



Lindsay Law

46, Haywood Street, Suite 200,
Haywood Park Hotel Atrium,
Asheville NC 28801

FACSIMILE TRANSMISSION

To: Mr.Zach Ollis

Attention:

From: Attorney Stephen P. Lindsay

RE: Joey Davis

Date: February 2, 2017

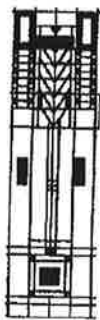
Fax Number: 828-859-6653

Number of Pages Transmitted (Including Cover Sheet): 3

Problems with Transmission Contact: Pamela Knighten 828-551-6446

Contents / Notes:

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**LINDSAY
LAW**

Thursday, February 2, 2017

Mr. Zach Ollis
Tryon Town Manager
301 North Trade Street
Tryon, NC 28782

RE: Joey Davis

VIA FAX TO: 828-859-6653

Mr. Ollis:

I am in receipt of your letter of termination which was received by Mr. Davis today. Please accept this letter as my formal notice to you that I have been retained by Mr. Joey Davis to pursue any and all legal remedies available to him for his recent discharge from his position as Fire Chief. In addition, I am actively investigating, and will likewise be seeking any and all legal redress, for false information being provided to the media and others about Mr. Davis. I have been advised that some of this false information is coming from your office and/or members of the council. I certainly hope that is not the case. However, if this information is coming from any of these sources, consider this my official legal demand to CEASE AND DESIST. Furthermore, in the event your office or a council member has disseminated false information to anyone, I hereby demand an immediate, full and public retraction.

Regarding your letter, you maintain that "your [Mr. Davis'] representation that said expenses would be charged to a grant which does not allow for the payment of such expenses." Mr. Davis categorically denies that he ever made that representation to you – or to anyone else for that matter that said funds were in any way related to a grant or fund of any type established for those in need. Any information that is being circulated that he made that representation, or that there was some belief based upon Mr. Davis' representations that the funds at issue were coming from a grant or fund for the needy, are false.

As you know, the investigation into possible wrongdoing is being conducted by the North Carolina State Bureau of Investigation. The SBI investigation, and any other investigations being conducted by state and/or federal law enforcement agencies (which I will neither confirm nor deny), remains ongoing. No charges have been brought against Mr. Davis. He has, is and will continue to cooperate with any investigation that is ongoing or will be conducted. I trust that you have documented the many times Mr. Davis has come to town officials and expressed concerns about these things. A meaningful investigation by your office should have revealed a plethora of information from a

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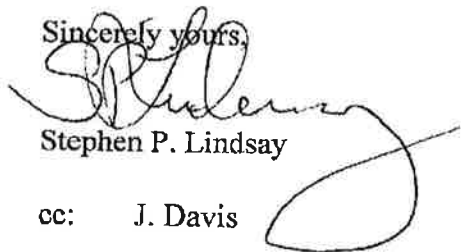
variety of individuals in this regard.

North Carolina has a "whistle blower" law that prohibits retaliation against a governmental employee who cooperates in the disclosure, discovery, investigation and/or prosecution of wrongdoing in the workplace. N.C. Gen Stat. § 126-84 and 85 provide that an employee of a state agency or department may not be retaliated against for reporting and/or assisting in the investigation of a violation of state or federal law, fraud, misappropriation of state resources or gross mismanagement. Given Mr. Davis' status in this ongoing investigation, your action in terminating him prior to the completion of this investigation, and without the benefit of learning essential details underlying these events that will be included in the investigation, can be seen as nothing short of retaliatory.

For the foregoing reasons, to terminate Mr. Davis at this juncture is patently wrong. I hereby request that you immediately transfer Mr. Davis' employment status from "terminated" to "paid administrative leave" and reinstate his salary and benefits pending the investigation outcome. I further demand that your office, and the Town Council, CEASE AND DESIST from taking any other actions against Mr. Davis that could, or might in any way, be considered retaliatory. In the event you are unwilling to reinstate Mr. Davis to paid administrative leave, please accept this letter as Mr. Davis' notice of his appeal of your decision to terminate him as provided in the grievance procedures described in Article IX of the Town Personnel Resolution and any other grievance procedures that are available to him.

I look forward to hearing from you or your attorney.

Sincerely yours,



Stephen P. Lindsay

cc: J. Davis