

JOURNAL

OF THE

House of Representatives

OF THE

2007

GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA

EXTRA

SESSION 2008

**OFFICERS AND MEMBERS
OF THE
HOUSE OF REPRESENTATIVES
EXTRA SESSION 2008**

Joe Hackney, *Speaker*.....Chapel Hill, Orange County
 William L. Wainwright, *Speaker Pro Tempore* Havelock, Craven County
 Denise G. Weeks, *Principal Clerk*..... Raleigh, Wake County
 Robert R. Samuels, *Sergeant-at-Arms* Charlotte, Mecklenburg County

REPRESENTATIVES

- 1st District: Camden, Currituck, Pasquotank, and Tyrrell.
 William C. Owens, Jr. (D) PasquotankElizabeth City
- 2nd District: Chowan, Dare, Hyde, and Washington.
 Timothy L. Spear (D) WashingtonCreswell
- 3rd District: Craven (Part) and Pamlico.
 Alice Graham Underhill (D) Craven..... New Bern
- 4th District: Duplin and Onslow (Part).
 Russell E. Tucker (D) Duplin Pink Hill
- 5th District: Bertie, Gates, Hertford, and Perquimans.
 Annie W. Mobley (D)..... Hertford Ahoskie
- 6th District: Beaufort and Pitt (Part).
 Arthur Williams (D) Beaufort Washington
- 7th District: Halifax (Part) and Nash (Part).
 Angela R. Bryant (D)..... Nash Rocky Mount
- 8th District: Martin and Pitt (Part).
 Edith D. Warren (D) Pitt..... Farmville
- 9th District: Pitt (Part).
 Marian N. McLawhorn (D)..... Pitt..... Grifton

- 10th District: Greene, Lenoir (Part), and Wayne (Part).
R. Van Braxton (D).....Lenoir.....Kinston
- 11th District: Wayne (Part).
Louis M. Pate, Jr. (R).....Wayne.....Mt. Olive
- 12th District: Craven (Part) and Lenoir (Part).
William L. Wainwright (D)Craven.....Havelock
- 13th District: Carteret and Jones.
Pat McElraft (R)Carteret Emerald Isle
- 14th District: Onslow (Part).
George G. Cleveland (R) Onslow.....Jacksonville
- 15th District: Onslow (Part).
W. Robert Grady (R) Onslow.....Jacksonville
- 16th District: New Hanover (Part) and Pender (Part).
Carolyn H. Justice (R) PenderHampstead
- 17th District: Brunswick (Part).
Bonner L. Stiller (R)Brunswick..... Oak Island
- 18th District: New Hanover (Part) and Pender (Part).
Thomas E. Wright (D) New Hanover Wilmington
- 19th District: New Hanover (Part).
Daniel F. McComas (R).....New Hanover Wilmington
- 20th District: Brunswick (Part) and Columbus.
Dewey L. Hill (D).....Columbus.....Lake Waccamaw
- 21st District: Sampson (Part) and Wayne (Part).
Larry M. Bell (D).....Sampson..... Clinton
- 22nd District: Bladen and Cumberland (Part).
William D. Brisson (D).....Bladen..... Dublin
- 23rd District: Edgecombe (Part) and Wilson (Part).
Joe P. Tolson (D).....Edgecombe.....Pinetops
- 24th District: Edgecombe (Part) and Wilson (Part).
Jean Farmer-Butterfield (D).....Wilson.....Wilson

- 25th District: Nash (Part).
William G. Daughtridge, Jr. (R) ..Nash Rocky Mount
- 26th District: Johnston (Part).
N. Leo Daughtry (R)..... Johnston.....Smithfield
- 27th District: Northampton, Vance (Part), and Warren.
Michael H. Wray (D)..... Northampton..... Gaston
- 28th District: Johnston (Part) and Sampson (Part).
James H. Langdon, Jr. (R) Johnston..... Angier
- 29th District: Durham (Part).
Larry D. Hall (D) Durham Durham
- 30th District: Durham (Part).
Paul Luebke (D)..... Durham Durham
- 31st District: Durham (Part).
Henry M. Michaux, Jr. (D) Durham Durham
- 32nd District: Granville and Vance (Part).
James W. Crawford, Jr. (D) Granville Oxford
- 33rd District: Wake (Part).
Daniel T. Blue, Jr. (D) Wake..... Raleigh
- 34th District: Wake (Part).
D. Grier Martin, III (D)..... Wake..... Raleigh
- 35th District: Wake (Part).
Jennifer Weiss (D) Wake.....Cary
- 36th District: Wake (Part).
Nelson Dollar (R) Wake.....Cary
- 37th District: Wake (Part).
Paul Stam (R)..... Wake.....Apex
- 38th District: Wake (Part).
Deborah K. Ross (D) Wake..... Raleigh

- 39th District: Wake (Part).
Linda Coleman (D)..... Wake.....Knightdale
- 40th District: Wake (Part).
Marilyn Avila (R) Wake..... Raleigh
- 41st District: Wake (Part).
Ty Harrell (D)..... Wake..... Raleigh
- 42nd District: Cumberland (Part).
Marvin W. Lucas (D).....CumberlandSpring Lake
- 43rd District: Cumberland (Part).
Mary E. McAllister (D)CumberlandFayetteville
- 44th District: Cumberland (Part).
Margaret Highsmith Dickson (D)..CumberlandFayetteville
- 45th District: Cumberland (Part).
Rick Glazier (D)CumberlandFayetteville
- 46th District: Hoke (Part), Robeson (Part), and Scotland (Part).
Douglas Y. Yongue (D).....Scotland Laurinburg
- 47th District: Robeson (Part).
Ronnie N. Sutton (D) Robeson Pembroke
- 48th District: Hoke (Part), Robeson (Part), and Scotland (Part).
Garland E. Pierce (D)Scotland Wagram
- 49th District: Franklin, Halifax (Part), and Nash (Part).
Lucy T. Allen (D)Franklin..... Louisburg
- 50th District: Caswell and Orange (Part).
Bill Faison (D).....OrangeCedar Grove
- 51st District: Harnett (Part) and Lee.
Jimmy L. Love, Sr. (D).....LeeSanford
- 52nd District: Moore (Part).
Joe Boylan (R).....Moore..... Pinehurst
- 53rd District: Harnett (Part).
David R. Lewis (R).....HarnettDunn

- 54th District: Chatham, Moore (Part), and Orange (Part).
Joe Hackney (D) Orange Chapel Hill
- 55th District: Durham (Part) and Person.
W. A. (Winkie) Wilkins (D) Person Roxboro
- 56th District: Orange (Part).
Verla C. Insko (D) Orange Chapel Hill
- 57th District: Guilford (Part).
Pricey Harrison (D)..... Guilford.....Greensboro
- 58th District: Guilford (Part).
Alma Adams (D)..... Guilford Greensboro
- 59th District: Guilford (Part).
Maggie Jeffus (D) Guilford Greensboro
- 60th District: Guilford (Part).
Earl Jones (D) Guilford Greensboro
- 61st District: Guilford (Part).
Laura I. Wiley (R)..... Guilford High Point
- 62nd District: Guilford (Part).
John M. Blust (R) Guilford Greensboro
- 63rd District: Alamance (Part).
Alice L. Bordsen (D) Alamance Mebane
- 64th District: Alamance (Part).
Cary D. Allred (R) Alamance Burlington
- 65th District: Rockingham (Part).
Nelson Cole (D)..... Rockingham..... Reidsville
- 66th District: Montgomery (Part) and Richmond.
Melanie Wade Goodwin (D).... Richmond..... Rockingham
- 67th District: Montgomery (Part), Stanly, and Union (Part).
Ken R. Furr (R)..... Stanly Albemarle
- 68th District: Union (Part).
Curtis Blackwood, Jr. (R) Union Matthews

- 69th District: Anson and Union (Part).
Pryor Gibson (D) Anson..... Wadesboro
- 70th District: Randolph (Part).
Pat B. Hurley (R) Randolph..... Asheboro
- 71st District: Forsyth (Part).
Larry Womble (D) Forsyth Winston-Salem
- 72nd District: Forsyth (Part).
Earline W. Parmon (D) Forsyth Winston-Salem
- 73rd District: Davidson (Part) and Forsyth (Part).
Larry R. Brown (R) Forsyth Kernersville
- 74th District: Forsyth (Part).
Dale R. Folwell (R) Forsyth Winston-Salem
- 75th District: Forsyth (Part).
William C. McGee (R) Forsyth Clemmons
- 76th District: Rowan (Part).
Fred F. Steen, II (R) Rowan Landis
- 77th District: Rowan (Part).
Lorene Coates (D) Rowan Salisbury
- 78th District: Randolph (Part).
Harold J. Brubaker (R) Randolph..... Asheboro
- 79th District: Davie and Iredell (Part).
Julia C. Howard (R) Davie..... Mocksville
- 80th District: Davidson (Part).
Jerry C. Dockham (R) Davidson Denton
- 81st District: Davidson (Part).
Hugh Holliman (D) Davidson Lexington
- 82nd District: Cabarrus (Part).
Jeffrey L. Barnhart (R) Cabarrus Concord
- 83rd District: Cabarrus (Part).
Linda P. Johnson (R) Cabarrus Kannapolis

- 84th District: Avery, Caldwell (Part), Mitchell, and Yancey (Part).
Phillip Frye (R) Mitchell Spruce Pine
- 85th District: Burke (Part) and McDowell.
Mitch Gillespie (R) McDowell Marion
- 86th District: Burke (Part).
Walter G. Church, Sr. (D) Burke Valdese
- 87th District: Caldwell (Part).
Edgar V. Starnes (R) Caldwell Hickory
- 88th District: Alexander and Catawba (Part).
Ray Warren (D) Alexander Hiddenite
- 89th District: Catawba (Part) and Iredell (Part).
Mitchell S. Setzer (R) Catawba Catawba
- 90th District: Alleghany and Surry (Part).
Jim Harrell, III (D) Surry Elkin
- 91st District: Rockingham (Part) and Stokes.
Bryan R. Holloway (R) Stokes King
- 92nd District: Iredell (Part), Surry (Part), and Yadkin.
George M. Holmes (R) Yadkin Hamptonville
- 93rd District: Ashe and Watauga.
Cullie M. Tarleton (D) Watauga Blocking Rock
- 94th District: Wilkes.
R. Tracy Walker (R) Wilkes Wilkesboro
- 95th District: Iredell (Part).
Karen B. Ray (R) Iredell Mooresville
- 96th District: Catawba (Part).
Mark K. Hilton (R) Catawba Conover
- 97th District: Lincoln.
Joe L. Kiser (R) Lincoln Vale
- 98th District: Mecklenburg (Part).
Thom Tillis (R) Mecklenburg Huntersville

- 99th District: Mecklenburg (Part).
Drew P. Saunders (D) Mecklenburg Huntersville

- 100th District: Mecklenburg (Part).
Tricia Ann Cotham (D) Mecklenburg Charlotte

- 101st District: Mecklenburg (Part).
Beverly M. Earle (D) Mecklenburg Charlotte

- 102nd District: Mecklenburg (Part).
Becky Carney (D) Mecklenburg Charlotte

- 103rd District: Mecklenburg (Part).
Jim Gulley (R) Mecklenburg Matthews

- 104th District: Mecklenburg (Part).
Ruth Samuelson (R) Mecklenburg Charlotte

- 105th District: Mecklenburg (Part).
Ric Killian (R) Mecklenburg Charlotte

- 106th District: Mecklenburg (Part).
Martha B. Alexander (D) Mecklenburg Charlotte

- 107th District: Mecklenburg (Part).
Vacant Seat

- 108th District: Gaston (Part).
Wil Neumann (R) Gaston Belmont

- 109th District: Gaston (Part).
William A. Current, Sr. (R) Gaston Gastonia

- 110th District: Cleveland (Part) and Gaston (Part).
Debbie A. Clary (R) Cleveland Cherryville

- 111th District: Cleveland (Part).
Tim Moore (R) Cleveland Kings Mountain

- 112th District: Cleveland (Part) and Rutherford.
Bob England, M.D. (D) Rutherford Ellenboro

- 113th District: Henderson (Part), Polk, and Transylvania.
Trudi Walend (R)..... TransylvaniaBrevard
- 114th District: Buncombe (Part).
Susan C. Fisher (D)..... Buncombe Asheville
- 115th District: Buncombe (Part).
Bruce Goforth (D)..... Buncombe Asheville
- 116th District: Buncombe (Part).
Charles C. Thomas (R) Buncombe Asheville
- 117th District: Henderson (Part).
Carolyn K. Justus (R)..... Henderson Hendersonville
- 118th District: Haywood (Part), Madison, and Yancey (Part).
Ray Rapp (D)..... Madison Mars Hill
- 119th District: Haywood (Part), Jackson, Macon (Part), and Swain.
R. Phillip Haire (D)..... Jackson..... Sylva
- 120th District: Cherokee, Clay, Graham, and Macon (Part).
Roger West (R) Cherokee Marble

HOUSE JOURNAL

EXTRA SESSION 2008

FIRST DAY

HOUSE OF REPRESENTATIVES
Thursday, March 20, 2008

Pursuant to a call of His Excellency, Governor Michael F. Easley, hereinafter recorded, the House of Representatives of the General Assembly of North Carolina convenes in its Hall in Extra Session, at the hour of ten o'clock a.m., Thursday, March 20, 2008, and is called to order by the Speaker of the House, Joe Hackney.

The following prayer is offered by the Reverend Jim Harry, House Chaplain:

"Merciful God:

"You alone are sovereign over the world and all that is in it. And, You alone are the final arbiter of truth and justice. As pilgrims making our way through this often weary world, we confess that each of us is fallible and not without error. Extend Your tender mercies upon us in this hour and forgive us where we have gone astray. Enable us to both receive and extol mercy so that our forgiven past can become an asset to a more dedicated future. With humility we pray. Amen."

The Speaker leads the Body in the Pledge of Allegiance.

Leaves of absence are granted Representatives Clary, Coleman, Daughtry, Kiser, and Luebke, for today.

The following proclamation from the Governor is read:

PROCLAMATION OF AN EXTRA SESSION OF THE GENERAL ASSEMBLY OF NORTH CAROLINA

Pursuant to the authority vested in the Governor by Article III, Section 5(7) of the Constitution of North Carolina, and by and with the advice of the Council of State, the General Assembly of North Carolina shall convene for

an extra session on Thursday, March 20, 2008, at 10:00 a.m. in order for the House of Representatives, (i) under Article II, Section 20 of the Constitution of North Carolina, to judge the qualifications of Representative Thomas Wright to continue to serve the 18th House District of the House of Representatives, General Assembly of North Carolina, and/or (ii) within its inherent power to discipline its members, to impose any sanctions against Thomas Wright of the 18th House District.

Done in the City of Raleigh this 11th day of March 2008.

S/ Mike Easley
Michael F. Easley
Governor

**THE RECEIVING OF PETITIONS, MEMORIALS AND
PAPERS ADDRESSED TO THE GENERAL ASSEMBLY OR TO
THE HOUSE**

To: Speaker Joe Hackney
From: Representative W. Pete Cunningham
Thursday, January 03, 2008

Dear Speaker Hackney,

I am writing to inform you that I have resigned my position in the North Carolina House of Representatives effective Dec. 31, 2007. I have enjoyed my service as a lawmaker and I am appreciative of your friendship and your work as Speaker of the House.

Sincerely,
S/ W. Pete Cunningham

QUORUM CALL

The Speaker directs an electronic vote to be taken of the House of Representatives to determine a quorum and the following Representatives are recorded as present: Speaker Hackney; Representatives Adams, Alexander, Allen, Avila, Barnhart, Bell, Blackwood, Blue, Blust, Bordsen, Boylan, Braxton, Brisson, Brown, Brubaker, Carney, Church, Cleveland, Coates, Cole, Cotham, Crawford, Current, Daughtridge, Dickson, Dockham, Dollar, Earle, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Furr, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Haire, Hall, J. Harrell, T. Harrell, Harrison, Hill, Hilton, Holliman, Holloway, Holmes, Howard, Hurley, Insko, Jeffus, Johnson, Jones, Justice, Justus,

March 20, 2008

Killian, Langdon, Lewis, Love, Lucas, Martin, McElraft, McGee, McLawhorn, Michaux, Mobley, Moore, Neumann, Owens, Parmon, Pate, Pierce, Rapp, Ray, Ross, Samuelson, Saunders, Setzer, Spear, Stam, Starnes, Steen, Stillier, Tarleton, Thomas, Tillis, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, E. Warren, R. Warren, Weiss, West, Wiley, Wilkins, Williams, Wray, Wright and Yongue.

One hundred eight Members having answered the call, the Speaker declares a quorum present. The Body proceeds with public business.

The Speaker notes the presence of outside counsel who are seated on the floor of the House: attorneys William Hart and Alex Peters for the Select Committee and attorneys Irving Joyner and Doug Harris for Representative Wright.

Representative Owens is recognized and states that he has placed a resolution with the Principal Clerk for consideration by the Body.

Speaker Hackney directs the Principal Clerk to number the resolution and places **H.R. 1**, A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE 2008 EXTRA SESSION OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES, before the Body for immediate consideration.

On motion of Representative Owens, the resolution is adopted, by electronic vote (110-2) and ordered printed.

SPECIAL MESSAGE TO THE SENATE

The Speaker orders a Special Message sent to the Senate informing that Honorable Body that the House of Representatives is organized and ready to proceed with public business for the 2008 Extra Session of the 2007 General Assembly.

SPECIAL MESSAGE FROM THE SENATE

2007 GENERAL ASSEMBLY EXTRA SESSION 2008

Senate Chamber
March 20, 2008

March 20, 2008

Mr. Speaker:

It is ordered that a message be sent to the House of Representatives informing that Honorable Body that the Senate is convened in Extra Session 2008, pursuant to the Proclamation issued by the Governor on March 11, 2008, and now is organized and ready to proceed with the public business of the State.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

The Speaker directs the Reading Clerk to read the report of the House Select Committee in its entirety.

REPORT TO THE 2007 HOUSE OF REPRESENTATIVES

House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright

The House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright, (hereafter referred to as the "Committee"), makes its report to the 2007 House of Representatives pursuant to the Committee Authorization issued by the Speaker of the House of Representatives on December 13, 2007.

In accordance with the Committee Authorization, the Committee conducted an investigation into the matters reflected in the indictments against Representative Wright and other allegations of possible unethical or unlawful conduct against him. The Committee met on eight separate days: December 18, 2007 to adopt rules, January 9, 2008 to conduct a probable cause hearing, February 11, 2008 to hear and rule on dispositive motions, February 25, 2008 to approve witnesses and authorize subpoenas, and March 3 through March 6, 2008 to conduct an evidentiary hearing.

At the evidentiary hearing, the Committee heard sworn testimony from seven witnesses, received 21 documents into evidence, and heard arguments from the Committee's Outside Counsel and counsel for Representative Wright. Representative Wright called no witnesses and offered no evidence for consideration.

Attached to and incorporated by reference as part of this Report are the transcriptions of the February 11 and March 3 through 6, 2008 meetings together with the exhibits admitted into evidence; dispositive motions made March 20, 2008

by Representative Wright, the legal briefs on those motions, and the rulings on those motions; the Second Revised Notice of Charges of Unethical Conduct by Representative Wright and Representative Wright's response to the charges; Committee Rules; Committee authorization; and research on North Carolina legislative and other legislative bodies' disciplinary actions.

At the conclusion of its investigation, the Committee unanimously found by clear and convincing evidence the following findings:

COUNT 1

On or about March 13, 2002 and on or about March 15, 2002, while a member of the North Carolina House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by orally and in writing improperly and unethically soliciting Torlen L. Wade, Acting Director of the North Carolina Department of Health and Human Services Office of Research, Demonstrations, and Rural Health Development, to write and mail to him a fraudulent letter stating that such Office was endorsing The Community's Health Foundation's project to convert a building located on the 900 block of 4th Street in Wilmington, North Carolina into Community's Health Foundation offices, New Hanover Community Health Center offices, and a History Museum and committing \$150,000.00 in funding toward the completion of that project. At the time of the solicitation, Thomas E. Wright was an officer of The Community's Health Foundation, Inc., located at 322 South 17th Street in Wilmington, North Carolina. Thomas E. Wright confirmed his earlier oral solicitation by having his legislative assistant type the necessary details needed in the commitment letter in an e-mail that was sent to Torlen L. Wade by use of his State e-mail account and on a State computer, both of which were authorized for him based on his position as a member of the North Carolina House of Representatives. At the time of the oral solicitation, the typing and sending of the e-mail, and the typing and sending of the Torlen L. Wade letter, both Thomas E. Wright and Torlen L. Wade knew that the Office of Rural Health would not make such a grant and that Thomas E. Wright would use the letter in seeking to fraudulently obtain funding for The Community's Health Foundation from other sources such as financial institutions and other organizations that make grants and that would believe and rely on the false representations in Torlen L. Wade's letter.

COUNT 3

On or about December 15, 2003, while a member of the House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, and unethically converting money intended to be a charitable

contribution to The Community's Health Foundation, Inc. to his own personal use. Thomas E. Wright wrote a letter on the letterhead stationery of The Community's Health Foundation, Inc. to a representative of AstraZeneca Pharmaceuticals, LP, requesting as the Foundation's president a donation to the Foundation, a charitable organization that Thomas E. Wright represented to be qualified to receive tax-deductible donations, that would be used by the Foundation for various health related purposes, including but not limited to educational initiatives, a needs assessment, identification of trends and bridging the gap of minority health care for an underserved population in New Hanover County. Thereafter, when on December 15, 2003, a representative of AstraZeneca Pharmaceuticals, LP signed and sent to Thomas E. Wright and The Community's Health Foundation, Inc., a check made out to "Communitys Hlth Found Inc" in the amount of \$2,400.00, Thomas E. Wright deposited that check into his own personal account rather than into the account of The Community's Health Foundation, Inc.

COUNT 4

On or about February 6, 2004, while a member of the House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, and unethically converting money intended to be a charitable contribution to The Community's Health Foundation, Inc. to his own personal use. Thomas E. Wright wrote a letter on the letterhead stationery of The Community's Health Foundation, Inc. to a representative of Anheuser-Busch Companies, Inc., requesting as the Foundation's president a donation to the Foundation, a charitable organization that Thomas E. Wright represented to be qualified to receive tax-deductible donations, that would be used by the Foundation for acquisition and development of a building in Wilmington, North Carolina that would serve as a museum. Thereafter, on March 5, 2004, when a representative of Anheuser-Busch Companies, Inc. signed and sent to Thomas E. Wright and The Community's Health Foundation, Inc., a check made out to "Community Health Foundation Inc" in the amount of \$5,000, Thomas E. Wright deposited that check into his own personal account rather than into the account of The Community's Health Foundation, Inc.

COUNT 5

On or about April 1, 2004, while a member of the House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, and unethically converting money intended to be a charitable contribution to The Community's Health Foundation, Inc. to his own

personal use. Thomas E. Wright wrote an invoice on the letterhead stationery of The Community's Health Foundation, Inc. to a representative of AT&T Corp. as a solicitation of a charitable contribution to the Foundation, a charitable organization that Thomas E. Wright represented to be qualified to receive tax-deductible donations. Thereafter, on April 1, 2004, when a representative of AT&T Corp. signed and sent to Thomas E. Wright and The Community's Health Foundation, Inc., a check made out to "Community Health Foundation I" in the amount of \$1,500, Thomas E. Wright deposited that check into his own personal account rather than into the account of The Community's Health Foundation, Inc.

COUNT 7

Between January 1, 2000 and January 31, 2007, while a member of the North Carolina House of Representatives, Thomas E. Wright did improperly, fraudulently, and unethically engage in a pattern of conduct unbecoming and unfitting a member of the House of Representatives by intentionally failing to disclose approximately \$180,000.00 in contributions received by his campaign during that time period, which disclosures are required by law and are intended to safeguard the public trust and to preserve the integrity of the electoral process, the integrity of the House of Representatives, and the integrity of the legislative process. The contributions that are the subject of this Court are set out in Exhibit 15 of the Committee hearing held March 3-6, 2008 as modified by the testimony of Kim Strach, Deputy Director of the State Board of Elections, and incorporated into this Count by reference.

COUNT 8

Between on or about October, 2001 and on or about August, 2004, while a member of the North Carolina House of Representatives, Thomas E. Wright did engage in a pattern of conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, deceptively, and unethically soliciting a false document from a State agency and soliciting corporations for donations to a charitable corporation, The Community's Health Foundation, Inc., and by converting to his own personal use money contributed to that charitable organization.

As to Count 2, evidence was presented at the hearing as to that Count but no finding was made by the Committee. As to Count 6, no evidence was presented at the hearing as to Count 6 and that Count was not considered by the Committee at that time. The Committee retained jurisdiction over Counts 2 and 6 for possible further consideration.

RECOMMENDATION

Based on its findings that the allegations in Counts 1, 3, 4, 5, 7, and 8, are true, following arguments by Committee Counsel as to the appropriate sanction, and after discussion by the Committee, the Committee unanimously recommends that Representative Wright be expelled as a member of the House of Representatives.

This report submitted on authority of the Committee this the 11th day of March, 2008.

S/ Rick Glazier
Representative Rick Glazier, Chair
House Select Committee to Investigate Alleged Misconduct and
Other Matters Included in Indictments against Representative
Thomas E. Wright

Attachments:

- Transcript of Evidentiary Hearing - 4 days
- Exhibits Admitted at Evidentiary Hearing Charges
- Response and Dispositive Motions
- Respondent's Response to Notice of Witness Requirements
- Recusal Motion
- Committee Rules
- Committee Authorization
- Research on Disciplinary Actions in Legislative Bodies

Representative Glazier is recognized and states that he has placed a resolution with the Clerk for consideration by the Body.

Speaker Hackney directs the Principal Clerk to number the resolution and places **H.R. 2**, A HOUSE RESOLUTION TO EXPEL REPRESENTATIVE THOMAS E. WRIGHT FOR UNETHICAL CONDUCT UNFITTING AND UNBECOMING A MEMBER OF THE HOUSE OF REPRESENTATIVES, before the Body for immediate consideration.

The Speaker directs the text of the previously read report and **H.R. 2** to be included in the House Journal.

H.R. 2, A HOUSE RESOLUTION TO EXPEL REPRESENTATIVE THOMAS E. WRIGHT FOR UNETHICAL CONDUCT UNFITTING AND UNBECOMING A MEMBER OF THE HOUSE OF REPRESENTATIVES.

March 20, 2008

Whereas, under the North Carolina Constitution, the House has the inherent authority to discipline its own members, a power not otherwise limited by the Constitution and thereby remaining with the people of North Carolina which is to be acted upon by and through their elected representatives; and

Whereas, Article II, Sec. 20 of the North Carolina Constitution states "[e]ach house [of the General Assembly] shall be the judge of the qualifications and elections of its own members..." acknowledging the inherent authority of the House of Representatives to judge whether a member is no longer qualified to serve because that member engaged in conduct unbecoming and unfitting a member of the House; and

Whereas, the General Assembly has recognized the authority of the House of Representatives to discipline or expel its members by the enactment of G.S. 120-103.1(m); and

Whereas, the General Assembly has acted under its constitutional powers, explicit and inherent, to discipline or expel its members at least thirteen times previously; and

Whereas, as authorized by the Speaker of the House of Representatives, the House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright conducted an investigation into the conduct of Representative Thomas E. Wright; and

Whereas, the Committee conducted an investigation into the matters reflected in the indictments against Representative Wright and other allegations of possible unethical or unlawful conduct against him; and

Whereas, the Committee met on eight separate days: December 18, 2007, to adopt rules, January 9, 2008, to conduct a probable cause hearing, February 11, 2008, to hear and rule on dispositive motions, February 25, 2008, to approve witnesses and authorize subpoenas, and March 3 through March 6, 2008, to conduct an evidentiary hearing; and

Whereas, written notice of charges of unethical conduct by Representative Thomas E. Wright were initially sent to Representative Wright on January 11, 2008, by the Committee; and

Whereas, Representative Wright was allowed to be represented by legal counsel before the Committee; and

Whereas, Representative Wright was allowed to respond to the charges and did so on January 25, 2008; and

Whereas, Representative Wright was allowed to file dispositive motions, file legal briefs in support of his motions, and make oral legal arguments on his motions before the Committee and did so on February 11, 2008; and

Whereas, Representative Wright was provided with a list of all witnesses who might be called to testify against him, together with a summary of their anticipated testimony on February 12, 2008; and

Whereas, on February 22, 2008, Representative Wright was provided with a copy of all documents that might be offered into evidence at the evidentiary hearing; and

Whereas, Representative Wright was given the opportunity to confront all witnesses testifying under oath against him, including the right to cross-examine all witnesses and did so; and

Whereas, Representative Wright was given the opportunity to present witnesses and other evidence on his behalf at the evidentiary hearing, including the right to have witnesses subpoenaed to testify, but he did not do so; and

Whereas, Representative Wright was given the opportunity to present arguments to the Committee at the conclusion of the presentation of evidence and did so; and

Whereas, after the Committee made its determinations as to which of the charges against Representative Wright were true by clear and convincing evidence, Representative Wright was given an opportunity to make arguments and present precedents with regards to the appropriate sanctions the Committee should recommend to the House of Representatives in light of its findings that Representative Wright committed conduct unfitting and unbecoming a member of the House of Representatives, but he did not do so; and

Whereas, at the evidentiary hearing, the Committee heard sworn testimony from seven witnesses, received 21 documents into evidence, and heard arguments from the Committee's Outside Counsel and counsel for Representative Wright; and

Whereas, at the evidentiary hearing, Representative Wright called no witnesses and offered no evidence for consideration; and

Whereas, Representative Wright has been afforded due process of law by the Committee; and

Whereas, the Committee attached to and incorporated by reference as part of its Report to the 2007 House of Representatives the transcriptions of the February 11 and March 3 through 6, 2008, meetings together with all exhibits admitted into evidence; dispositive motions made by Representative Wright, the legal briefs on those motions, and the rulings on those motions; the Second Revised Notice of Charges of Unethical Conduct by Representative Wright and Representative Wright's response to the charges; Committee rules; Committee authorization; and research on North Carolina legislative and other legislative bodies' disciplinary actions; and

Whereas, the Report was filed with the House Principal Clerk on Wednesday, March 12, 2008, made available to House members and the public electronically by posting on the General Assembly's Internet Web page on Wednesday, March 12, 2008, and delivered to all House members' offices in written form on Friday, March 14, 2008; and

March 20, 2008

Whereas, at the conclusion of its investigation, the Committee unanimously found by clear and convincing evidence that Representative Thomas E. Wright, a member of the House of Representatives, engaged in unethical and unlawful conduct during his tenure as a member of the North Carolina House of Representatives by committing the following acts specified in Counts 1, 3, 4, 5, 7, and 8 as follows:

COUNT 1

On or about March 13, 2002 and on or about March 15, 2002, while a member of the North Carolina House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by orally and in writing improperly and unethically soliciting Torlen L. Wade, Acting Director of the North Carolina Department of Health and Human Services Office of Research, Demonstrations, and Rural Health Development, to write and mail to him a fraudulent letter stating that such Office was endorsing The Community's Health Foundation's project to convert a building located on the 900 block of 4th Street in Wilmington, North Carolina into Community's Health Foundation offices, New Hanover Community Health Center offices, and a History Museum and committing \$150,000.00 in funding toward the completion of that project. At the time of the solicitation, Thomas E. Wright was an officer of The Community's Health Foundation, Inc., located at 322 South 17th Street in Wilmington, North Carolina. Thomas E. Wright confirmed his earlier oral solicitation by having his legislative assistant type the necessary details needed in the commitment letter in an e-mail that was sent to Torlen L. Wade by use of his State e-mail account and on a State computer, both of which were authorized for him based on his position as a member of the North Carolina House of Representatives. At the time of the oral solicitation, the typing and sending of the e-mail, and the typing and sending of the Torlen L. Wade letter, both Thomas E. Wright and Torlen L. Wade knew that the Office of Rural Health would not make such a grant and that Thomas E. Wright would use the letter in seeking to fraudulently obtain funding for The Community's Health Foundation from other sources such as financial institutions and other organizations that make grants and that would believe and rely on the false representations in Torlen L. Wade's letter.

COUNT 3

On or about December 15, 2003, while a member of the House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, and unethically converting money intended to be a charitable contribution to The Community's Health Foundation, Inc. to his own personal use. Thomas E. Wright wrote a letter on the letterhead stationery of The Community's Health Foundation, Inc. to a representative of AstraZeneca Pharmaceuticals, LP, requesting as the Foundation's president a donation to the Foundation, a charitable organization that Thomas E.

Wright represented to be qualified to receive tax-deductible donations, that would be used by the Foundation for various health related purposes, including but not limited to educational initiatives, a needs assessment, identification of trends and bridging the gap of minority health care for an underserved population in New Hanover County. Thereafter, when on December 15, 2003, a representative of AstraZeneca Pharmaceuticals, LP signed and sent to Thomas E. Wright and The Community's Health Foundation, Inc., a check made out to "Community's Hlth Found Inc" in the amount of \$2,400.00, Thomas E. Wright deposited that check into his own personal account rather than into the account of The Community's Health Foundation, Inc.

COUNT 4

On or about February 6, 2004, while a member of the House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, and unethically converting money intended to be a charitable contribution to The Community's Health Foundation, Inc. to his own personal use. Thomas E. Wright wrote a letter on the letterhead stationery of The Community's Health Foundation, Inc. to a representative of Anheuser-Busch Companies, Inc., requesting as the Foundation's president a donation to the Foundation, a charitable organization that Thomas E. Wright represented to be qualified to receive tax-deductible donations, that would be used by the Foundation for acquisition and development of a building in Wilmington, North Carolina that would serve as a museum. Thereafter, on March 5, 2004, when a representative of Anheuser-Busch Companies, Inc. signed and sent to Thomas E. Wright and The Community's Health Foundation, Inc., a check made out to "Community Health Foundation Inc" in the amount of \$5,000, Thomas E. Wright deposited that check into his own personal account rather than into the account of The Community's Health Foundation, Inc.

COUNT 5

On or about April 1, 2004, while a member of the House of Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, and unethically converting money intended to be a charitable contribution to The Community's Health Foundation, Inc. to his own personal use. Thomas E. Wright wrote an invoice on the letterhead stationery of The Community's Health Foundation, Inc. to a representative of AT&T Corp. as a solicitation of a charitable contribution to the Foundation, a charitable organization that Thomas E. Wright represented to be qualified to receive tax-deductible donations. Thereafter, on April 1, 2004, when a representative of AT&T Corp. signed and sent to Thomas E. Wright and The Community's Health Foundation, Inc., a check made out to "Community Health Foundation I" in the amount of \$1,500, Thomas E. Wright deposited that check into his own personal account rather than into the account of The Community's Health Foundation, Inc.

March 20, 2008

COUNT 7

Between January 1, 2000 and January 31, 2007, while a member of the North Carolina House of Representatives, Thomas E. Wright did improperly, fraudulently, and unethically engage in a pattern of conduct unbecoming and unfitting a member of the House of Representatives by intentionally failing to disclose approximately \$180,000.00 in contributions received by his campaign during that time period, which disclosures are required by law and are intended to safeguard the public trust and to preserve the integrity of the electoral process, the integrity of the House of Representatives, and the integrity of the legislative process. The contributions that are the subject of this Count are set out in Exhibit 15 of the Committee hearing held March 3-6, 2008 as modified by the testimony of Kim Strach, Deputy Director of the State Board of Elections, and incorporated into this Count by reference.

COUNT 8

Between on or about October, 2001 and on or about August, 2004, while a member of the North Carolina House of Representatives, Thomas E. Wright did engage in a pattern of conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, deceptively, and unethically soliciting a false document from a State agency and soliciting corporations for donations to a charitable corporation, The Community's Health Foundation, Inc., and by converting to his own personal use money contributed to that charitable organization; and

Whereas, as to Count 2, evidence was presented at the hearing as to that Count but no finding was made by the Committee. As to Count 6, no evidence was presented at the hearing as to Count 6 and that Count was not considered by the Committee at that time. The Committee retained jurisdiction over Counts 2 and 6 for possible further consideration; and

Whereas, based on its findings that the allegations in Counts 1, 3, 4, 5, 7, and 8 are true, following arguments by Committee Counsel as to the appropriate sanction, and after discussion by the Committee, the Committee unanimously recommended that Representative Wright be expelled as a member of the House of Representatives; Now, therefore, Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives finds that the allegations in Counts 1, 3, 4, 5, 7, and 8, as found by the House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright, are true.

SECTION 2. Representative Thomas E. Wright is hereby expelled as a member of the House of Representatives for unethical and unlawful conduct unbecoming and unfitting for a member of the House of Representatives.

SECTION 3. The seat for the 18th District of the 2007 House of Representatives is declared vacant.

SECTION 4. This resolution is effective upon adoption.

Representative Jones offers Amendment No. 1 which fails of adoption by electronic vote (12-102).

The resolution is adopted, by electronic vote (109-5), and ordered printed.

The Speaker states that Representative Thomas E. Wright is expelled as a Member of the 2007 Session of the House of Representatives and directs the Principal Clerk to inform the Legislative Services Officer, the Governor, the Secretary of State, and Members of the Senate that a vacancy exists in the 18th House District.

The Speaker instructs outside counsel to depart from the floor of the House. The Speaker directs the Sergeant-at-Arms to escort former Representative Wright from the Chamber.

SPECIAL MESSAGE FROM THE SENATE

The following Special Message is received from the Senate:

S.J.R. 2, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 2008 EXTRA SESSION, is read the first time.

Pursuant to **H.R. 1, Section 1(7),** the resolution is placed on the Calendar.

The resolution passes its second reading, by electronic vote (110-0), and there being no objection is read a third time.

The resolution passes its third reading and is ordered enrolled.

ENROLLED BILLS

The following resolution is properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.J.R. 2, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 2008 EXTRA SESSION. (RESOLUTION 2008-1 EXTRA SESSION)

Representative Owens moves, seconded by Representative Glazier, that pursuant to **S.J.R. 2, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 2008 EXTRA SESSION**, the House of Representatives meeting in the 2008 Extra Session under call of the Governor adjourn *sine die*.

The motion carries.

SPECIAL MESSAGE FROM THE SENATE

2007 GENERAL ASSEMBLY EXTRA SESSION 2008

Senate Chamber
March 20, 2008

Mr. Speaker:

It is ordered that a message be sent your Honorable Body respectfully advising that the Senate has concluded the business of the 2008 Extra Session of the 2007 General Assembly and pursuant to **S.J.R. 2, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 2008 EXTRA SESSION**, stands ready to adjourn *sine die*.

Respectfully,
S/ Janet B. Pruitt
Principal Clerk

SPECIAL MESSAGE TO THE SENATE

The Speaker orders a Special Message sent to the Senate informing that Honorable Body that the House of Representatives meeting in the 2008 Extra Session of the 2007 General Assembly has concluded the business for which it was convened and stands adjourned *sine die at 11:50 a.m.*

Denise G. Weeks
Principal Clerk

March 20, 2008

A P P E N D I X
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H.R. 1, A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE 2008 EXTRA SESSION OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES.

Be it resolved by the House of Representatives:


SECTION 1. The permanent rules of the 2007 Regular Session of the House of Representatives, with the following amendments, are adopted as the permanent rules of the 2008 Extra Session:

- (1) RULE 1 shall read as follows: "**RULE 1. Convening Hour.** The House shall convene each legislative day at the hour fixed by the House. In the event the House adjourns on the preceding legislative day without having fixed an hour for reconvening, the House shall convene on the next legislative day at 10:00 A.M."
- (2) Notwithstanding RULE 31(a), any resolution shall be introduced by submitting the resolution to the Principal Clerk's Office.
- (3) Notwithstanding RULES 31 and 31.1:
 - a. The only resolutions that may be introduced or considered in the House are resolutions incorporating the findings and recommendation from the report of the House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright and resolutions to adjourn the 2008 Extra Session sine die. The caption of a resolution may be amended on the floor.
 - b. All bills shall be excluded from introduction or consideration in the House.
- (4) Notwithstanding Rule 50, outside counsel to the House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright and outside counsel to Representative Thomas E. Wright may be present on the floor for the sole purpose of advising the Chair and Vice Chair of that Committee and Representative Wright respectively.
- (5) Adoption of a resolution to expel a member of the House of Representatives shall require an affirmative vote of two-thirds of all the members of the House, notwithstanding any other provision of law.
- (6) RULE 31.1 shall not apply to resolutions adjourning the 2008 Extra Session sine die.
- (7) Notwithstanding RULES 32, 38, and 41, a resolution may be placed on the calendar without being referred

- by the Speaker to a committee and on the same legislative day of its introduction or receipt from the Senate.
- (8) Notwithstanding RULE 36(a), all House resolutions and joint resolutions may be reported from the standing committee or permanent subcommittee to which referred with recommendations as the standing committee or permanent subcommittee may desire to make.
- (9) Notwithstanding RULE 41:
- a. The first reading and reference to a standing committee of a House joint resolution shall occur on the legislative day of its introduction. The first reading and reference to a standing committee of a Senate joint resolution shall occur on the legislative day of its receipt on messages from the Senate. The Speaker shall give notice at each subsequent reading whether it is the second or third reading.
- b. A joint resolution may be read more than once on the same day.
- (10) Notwithstanding RULE 44(d), a conference report may be placed on the calendar for the legislative day on which the report is received.
- (11) Notwithstanding RULE 59, only two members may be listed as primary sponsors of a resolution to expel a member of the House of Representatives. No members may be listed as cosponsors of that resolution.

SECTION 2. This resolution is effective upon adoption.

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The North Carolina General Statutes titles form the basis for these indices. Following each bill title, the last action or the present status of said bill is indicated. For example, a ratified bill will be followed by its chapter number in the Session Laws. Bills included in whole or in part in other measures are reflected as such, if known.

All bills dealing with funds are indexed under Appropriations. Local legislation is placed under the county it affects.

A list of bills and resolutions introduced by each Representative is found under the Member's name with an asterisk (*) noting that person as the primary sponsor.

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