investigation Report.

The Report clearly indicates that a version of the April 15, 2024 closed session minutes was reviewed.

If the Town now claims that no such version exists or cannot be identified, please confirm that in writing.

4. If the Town maintains that the entire document is exempt, please provide a written certification of that determination, including the statutory basis for withholding the document in full and an explanation of how that determination is consistent with the Town's own published Investigation Report.

To be clear, I am not requesting disclosure of privileged content. I am requesting the **non-exempt portions** of the minutes and the **specific version referenced by the Town itself**. If the Town's position is that no such releasable portion exists, that position must be documented and reconciled with the Town's prior public statements.

The statement that I "received a copy during my tenure as a commissioner" has no relevance under North Carolina's Public Records Law. Chapter 132 does not contain any exemption that allows a public agency to deny access because a requester previously viewed a record or once held a position that provided access. Public records rights belong to every person, regardless of past roles, and agencies may not condition access on prior status or familiarity with the record. There is no "you already saw it once" exception in the statute, and prior access does not relieve the Town of its present-day obligation to provide the record, with only legally exempt portions redacted.

Thank you.
Gina Hoover

[Quoted text hidden]



232 Matthews Station Street
Matthews, NC 28105
704.847.4411

**BOARD OF COMMISSIONERS
NOTICE OF SPECIAL MEETING – CLOSED SESSION
MATTHEWS TOWN HALL – JORDAN ROOM
APRIL 15, 2024 – 6:00 PM**

The Board of Commissioners will meet in closed session pursuant to North Carolina General Statute 143-318.11(a)(3), to discuss matters relating to attorney/client privilege, and 143-318.11(a)(6), to discuss personnel matters. This meeting is not open to the public.



IV. Deadline

Please provide:

* A complete production of all remaining records in PDF form, or

* A written exemption log identifying each withheld record and the statutory basis for withholding.

No later than five pm this Friday February 13, 2026. This will be my final notice before I pursue enforcement of my right to the public records guaranteed under North Carolina law.

Thank you.

Gina Hoover

genayhoover@gmail.com

Lori Canapinno <lcanapinno@matthewsnc.gov>

Tue, Feb 10, 2026 at 4:55 PM

To: Gina Hoover <genayhoover@gmail.com>

Cc: Daniel Peterson <danielpeterson@parkerpoe.com>, Melia Gordon <mgordon@matthewsnc.gov>, Curt Walton <cwalton@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>, John Higdon <mayorhigdon@matthewsnc.gov>, Susan Chambers <schambers@matthewsnc.gov>, Department of Justice - Civil Rights <civilrights@ncdoj.gov>

Hello Ms. Hoover. Records responsive to your public record requests are now available here:

<https://www.dropbox.com/scl/fo/p80eluic68py9qj55vvrs/AHhFYvW7f7rPNd6OkX87NbA?rlkey=i5qpnijdghwb37t5o89kn0doh&st=lms1kcxo&dl=0> This batch includes records relating to costs associated with the

Parker Poe-led investigation into breaches of closed session confidentiality and the minutes of the April 14, 2024 closed session Board of Commissioners meeting.

→ Thank you for your February 4 email clarifying your request regarding those minutes. 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). ←

A partial submission of records relating to the request referenced below is also available:

...all records detailing how funds associated with the Town Managers Signing Authority have been spent by former Town Manager Becky Hawke. This includes invoices, payment records, expense reports, fund disbursement logs, and any documentation showing actual expenditures tied to this authority.

Staff continues to work on your requests and estimate that the remainder will be available at the end of the week. I will update you if that timeline changes.

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





MINUTES
BOARD OF COMMISSIONERS SPECIAL MEETING
CLOSED SESSION
JORDAN ROOM, MATTHEWS TOWN HALL
APRIL 15, 2024 – 6:00 PM

PRESENT: Mayor John Higdon; Mayor Pro Tem Gina Hoover; Commissioners Renee Garner, Ken McCool; Leon Threatt; Mark Tofano, and John Urban

ALSO PRESENT: Town Attorney Charles Buckley; Town Manager Becky Hawke; Town Clerk Lori Canapinno; Attorney Daniel Peterson

TOPIC: WBTB lawsuit

The Board met in closed session pursuant to North Carolina General Statute 143-318.11(a)(3), to discuss matters relating to attorney/client privilege, and 143-318.11(A)(6) to consider personnel matters.

Motion by Mr. McCool to go into closed session pursuant to 143-318.11(a)(3), to discuss matters relating to attorney/client privilege, and 143-318.11(A)(6) to consider personnel matters, to include the Mayor, Board of Commissioners, Town Attorney, Town Manager, Town Clerk, and attorney Daniel Peterson. The motion was seconded by Mr. Urban and unanimously approved.

Town Attorney Charles Buckley noted that this is a closed session, and everything discussed in closed session must remain confidential. Ms. Garner asked everyone to confirm that this meeting would be held in confidence and that no one except the Town Clerk was recording the meeting. Mr. Threatt asked what of this matter can be discussed outside of the closed session. Mr. Buckley clarified that the statute says everything discussed in closed session must remain confidential, until the Board approves the release of the minutes of that meeting. Ms. Hoover said that according to the North Carolina School of Government, there are things that participants are allowed to leave and talk about, but Mr. Buckley is making it sound like that's not correct. Ms. Garner reiterated her request, saying she'd like to make sure no one in here is recording, except for Ms. Canapinno. Ms. Hoover said she was not. Mr. Threatt said that some parts of this issue should be responded to, and wanted to know how to address those matters of public interest without breaching closed session confidentiality. Mr. Buckley said a general comment may not be a breach. Mr. Tofano asked if the minutes could be opened with a court order; Mr. Buckley said yes, noting that the Board can vote to approve closed session minutes, but not for personnel matters.

Town Manager Becky Hawke addressed Mr. Threatt's previous question, suggesting that there could be a discussion at the end of the meeting about what the Board wants to say if they do want to refute the media story. That would be a statement from the Board in consultation with the attorney. Mr. Threatt asked if the whole Board would need to agree if one or two members of the Board want to speak. Ms. Garner noted that when one or two people make a statement as a Board member, it appears that it's coming from the entire Board. She hopes people in this room realize their comments reflect on all the Board members. Mr. Buckley said the Board could choose to decide in closed session how to respond. He noted there are repercussions if anyone violates the open meetings law. Board members don't have to respond to news inquiries. Mayor Higdon said it's never a good idea to comment on something in active litigation. Mr. Threatt said he understood, but thinks all the Board members have a responsibility individually to the public, and he doesn't want their hands to be tied. Mr. Buckley explained that their duties as a commissioner are primary. If they all want to put together a comment to share with the public, they can do so, but can't include a comment on the litigation or personnel matters.

Ms. Garner noted that there are certain subjects that are specifically named in statute that have legal penalties. Mr. Buckley noted that breaching confidentiality about personnel matters would rise to the level of a misdemeanor, but litigation does not. Ms. Garner asked if that opened the Town to further lawsuits; Mr. Buckley said that's a potential. Ms. Garner then noted that one's words may not break the law, but irresponsible language makes everyone all subject to a future lawsuit. Mr. Tofano noted that attorney-client privilege is in place for the client to be protected, and the

APPROVED 5/13/2024



client can still say whatever they want to say. Mr. Buckley said that is correct, but the Board as a group is the client here, not individual commissioners. Mr. Threatt asked what would happen if a single commissioner doesn't agree with the Board's path; Mr. Buckley said he couldn't remark on what that commissioner should do, as his client is the Board, not individual commissioners.

(a)(3)

[REDACTED]

(a)(3)

[REDACTED]

(a)(3)+
(a)(6)

[REDACTED]

Mr. Tofano said claim 1 in the WBTV lawsuit says the suit arises from the use of force. The first sentence says *this lawsuit arises from the Town of Mathews' investigation into the use of force by officers with the Matthews police department on the citizen on January 2021. The second sentence says upon WBTV's information and belief, a supervisor choked a man in handcuffs in an MPD holding area while other officers watched.* He noted that the reply from the Town is that the Town agreed to the first sentence; Mr. Peterson agreed. Mr. Tofano noted that sentence two says, "a police supervisor choked a man in handcuffs" and asked if that true or false.

[REDACTED] Mr. Tofano said he wanted to parse the second sentence.

[REDACTED] Mr. Tofano said he is parsing the statement into three clauses: the choking, the location it took place, and that other officers watched.

[REDACTED]

(a)(3)+
(a)(6)
(a)(3)+
(a)(6)
(a)(3)+
(a)(6)

(a)(3)+
(a)(6)-

[REDACTED]

(a)(3)-

[REDACTED]

Ms. Hoover asked why [REDACTED] was fired if no choking occurred.

(a)(6)-

ELEVEN
LINES

(a)(3)

(a)(6)

TWO LINES

(a)(6)-

SIX LINES

[REDACTED]

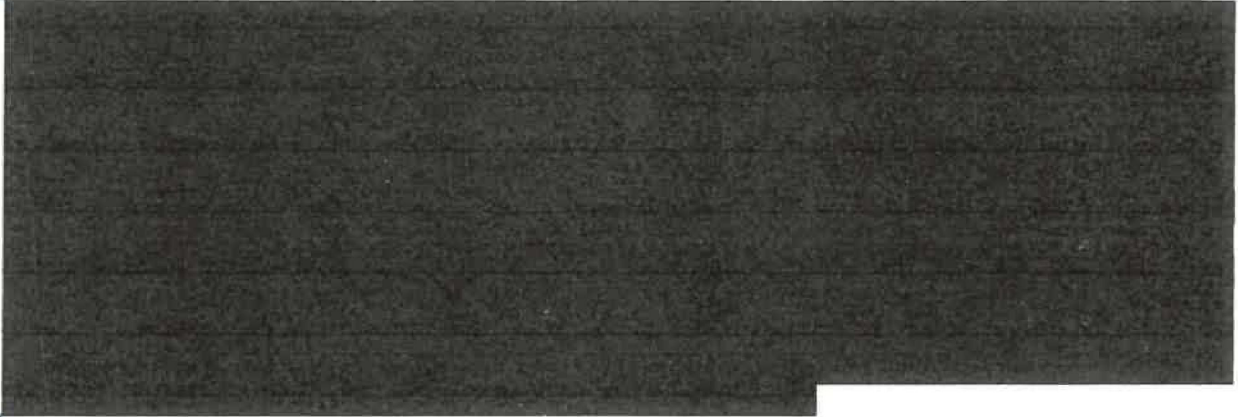
(a)(6)-

[REDACTED]

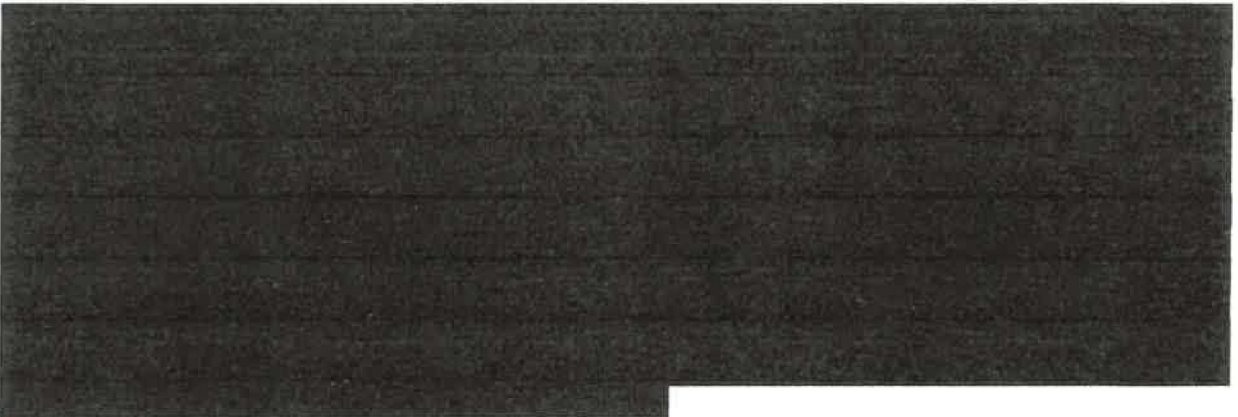
(a)(6)



(a)(3)
+
(a)(6)



(a)(3)
+
(a)(6)



(a)(3)
+
(a)(6)



(a)(3)+
(a)(6)
(SWO LIND)



(a)(6)
EIGHT
LINES

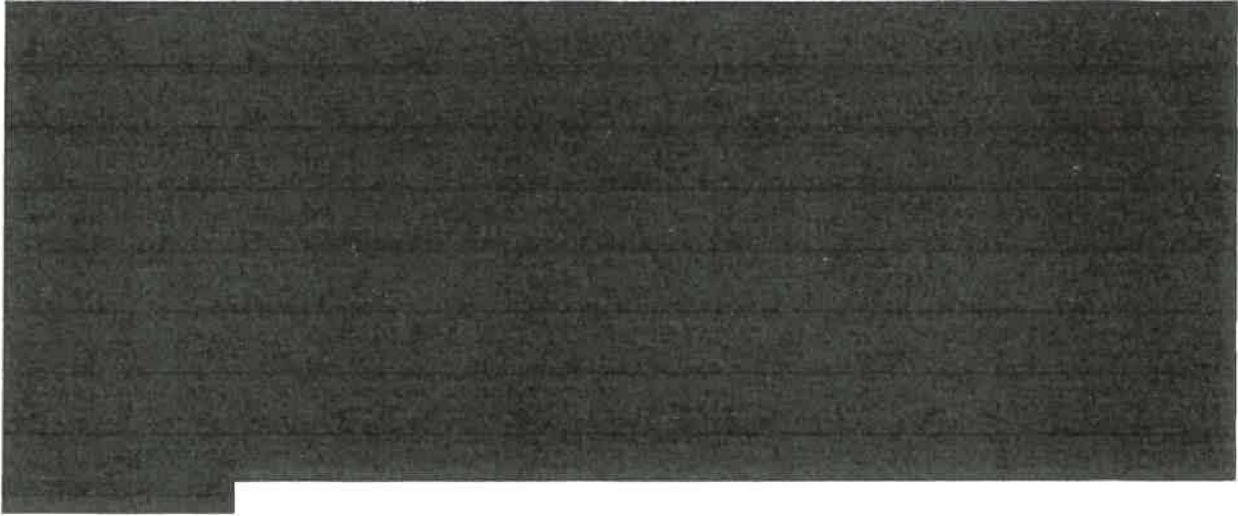
(a)(b) [REDACTED]

(a)(b) [REDACTED]

(a)(b) [REDACTED]

(a)(b) [REDACTED]

(a)(6)



(a)(6)



(a)(3)
+
(a)(6)



(a)(3)
(a)(6)
TWO LINES



(a)(3)
SIX LINES

(a)(3)
(a)(6)

[REDACTED]

Mr. Tofano believes the heart of the matter is the word *choke*, so it's a matter of the Town's interpretation of the definition or how a reasonable person or the court would see it. Mr. Peterson said [REDACTED]

[REDACTED]

Mr. Tofano opined that this entire lawsuit could

be thrown out based on the interpretation of that word. Mr. Peterson [REDACTED]

[REDACTED] He noted the court isn't engaged in whether the use of force was justified or not, but whether the public records statute or confidentiality statute applies.

(a)(3)

(a)(3)
(a)(3)

(a)(3)

[REDACTED]

(a)(6)

[REDACTED]

(a)(6)
TEN
LINES

[REDACTED]

(a)(3)
+
(a)(6)
FOUR
LINES

(a)(3)
(a)(6)

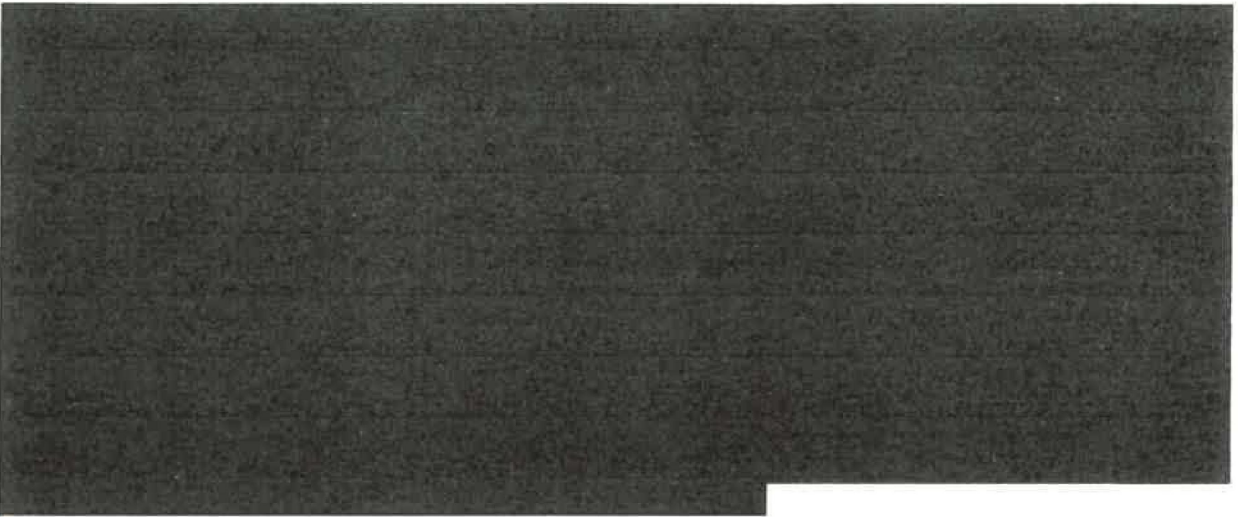


(a)(6)
FIVE LINES
(a)(3)
(a)(6)
THREE LINES

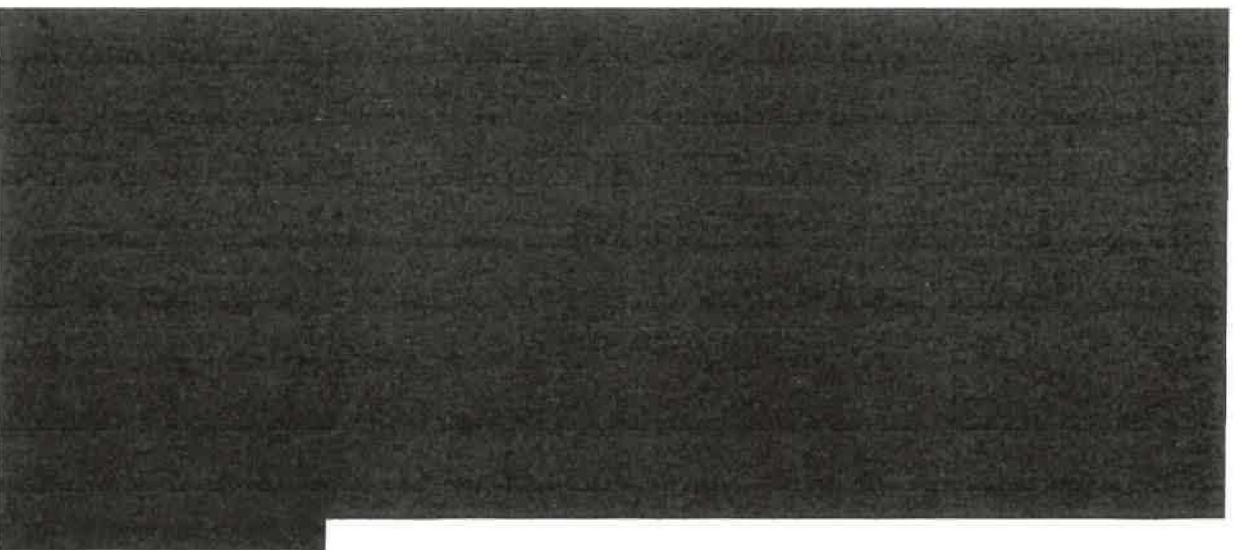


(a)(6) ONE LINE

(a)(6)



(a)(3)
+
(a)(6)



(a)(6)



(a)(6) [Redacted]

(a)(6) [Redacted]

Ms. Hoover said that she heard the man was choked and received three calls about it. She had to explain things.

[Redacted]

(a)(6)

(a)(6)
THREE LINES [Redacted]

(a)(3)
(a)(6)
THREE LINES [Redacted]

(a)(3) [Redacted]

(a)(3) [Redacted]

(a)(3)
(a)(6)⁺ [Redacted]

(a)(6) [Redacted]

(a)(6) [Redacted]

(a)(b)

[REDACTED]

(a)(b)

[REDACTED]

(a)(b)

[REDACTED] Ms. Garner pointed out that when someone is suing you, you shouldn't reach out to them for conversation. This is an ongoing theme with Ms. Hoover that she thought had been resolved. [REDACTED]

(a)(b)

(a)(b)

[REDACTED]

(a)(b)

[REDACTED]

(a)(b)

[REDACTED]

(a)(b)

[REDACTED]

(a)(6) [Redacted text block]

(a)(6) [Redacted text block]

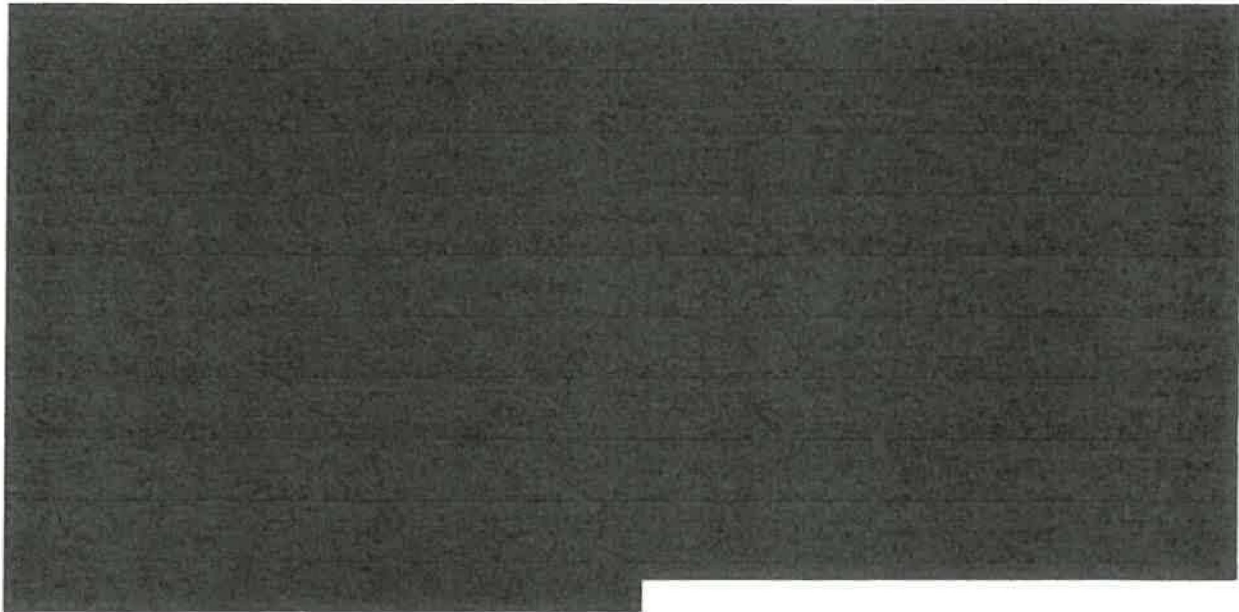
(a)(6) FOUR LINES
(a)(3)
(a)(6) FOUR LINES
(a)(3) + (a)(6)
s. Hoover said she knew this would get flipped and blame would be placed on her. Mayor Higdon said she emailed WBTV [Redacted] It is not acceptable for her to do this, especially when they're suing the Town. This is the third time Ms. Hoover has given aid to those suing the Town. Ms. Hoover said she has a right to speak as well, and she spoke how she felt. [Redacted] (a)(6)

(a)(6) [Redacted text block]

Motion by Mr. McCool to leave closed session. The motion was seconded by Mr. Urban. No vote occurred.

(a)(3) + (a)(6) [Redacted text block]

(a)(6)



(a)(6)



Motion by Mr. McCool to authorize the mayor to work with legal counsel on a statement. The motion was seconded by Mr. Urban and unanimously approved.

(a)(3)



Motion by Mr. McCool to end the closed session and return to open session. The motion was seconded by Mr. Urban and unanimously approved. Motion by Mr. McCool to adjourn. The motion was seconded by Mr. Tofano and unanimously approved. The meeting adjourned at 8:57 pm.

Respectfully submitted,

Lori Canapinno
Town Clerk



Gina Hoover <genayhoover@gmail.com>

Unlawful Blanket Redaction of April 15, 2024, Closed Session Minutes

1 message

Gina Hoover <genayhoover@gmail.com>

Tue, Feb 10, 2026 at 10:17 PM

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

Town Attorney Daniel Peterson
Town Clerk Lori Canapinno

Re: **Unlawful Blanket Redaction of April 15, 2024, Closed Session Minutes**
Request for Line-by-Line Justification and Corrected Release

I am writing to formally challenge the Town's decision to heavily and almost entirely redact the April 15, 2024, closed session minutes. The Town cites **NCGS 143-318.11(a)(3) and 143-318.11(a)(6)** as the basis for these redactions.

Respectfully, the Town's approach is **not consistent with North Carolina law**. The fact that the meeting was properly held under subsections (a)(3) and (a)(6) does **not** authorize the Town to withhold the minutes wholesale. The law requires **narrow, targeted redaction**, not blanket secrecy.

1. Closed session minutes must be released with only the exempt portions redacted.

North Carolina's Open Meetings Law is explicit:
NCGS 143-301.10(e)

"Minutes ...shall be public records...**except those portions that are required to be kept confidential.**"

This means:

1. Closed session minutes **are public records**.
2. Only the **specific confidential portions** may be withheld.
3. The remainder **must** be released.

Nothing in **143-318.11(a)(3) or (a)(6)** authorizes the Town to treat the entire set of minutes as confidential.

2. The North Carolina Supreme Court prohibits blanket redaction

The controlling case is:

News & Observer Publ'g Co. v. Poole, 330 N.C. 465 (1992)

The Supreme Court held:

1. Public bodies must **separate exempt from non-exempt material**.
2. They must release all **non-exempt portions**.
3. They may redact **only** the specific lines that fall within a statutory exemption.
4. The presence of an attorney does **not** make all discussion privileged.

Poole directly prohibits the Town's approach.

3. The Court of Appeals reinforced this rule for personnel matters

Times-News Publ'g Co. v. Alamance-Burlington Bd. of Educ., 242 N.C. App. 375 (2015)

The Court held:

1. Personnel exemptions must be **narrowly applied**.
2. Public bodies may redact only the **specific personnel information**, not entire documents.

This applies directly to **143-318.11(a)(6)**.

4. Scope of permissible redactions under (a)(3) and (a)(6)

A. Under 143-318.11(a)(3), the Town may redact only:

1. Actual legal advice
2. Litigation strategy
3. Attorney-client privileged communications

The Town may **not** redact:

1. Factual background



2. Board member statements
3. Policy discussions
4. Public relations or media strategy
5. Statements by non-attorneys
6. General discussions of transparency or public perception

B. Under 143-318.11(a)(6), the Town may redact only:

1. Specific personnel investigation details
2. Disciplinary actions
3. Performance evaluations
4. HR processes

The Town may **not** redact:

1. General policy discussions
2. Board member opinions or disagreements
3. Discussions about how to respond publicly
4. Factual timelines
5. Statements unrelated to an identifiable employee's file

5. The Town's near-total redaction violates both statute and case law

By redacting nearly the entire April 15, 2024, minutes, the Town has:

1. Failed to conduct the required **line-by-line review**.
2. Applied exemptions far beyond their lawful scope
3. Withheld non-exempt content
4. Violated **NCGS 143-318.10(e)**
5. Violated **NCGS Chapter 132**
6. Violated **Times-News (2015)**

The law requires **precision**, not blanket secrecy.

6. Demand for corrective action

Accordingly, I hereby request:

1. A corrected version of the April 15, 2024, minutes

with only the following redacted:

1. Actual attorney-client legal advice under (a)(3)
2. Specific personnel file information under (a)(6)

2. A line-by-line justification for each redaction, identifying:

1. The specific statutory subsection relied upon
2. A brief explanation of how the redacted text fits within that exemption

This is necessary to evaluate the Town's compliance with the law.

7. Notice of potential judicial review

If the Town declines to provide:

1. A properly redacted version, and
2. a line-by-line justification for each redaction,

I will consider seeking relief in Superior Court under:

NCGS 132-9 (action to compel disclosure), and
NCGS 143-318.16A (action for unlawful closed-session practices).

I request a written response and corrected production within **10 business days**.

Thank you.
Gina Hoover



Gina Hoover <genayhoover@gmail.com>

Failure to Produce April 15, 2024 Closed Session Minutes

3 messages

Gina Hoover <genayhoover@gmail.com>

Sun, Mar 1, 2026 at 10:45 PM

To: Daniel Peterson <danielpeterson@parkerpoe.com>, John Higdon <mayorhigdon@matthewsnc.gov>, Johnathan Clayton <jclayton@matthewsnc.gov>, John Urban <jurban@matthewsnc.gov>, Jennifer Garrity <jgarrity@matthewsnc.gov>, Brian Hacker <bhacker@matthewsnc.gov>, Kerry Lamson <klamson@matthewsnc.gov>, Susan Chambers <schambers@matthewsnc.gov>, Lori Canapinno <lcnapinno@matthewsnc.gov>

Cc: Melia Gordon <mgordon@matthewsnc.gov>, Curt Walton <cwalton@matthewsnc.gov>

Bcc: ncopengov <ncsunshine@elon.edu>

Subject: Failure to Produce April 15, 2024 Closed Session minutes - Final 5-Day Deadline.

To:

**Daniel Peterson, Town Attorney
John Higdon, Mayor
Commissioner Jonathon Clayton
Commissioner John Urban
Commissioner Jennifer Garrity
Commissioner Brian Hacker
Commissioner Kerry Lamson
Commissioner Susan Chambers
Lori Canapinno, Town Clerk and Custodian of Records**

This email serves as formal notice that the Town did **not** provide the April 15, 2024 closed session minutes by the deadline set in my prior request. The Town is now out of compliance with both **NCGS 132-6** (prompt access to public records) and **NCGS 143-318.10(e)** (release of closed session minutes with only lawful redactions).

My prior correspondence explained in detail why the Town's blanket redaction of these minutes is unlawful under:

- **NCGS 143-318.11(a)(3) and (a)(6)**
- **NCGS 143-318.10(e)**
- **NCGS Chapter 132**
- **News & Observer v. Poole, 330 N.C. 465 (1992)**
- **Times-News v. Alamance-Burlington Bd. of Educ., 242 N.C. App. 375 (2015)**

Nothing in these authorities permits the Town to withhold the minutes wholesale, nor to ignore a lawful public records request.

Final Demand for Compliance

You are hereby given **five (5) business days** from the date of this email to produce:

1. A corrected version of the April 15, 2024 closed session minutes, with only:

- Actual attorney-client legal advice redacted under (a)(3), and
- Specific personnel file information redacted under (a)(6).

2. A line-by-line justification for each redaction, identifying:

- The precise statutory subsection relied upon, and
- A brief explanation of how the redacted text fits within that exemption.

This is the minimum required for the Town to demonstrate compliance with North Carolina law.

Notice of Litigation

If the **Town Board** prefers to resolve this matter in **Superior Court**, then so be it. If the Town fails to comply within the five-day window, I will proceed with filing actions under:

- **NCGS 132-9** (to compel disclosure of public records), and
- **NCGS 143-318.16A** (for unlawful closed-session practices).

These statutes authorize judicial review, attorney's fees, and other remedies.

Please confirm receipt of this message and provide the corrected minutes and justification within the required timeframe.

Thank you.



Gina Hoover

Lori Canapinno <lcanapinno@matthewsnc.gov>

Fri, Mar 6, 2026 at 11:41 AM

To: Gina Hoover <genayhoover@gmail.com>

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

→ Hello Ms. Hoover. 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. ←

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]

Peterson, Daniel E. <danielpeterson@parkerpoe.com>

Mon, Mar 9, 2026 at 10:08 PM

To: Gina Hoover <genayhoover@gmail.com>

Cc: "mjames@matthewsnc.gov" <mjames@matthewsnc.gov>, "lcanapinno@matthewsnc.gov" <lcanapinno@matthewsnc.gov>

Ms. Hoover,

Please find attached correspondence.

Best,

Daniel

Daniel Peterson
Partner



620 South Tryon Street | Suite 800 | Charlotte, NC 28202
Office: 704.335.9874 | Mobile: 704.292.0494 | Fax: 704.334.4706 | [map](#)

Visit our website at
www.parkerpoe.com

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From: Lori Canapinno <lcnapinno@matthewsnc.gov>
Sent: Friday, March 6, 2026 11:41 AM
To: Gina Hoover <genayhoover@gmail.com>
Cc: Peterson, Daniel E. <danielpeterson@parkerpoe.com>; John Higdon <mayorhigdon@matthewsnc.gov>; Johnathan Clayton <jclayton@matthewsnc.gov>; John Urban <jurban@matthewsnc.gov>; Jennifer Garrity <jgarrity@matthewsnc.gov>; Brian Hacker <bhacker@matthewsnc.gov>; Kerry Lamson <klamson@matthewsnc.gov>; Susan Chambers <schambers@matthewsnc.gov>; Melia Gordon <mgordon@matthewsnc.gov>; Curt Walton <cwalton@matthewsnc.gov>
Subject: Re: Failure to Produce April 15, 2024 Closed Session Minutes

*****Caution: External email*****

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

2026.03.09 Letter to G Hoover (TOM).pdf
2493K



Daniel E. Peterson
Partner
t: 704.335.9874
f: 704.334.4706
danielpeterson@parkerpoe.com

Atlanta, GA
Charleston, SC
Charlotte, NC
Columbia, SC
Greenville, SC
Raleigh, NC
Spartanburg, SC
Washington, DC

March 9, 2026

Via E-mail

Ms. G. Hoover
genayhoover@gmail.com

Re: Response to March 1, 2026 Email Correspondence

Dear Ms. Hoover:

I am writing in response to your recent correspondence dated March 1, 2026, received via email, which is the latest in a series of emails on the subject. The Town Clerk has already provided you with the responsive document— properly redacted closed session minutes from the April 15, 2024 meeting. The redactions were conducted line by line and the statutory justifications were provided with several instances of lines within paragraphs being divided out for statutory justification.

There is no requirement that the Town provide you with, again, a line-by-line “explanation of how the redacted text fits within that exception.” You have been provided the general account of the closed session, which contains the literal “general account” of what was discussed and, thus, how the redacted text fits within that exception.

In my opinion, your contention that only the attorney’s words can be redacted from closed session minutes where the statutory exception at G.S. § 143-318.11(a)(3) is invoked is mistaken. Board members may properly engage with an attorney in closed session on matters covered by the attorney-client privilege and those discussions are subject to the attorney-client privilege. The general account you have been provided discloses the general nature of that discussion— an active lawsuit— which is a proper subject for an attorney-client privileged discussion between a client and their attorneys. Moreover, the lawsuit discussed is still active, thus precluding release at this juncture under G.S. § 143-318.10(e). Accordingly, the Town stands by its redactions made under G.S. § 143-318.11(a)(3).

As to your contention that the Town must produce “[s]pecific personnel file information redacted under [G.S. § 143-318.11(a)(6)],” much of the closed session was spent discussing the “qualifications, competence, performance, character, fitness,” etc. of an “individual public officer or employee.” There were no “[g]eneral personnel policy issues... considered in [that] closed session,” as would be prohibited under subsection (a)(6). Indeed, all discussions redacted under that subsection were specific to that “individual public officer or employee” and board members’

PPAB 13449494v2

Parker Poe Adams & Bernstein LLP 620 South Tryon Street Suite 800 Charlotte, NC 28202-1935
t 704.372.9000 f 704.334.4706 www.parkerpoe.com



Ms. G. Hoover
March 9, 2026
Page 2

opinions on that individual's "qualifications, competence, performance, character, fitness." Accordingly, the Town stands by its redactions made under G.S. § 143-318.11(a)(6). Additionally, the redactions made under subsection (a)(6) are part of the personnel file of that "public officer or employee" and are thus also confidential under G.S. § 160A-168.

Based on the foregoing, the Town considers this particular request closed. However, as you have threatened litigation, please retain all documents, correspondence, communications of any nature that in any way relate or pertain to: (i) your requests related to the April 15, 2024 minutes; (ii) any topic discussed during that or any other closed session, no matter the recipient; (iii) any threat of litigation-- related to this particular matter or not-- you have ever made against the Town or its officers or agents; and (iv) any other matter which may reasonably lead to the discovery of admissible evidence in the lawsuit you forecasted in your correspondence.

If you retain counsel, please put me in touch with that individual so we may exchange correspondence in the future on this matter.

Sincerely,



Daniel E. Peterson

DEP

EXHIBIT C



Gina Hoover <genayhoover@gmail.com>

Request for Clarification and Public Records - Closed Session Minutes Approved January 29, 2026

2 messages

Gina Hoover <genayhoover@gmail.com>

Wed, Feb 25, 2026 at 2:52 PM

To: Melia Gordon <mgordon@matthewsnc.gov>, Lori Canapinno <lcanapinno@matthewsnc.gov>, Daniel Peterson <danielpeterson@parkerpoe.com>

Cc: Curt Walton <cwalton@matthewsnc.gov>, Johnathan Clayton <jclayton@matthewsnc.gov>, John Urban <jurban@matthewsnc.gov>, John Higdon <mayorhigdon@matthewsnc.gov>, Jennifer Garrity <jgarrity@matthewsnc.gov>, Brian Hacker <bhacker@matthewsnc.gov>, Kerry Lamson <klamson@matthewsnc.gov>, Susan Chambers <schambers@matthewsnc.gov>, ncopengov <ncsunshine@elon.edu>

To: Town Manager Melia Gordon; Town Clerk Lori Canapinno; Town Attorney Daniel Peterson

CC: Mayor and Board of Commissioners

I am writing to request clarification regarding the Board's January 29, 2026 approval of closed session minutes.

For many years, the Town Clerk has consistently listed the **specific dates** of closed session minutes on the published agenda when they were scheduled for approval. On January 29, 2026, the Board approved closed session minutes without listing the dates on the agenda. This is a significant departure from the Town's long-standing practice and from UNC School of Government best-practice guidance, which emphasizes that agendas should be sufficiently descriptive to allow the public to understand what governmental actions are being taken.

Because the omission prevents the public from tracking which minutes exist, which were approved, and whether the Town is complying with the "only so long as necessary" standard in **NCGS 143-318.10(e)**, I am requesting the following records.

Public Records Request (NCGS 132-1 et seq.)

Pursuant to North Carolina Public Records Law, I respectfully request the following:

1. A complete list of all closed session minutes approved by the Board on January 29, 2026, including:

- * the date of each closed session.
- * whether each set of minutes was approved, amended, or tabled
- * whether the Board reviewed the necessity of continued sealing under NCGS 143-318.10(e).

2. Copies of the closed session minutes and general accounts approved on January 29, 2026, in their approved form.

(if any portion remains sealed, please provide the redacted version and cite the specific statutory basis for each redaction)

3. Any staff memoranda, email, or internal communications prepared for the Board related to the January 29, 2026 closed session minute approvals.

4. Any written policy, guidance, or instruction, formal or informal, regarding the decision to stop listing closed session minute dates on the agenda.

5. The draft agenda and all revisions for the January 29, 2026 meeting.

Format & Delivery

Please provide these records via email in PDF format. If any portion of this request is denied, please provide the specific statutory citation for each withheld records as required by law.

Thank you for your prompt attention.

Sincerely,
Gina Hoover

Lori Canapinno <lcanapinno@matthewsnc.gov>

Thu, Feb 26, 2026 at 4:59 PM



To: Gina Hoover <genayhoover@gmail.com>

Cc: Melia Gordon <mgordon@matthewsnc.gov>, Daniel Peterson <danielpeterson@parkerpoe.com>, Curt Walton <cwalton@matthewsnc.gov>, Johnathan Clayton <jclayton@matthewsnc.gov>, John Urban <jurban@matthewsnc.gov>, John Higdon <mayorhigdon@matthewsnc.gov>, Jennifer Garrity <jgarrity@matthewsnc.gov>, Brian Hacker <bhacker@matthewsnc.gov>, Kerry Lamson <klamson@matthewsnc.gov>, Susan Chambers <schambers@matthewsnc.gov>, ncopengov <ncsunshine@elon.edu>

Hello Ms. Hoover.

1. The closed session minutes that were approved on January 29, 2026 were for the following dates:

November 3, 2025
November 10, 2025 (I)
November 10, 2025 (II)
November 24, 2025
December 8, 2025

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.


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]

13 attachments

 **Matthewsnc.gov Mail - Confidential - draft closed session minutes.pdf**
193K

 **BOC_draft_agenda_2026-01-26 v2.pdf**
173K

-  **BOC_draft_agenda_2026-01-26 v1.pdf**
173K
-  **BOC_draft_agenda_2026-01-26 v3.pdf**
177K
-  **BOC_draft_agenda_2026-01-26 v0.pdf**
172K
-  **BOC_agenda_2026-01-29.pdf**
175K
-  **BOC_draft_agenda_2026-01-26 v4.pdf**
176K
-  **BOC_draft_agenda_2026-01-26 v6.pdf**
169K
-  **BOC_draft_agenda_2026-01-26 v7.pdf**
170K
-  **BOC_draft_agenda_2026-01-29 v8.pdf**
176K
-  **BOC_draft_agenda_2026-01-26 v5.pdf**
177K
-  **BOC_draft_agenda_2026-01-29 v10.pdf**
177K
-  **BOC_draft_agenda_2026-01-29 v9.pdf**
176K



**AGENDA
BOARD OF COMMISSIONERS SPECIAL MEETING
JORDAN ROOM, MATTHEWS TOWN HALL
JANUARY 29, 2026 – 5:30 PM**

The Board of Commissioners will meet with staff to receive information on various Town departments.

**AGENDA
BOARD OF COMMISSIONERS SPECIAL MEETING
HOOD ROOM, MATTHEWS TOWN HALL
JANUARY 29, 2026 - 7:00 PM
RESCHEDULED FROM JANUARY 26, 2026**

1. Regular Meeting Called to Order
2. Invocation/Moment of Reflection
3. Pledge of Allegiance
4. Adoption of Agenda
5. Recognize Charlotte-Mecklenburg Storm Water Services' Adopt-A-Drain Volunteer of the Year David Ross
6. Mayoral Proclamation – His Holiness Mahant Swami Maharaj Day
7. Mayoral Proclamation – Black History Month
8. Update from Appearance and Tree Advisory Committee – Chair Debbie Foster
9. Public Comment
10. Consent Agenda
 - A. Approve Board of Commissioner Meeting Minutes – December 8, 2025, January 12 & 17, 2026
 - ➔ B. Approve Board of Commissioner Closed Session Meeting Minutes ←
 - C. Approve Contracts for On-Call Engineering Design Services
 - D. Approve Temporary Street Closures for Certain Town-Sponsored Special Events
 - E. Approve Municipal Agreement to Accept Grant Funds for Moore Road Sidepath
 - F. Approve Support for Parks and Recreation Trust Fund (PARTF) Grant Application
 - G. Approve Disposal of Surplus Property
 - H. Approve Application for Governor's Highway Safety Program Grant
 - I. Approve FY27 Budget Schedule
 - J. Approve Tax Refunds
 - K. Approve Budget Ordinance Amendments to Recognize:
 - 1) Donations to Police Department - \$2,500.00
 - 2) Insurance Proceeds - \$1,251.47
11. Unfinished Business
 - A. Consider Revisions to Board of Commissioners Rules of Procedure



12. New Business

- A. Consider Tourism Grant Awards
- B. Consider Fundraising in Stumptown Park – All Nashville Roadshow
- C. Consider Alcohol Sales/Consumption in Stumptown Park – All Nashville Roadshow
- D. Consider Alcohol Sales/Consumption in Matthews Playhouse of the Performing Arts
- E. Consider Alcohol Sales/Consumption at Certain Town-Sponsored Special Events
- F. Consider Contract for Wayfinding Sign Upgrades
- G. Consider Contract for Northeast Parkway Resurfacing

13. Mayor's Report

14. Board-Appointed Committee Updates

15. Town Attorney's Report

16. Town Manager's Report

17. Closed Session Pursuant to North Carolina General Statute 143-318.11(a)(4) to Consider Economic Development Matters

18. Adjournment

This meeting of the Matthews Board of Commissioners will be conducted in person at the Matthews Town Hall. Citizens may attend on site or view remotely via the Town of Matthews' YouTube channel: <https://www.youtube.com/channel/UC0DdNfJsgXeYtJYJfX-egaw>

EXHIBIT D



Gina Hoover <genayhoover@gmail.com>

Public Records Request - Matthews Board of Commissioners Retreat (Feb. 26-28,2026)

2 messages

Gina Hoover <genayhoover@gmail.com>

To: Lori Canapinno <lcnapinno@matthewsnc.gov>

Cc: Melia Gordon <mgordon@matthewsnc.gov>, Curt Walton <cwalton@matthewsnc.gov>

Fri, Mar 6, 2026 at 9:55 AM

To:
Town Clerk
Lori Canapinno

Re: Public Records Request - Records Related to the February 26-28, 2026 Board Retreat in Greer, South Carolina

Pursuant to **North Carolina Public Records Law, G.S. 132.1 et seq.**, I request access to and copies of **all public records** related to the Matthews Board of Commissioners' retreat held **February 26, 27, and 28, 2026 in Greer, South Carolina.**

This request includes, but is not limited to, the following categories of records:

Records Showing Any Vote or Official Action to Hold the Retreat in South Carolina

1. Minutes, draft minutes, notes, or summaries of any meeting where the Board discussed or voted on the location of the retreat.
2. Audio or video recordings of any meeting where the retreat location was discussed.
3. Any written or electronic record reflecting a vote, consensus, direction or authorization by the Board to hold the retreat in Greer, SC.
4. Any communication from staff, Mayor, or individual commissioners asserting that such a vote occurred.

Drafts, Notes, and Working Documents

1. Rough draft notes, handwritten notes, typed notes, or working documents created by an commissioner, staff member, facilitator, or consultant for the retreat.
2. Draft agendas, draft schedules, draft planning documents, or draft presentations.
3. Any materials prepared for internal use that were not included in the final agenda packet.

Audio, Video, and Recordings

1. Audio recordings, video recordings, or livestream files from any portion of the retreat.
2. Recordings made by staff, consultants, facilitators, or commissioners.
3. Any recordings made for internal documentation, training, or archival purposes.

Communications (Emails, Text, Messaging Apps)

All communications from **January 1, 2026 through March 6, 2026** relating to planning, scheduling, or approving the retreat, including:

1. Emails
2. Text messages
3. iMessage, WhatsApp, Signal, Teams, Slack, or similar messaging platforms.
4. Communication between commissioners, staff, the Mayor, consultants, or third parties.
5. Communications with venue or any South Carolina entity

Search terms should include: "retreat", "Greer," "South Carolina," "planning conference," "Feb," "location," "vote," "special meeting," "agenda," "facilitator," "hotel," and any similar terms reasonably likely to identify responsive records.

Contracts, Invoices, and Financial Records

1. Contracts or agreements with the retreat venue or facilitator
2. Invoices, receipts, or purchasing card records
3. Any documentation showing who authorized expenditure for an out-of-state meeting

Any additional Records Required Under G.S. 132-1

This includes **any record, in any form**, that documents:

EXHIBIT

D-1

EXHIBIT E



Gina Hoover <genayhoover@gmail.com>

Public Records Request - Closed Session Draft Notes

1 message

Gina Hoover <genayhoover@gmail.com>

Wed, Mar 11, 2026 at 11:28 AM

To: Lori Canapinno <lcnapinno@matthewsnc.gov>

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

To:

Lori Canapinno, Town Clerk & Custodian of Public Records
Town of Matthews, North Carolina

Date:

March 11, 2026

Subject: Public Records Request - Rough Draft Closed Session Notes for March 9, 2026

Request

Pursuant to the North Carolina Public Records Law (**NCGS Chapter 132**) and the Open Meetings Law (**NCGS 143-318.9 through 143-318.11**), I respectfully request the following public records.

1. All rough draft notes, handwritten notes, typed notes, or preliminary written accounts created during the March 9, 2026, closed session.

This includes, but not limited to:

- * handwritten notes taken by the clerk, town manager, town attorney, or any board member
- * typed draft minutes
- * working drafts
- * annotations or margin notes

Rough draft notes and preliminary versions are public records under NCGS 132.1, regardless of format or stage of completion.

Statutory Response Requirements

Under **N.C. Gen. Stat. § 132.6**, the Town must permit inspection and provide copies **"as promptly as possible."**

Format

Please provide in PDF form.

If any portion is withheld, please identify:

- * the **specific statutory exemption** relied upon, and
- * provide all **non-exempt portions** as required by law.

Thank you for your attention to this matter.

Gina Hoover



EXHIBIT F