

TIMELINE OF SOUTHERN SHORES' \$75,000 MISCONDUCT REQUIRING CORRECTION WITH TOWN CODE 36-362(b) AMENDMENT

1. Wes Haskett filed a lot width amendment on March 31, 2023
2. Wes Haskett was asked on May 1, 2023 the following question by email: "Could you please tell me anything that would prevent me from subdividing the 75 E. Dogwood Trail lot so I could build another house. I do not own the property but have made an offer on the property". (Exhibit B)
3. Wes Haskett responded to (4) emails during the month of May, 2023 without disclosing the material fact that a lot width amendment was filed on March 31, 2023. (Exhibit B)
4. "Where there is a duty to speak, fraud can be practiced by silence as well as by a positive misrepresentation". *Isler v. Brown*, 196 N.C. 685, 146 S.E. 803; *Brooks Equipment and Manufacturing Co. v. Taylor*, 230 N.C. 680, 55 S.E.2d 311; *Brooks v. Ervin Construction Co.*, 253 N.C. 214, 116 S.E.2d 454.
5. Town Code 36-362(b) requires posted and mailed notice to property owners effected by the Planning Board/Board of Adjustment hearing regulating land use.
6. Wes Haskett did not notify property owners of the May 15, 2023 hearing regulating land use with a lot width amendment filed to prevent lot sub divisions and lied about the May 15, 2023 hearing. (Exhibit A & F)
7. The previous owner of 75 E Dogwood Trail, who Wes Haskett previously communicated with about the 75 E Dogwood Trail lot sub division negotiated an additional \$75,000 from the new owners for a lot that was sub-dividable, as proven with Wes Haskett's July 16, 2024 sub division denial which stated the new lot width requirement was the only reason for the denial.
8. Wes Haskett refused to answer questions about how property owners were notified of the March 31, 2023 lot width amendment on June 12, 2023 and emailed a response that stated "At this point you should direct your questions to our Town Attorney, Philip Hornthal" and included Mayor Morey in his response.
9. Wes Haskett claimed all notification requirements were satisfied prior to the June 6, 2023 lot width amendment at the 10/21/24 Variance (Exhibit E).
10. Wes Haskett and Town Council were served with a Dare County Superior Court Order requiring the complete record of the Variance record within 30 days of 12/18/2023 but refuse to comply.
11. Federal Crime Laws Prohibit Tampering With A Witness, Victim Or An Informant at **18 U.S. Code § 1512 (c)(1),(2)** and state "Whoever corruptly alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both".

MAY 15, 2023 HEARING ON LOT WIDTH AMENDMENT

Sec. 36-360. - Planning board to act as board of adjustment.

By the adoption of this article, the town abolishes the previously established board of adjustment and designates the town planning board established under chapter 24, article II to perform the duties of a board of adjustment as provided in this article. The term "board" when used in this article shall be construed to mean the planning board while performing the duties of board of adjustment under this article. The planning board may perform the duties of a board of adjustment under this article at meetings contemporaneously with other duties or it may hold separate meetings solely for the purpose of performing the duties of a board of adjustment.

Sec. 36-362.- Meetings of the board of adjustment

(b)Notices. Notice of hearings conducted pursuant to this article shall be mailed to: (i) the person or entity whose appeal, application, or request is the subject of the hearing; (ii) to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; (iii) to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and (iv) to any other persons entitled to receive notice as provided by this chapter. In the absence of evidence to the contrary, the town may rely on the Dare County tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least ten days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

Sec. 36-365. - Powers and duties of the board of adjustment.

(a)Hearings authorized. The board shall hear and decide requests for variances of the provisions of this chapter and appeals of decisions of administrative officials charged with enforcement of this chapter. The board shall follow quasi-judicial procedures when deciding appeals and requests for variances. The board shall hear and decide all matters upon which it is required to pass under any statute or ordinance that regulates land use or development that provides for the board to hear such matters.

The word "all" does not have the meaning "some" as proven with a public records request dated 5/13/2025 asking for all records giving the word "all" a meaning that does require the Board of Adjustments to hear a lot width amendment.

TOWN OF SOUTHERN SHORES

PUBLIC RECORDS REQUEST

Pursuant to N.C.G.S. Chapter 132, the Town of Southern Shores makes available to the public all records in its custody and control that are defined as "public records" under N.C.G.S. §132-1. Persons making the request should provide the following information and the Town Clerk will assist in gathering, providing for inspection, or copying the information requested. Please provide the Town with sufficient information to describe those public records being requested.

☐ Inspection (no charge)

☐ Copying

☐ Email

Records will be available for inspection or pick-up as promptly as reasonably possible, but in any event within five (5) business days if the documents being requested are small in nature (minutes, agendas, resolutions, current personnel policy etc). If the documents being requested are archived or extensive in nature the time frame could be as long as fifteen (15) business days, but hopefully would not exceed that time frame. Requests requiring legal review may exceed stated time frames. Requestor will be notified by mail when the records request has been completed and available.

The Town requires payment in accordance with the adopted Fee Schedule and the signature or initials of the requester prior to releasing any documents.

Name of Person Making Request: Anthony S. Mina

Mailing Address 75 E. Dogwood Trail

Email Address chestercountybunn@yahoo.com

Phone Number to Contact Person Making Request: 610-842-3905

Date of Request: 5/13/2025

Public Records Being Requested: ① All records, including dictionaries

that give the word "all" a meaning in Town Code 36-365(a) that does not require the Board of Adjustments to hear a lot width amendment (as opposed to the planning board)

② All records, including dictionaries that give the word "and where" the meaning "if" as Wes Haskett and the ~~planning board~~ Board of Adjustments

Total Copies provided: _____ Amount Due (25¢/copy B/W- 30¢ Color):\$ claimed on

Payment Received (method): Check _____ Cash _____ Money Order Oct. 21, 2024 1/3
April 21, 2025

Signature or Initials of Requesting Party Confirming Receipt of Requested Materials (please do not sign or initial until you have received the items requested above) : _____

Date: _____

Town Staff Filling Request: _____ Date Request Fulfilled: _____